

2025 HOUSE TRANSPORTATION

HB 1444

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

HB 1444
2/13/2025

Relating to the county road system.

9:29 a.m. Chairman D. Ruby opened the hearing.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Finley-DeVille, Frelich, Johnston, Kasper, Koppelman, Maki, Morton, Osowski, Schatz
Members Absent: Representative Hendrix

Discussion Topics:

- Township jurisdiction
- Ownership disputes
- Heavy traffic
- Safety concerns

9:29 a.m. Representative Brandenburg introduced the bill.

9:40 a.m. Nick Phillips, Executive Vice President of Public Affairs and Real Estate Acquisition, Applied Digital, testified in favor and submitted testimony #37603.

9:57 a.m. Larry Syverson, Executive Director, ND Township Officers Association, testified in opposition.

10:11 a.m. Chairman D. Ruby closed the hearing.

10:11 a.m. Representative Kasper moved to amend by replacing "its next scheduled meeting" with "subsequent meeting" on line 14.

10:11 a.m. Representative Grueneich seconded the motion.

10:12 a.m. Voice vote - motion passed.

10:12 a.m. Representative Kasper moved a Do Pass as Amended.

10:12 a.m. Representative Grueneich seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Nels Christianson	Y
Representative Ty Dressler	Y
Representative Lisa Finley-DeVille	Y
Representative Kathy Frelich	N

Representative Jared Hendrix	Y
Representative Daniel Johnston	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	AB
Representative Roger A. Maki	N
Representative Desiree Morton	Y
Representative Doug Osowski	N
Representative Mike Schatz	Y

10:19 a.m. Motion passed 10-3-1.

10:19 a.m. Representative Grueneich will carry the bill.

Additional Written Testimony:

Perry DeWald, Ellendale resident, submitted testimony in opposition #37468.

Joel Hamar, Chairman, Ellendale Township, submitted testimony in opposition #37554.

10:19 a.m. Chairman D. Ruby closed the meeting.

Janae Pinks, Committee Clerk

February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HD
2/13/25
page 1 of 1

HOUSE BILL NO. 1444

Introduced by

Representatives Brandenburg, Beltz, Grueneich, Hagert, Kempenich

Senators Conley, Erbele, Kessel, Patten, Thomas, Wanzek

- 1 A BILL for an Act to amend and reenact section 24-05-17 of the North Dakota Century Code,
2 relating to the county road system.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1. AMENDMENT.** Section 24-05-17 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-05-17. Responsibility for county road system.**

- 7 The boards of county commissioners in their respective counties have the sole authority
8 and responsibility to acquire land for, construct, maintain, and operate the county road system
9 as designated and selected by them. If a board of county commissioners determines a local
10 road meets the criteria in section 24-05-16 and is under the jurisdiction of the township, the
11 board of county commissioners shall notify the township of its intention to add the road to the
12 county system. The board of county commissions shall hold a public meeting to receive input on
13 the county's intention to add the road to the county system. Following the public meeting, the
14 board of county commissioners shall make a decision at its nextsubsequent scheduled meeting
15 regarding adding the road to the county system.

**REPORT OF STANDING COMMITTEE
HB 1444**

Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS** ([25.1160.01001](#)) and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1444 was placed on the Sixth order on the calendar.

Greetings Mr Chairman and Committee Members,

My name is Perry DeWald, I am from Ellendale ND and was an Elden Township supervisor for 15 years in the 1990s and 2000s.

One of the reasons that I wanted to be on the township board was to get our main township road on the county system.

Snow removal was a major problem and expense for the township. Residents needed to do most of the snow removal until the county could get there to do the snow removal. This road is 5 miles long and serves 9 residential properties, connects two county roads and would make a good route through the township for our residents.

The commission wouldnt agree for the take over after they found out what the snow removal bill for the winter of 1996-1997.

If a county can take over a township road, a township should be able to give a road to the county. Fair is fair.

I urge a Do Not Pass on HB1444.

Thank you for your consideration,

Perry DeWald

To Dan Ruby Chairman and the Transportation Committee,

I am Joel Hamar Ellendale Township Chairman, farmer and I did serve 5 terms as a Dickey County Commissioner. During those 20 years as a commissioner I have been on both sides of road issues. During that time the commission had 4 Townships that wanted the county to take over the maintenance of a road in their township. These 4 roads amounted to 17 1/2 miles of road. The commission gave the townships the same answer "the county doesn't take over township roads and we have enough trouble doing maintenance on the county roads we have". I was part of those decisions.

HB 1444 is a self-serving bill that will take away 1 1/2 miles of Ellendale Township road. This road goes to the Applied Digital construction site and connects with another township road. The road doesn't connect to another county road. The road is a source of income that the township collected \$300,000.00 plus dollars in the spring of 2024 for overweight truck permits. These funds were used to improve the feeder roads that the township maintains that serve traffic to the construction site. These funds are not tax dollars so we didn't have to ask the property owners of the township for more tax dollars. The township has been told that the construction will be going on for 3-4 more years. The townships maintenance cost will not be going down any time soon.

Applied Digital representative told the township that they need the township to turn the road over to the county so they will be eligible for a program for new industrial projects from the state of ND that will pay for most of the paving and the maintenance for the road. I have asked Applied Digital for the name of the program but they didn't have it.

There is a state program that will help with this. It is the Flexible Transportation Fund Program and since the township can participate in this program, the county doesn't need to take over the road for Applied Digital to utilize the program.

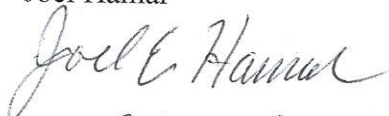
This bill is specifically designed to take money away and control of one township. This only affects Ellendale Township and only aids Applied Digital. The ND State Constitution supports local control.

This bill only pertains to one road in the state of ND; there aren't any counties in the state that are knocking on the doors of townships to take their roads.

I hope you can support a Do Not Pass on HB1444.

Thank you,

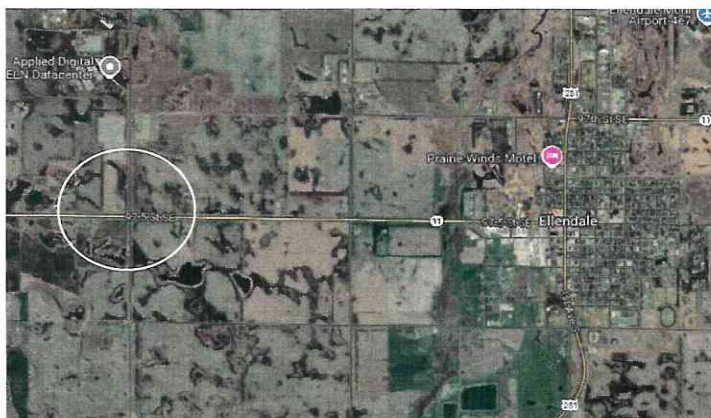
Joel Hamar



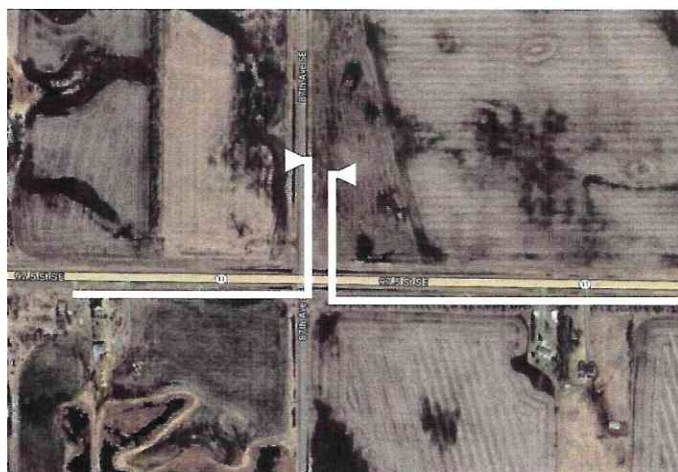
2-12-25

NICK PHILLIPS
HB 1944

Intersection of State Highway 11 and 87th Ave SE



Widen Highway 11 for a left turn lane onto 87th Ave SE from eastbound travel on Highway 11.
Add a right turn lane onto 87th Ave SE from westbound travel on Highway 11.



Facing west on Highway 11 before the intersection of 87th Ave SE



2025 SENATE TRANSPORTATION

HB 1444

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1444
3/20/2025

A BILL for an Act to amend and reenact section 24-05-17 of the North Dakota Century Code, relating to the county road system.

9:32 a.m. Chairman Clemens opened the hearing.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

Discussion Topics:

- Township and county control of road
- Services and utilities provided for data center
- Details of road maintenance and widening

9:32 a.m. Representative Brandenburg, District 28, introduced HB 1444 and testified in favor.

9:53 a.m. Representative Grueneich, District 28, testified in favor and submitted testimony #43250.

10:02 a.m. Nick Phillips, Executive Vice President of External Affairs, Applied Digital, testified in favor and submitted testimony #43214, #43215.

10:15 a.m. Lanny Kenner testified in opposition and submitted testimony #42965.

10:18 a.m. Joel Hamar, Township Chairman, Ellendelle Township, testified in opposition and submitted testimony #43222, #43231.

Additional written testimony:

#41682, #41716, #42469, #42534, #42595, #42832, #42839, #42881, #42935, #42963, #43014, #43129, #43135, #43137, #43145, #43147, #43150, #43168, #43185, #43187, #43212, #43220, #43221

10:33 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

Dear Senate Transportation Committee,

Please DO NOT PASS HB1444

What is a township?

Townships are local democratic governments established by law. Townships serve the public by overseeing roads, providing tax assessments, land use planning (zoning), and representation for township citizen's issues and concerns.

From my understanding this bill was only introduced, due to discussions between one township and one county in North Dakota who have differences. Sometimes we don't always need to be 'Bobbleheads' in the room when important issues are being discussed.

Perhaps the township and county could engage in discussions with both the North Dakota Township Association & North Dakota Association of Counties.

To take away the voice of local government due to one case or for the sake of discussion perhaps even a handful, could appear to be an overreach of authority. We need to allow local political subdivisions to remain at the table to find a healthy resolve, that is satisfactory to both parties, without interference from our State. God knows we have bigger issues at hand that deserve your time which will better serve the transportation needs of North Dakota people.

Respectfully,

Sandra J Rupp – District 28

Thank you for allowing me to take this opportunity to express my opinion to the Senate Transportation Committee. After doing some research on what this bill proposes, I have to implore you members to have a DO NOT PASS vote. This bill does nothing to serve our state. It is only focused on one stretch of township road. I served as a township supervisor and chairman for 27 years. I know the importance of our townships retaining our roads. Taxation funds that funnel back to us from the state help us to budget our road maintenance. If we are allowing a bill to become law, that allows counties to confiscate a length of road, then the townships are at the mercy of someone who has a self-serving agenda. Again, I urge you to see this bill does not help our state.

Thank you for your consideration,

Steve Rupp
District 28

Senate Transportation Committee- please oppose HB 1444! It is just another power grab and a way to loose local control! No county should be able to take a road away from any township by vote of commission. Townships were created for a reason and that is for local concerns and local people to have a voice on what goes on in their area. Its seems that it is always the same people sponsoring these power grab bills. They are the ones who are trying so desperately to take local tax payer voices away and they are paid by our tax dollars to represent we the people! Terrible bill that needs to be killed! Please do not support HB 1444. Thank you.

My name is Sister Lillian Long and I am writing to ask you to please defeat HB1444.

HB1444 is written particularly for one township road in Ellendale county that goes to the Applied Digital construction site. In no other county in the state is a county wanting to take control of a township road. The cost of road maintenance is such that counties don't want to take over control of Township roads. However, now, for some reason there is a bill in Bismarck that would allow one county to take over control of one township road????? There is something really fishy here.

This bill is specifically designed to take money and control away from one township in Ellendale to aid Applied Digital. This is another attempt to take local control from Townships.

Please Defeat this bill that is another attempt to take local control away from landowners and townships.

Sen. Erbele said a needs-based study for the medical school has led to retaining more UND-educated medical professionals in North Dakota and to attracting more North Dakota students to medical careers.

HB 1444

Senate Transportation Committee

Chairman Clemens and Committee Members

I urge a Do Not Pass on HB 1444. This is another bill involved in government overreach. There is a Right to resist oppression inherent in our nature as free people. It should make us angry when abuses, usurpations, and oppressions remove the Liberty that has been given to us by God.

A Do Not Pass is the only way to vote by this committee.

Thank You, Gordon Greenstein

US Navy (Veteran)

US Army-NDNG (Retired)

Chairman and Members of the Committee,

I urge you to oppose HB1444.

This bill appears to target a single road near Applied Digital in Ellendale, yet its consequences would extend statewide. Why are we passing legislation aimed at one location that will ultimately affect every community in North Dakota? HB1444 represents a troubling shift of power away from local communities and private landowners. This undermines both local governance and property rights. Township boards, which are more connected and accountable to their residents, must retain the authority to make these decisions collaboratively with their communities—not be overridden by distant authorities or corporate interests.

HB1444 opens the door to forced land acquisition and centralized control that contradicts the values of rural North Dakota: local decision-making, respect for property, and grassroots governance.

Please stand with landowners, local officials, and the principles of local control.

Vote **NO** on HB1444.

Respectfully,

Johanna Mongeon

Rolette, ND

Chairman and committee members

My name is Marv Abraham ,a resident of rural Burleigh county. I urge a DO NOT PASS on HB1444

Its blatantly obvious this bill was put into place to benefit the data center in Ellendale by a seasoned legislator.The very same individual that was instrumental in starting HB1258 for the same reason. Political and personal gain. And not caring about friends and neighbors

Its all about Power and Money for a private company which has minimal benefit for the local township and city. All the statements by these dignitaries attempting to make this project sound great have no documents supporting the claims.
If these presenters could up with some documents to prove that these projects are beneficial, it might be easier to sell the concept.

HB1444 takes away power of the township and gives to the county for one specific road, again for benefit of one private project

These bills are only designed to take away the power of counties and townships for political and private gain.

These LEGISLATORS forget that they were elected by the taxpayers and work for WE THE PEOPLE.

WE all pay taxes for the benefit of the community, not PRIVATE GAIN.

These OBSCENE bills totally erode the community land values, neighbor relationships, destroy lifelong friendships all for the political power and money.

THESE THREE SHOULD BE TOTALLY ASHAMED OF THEMSELVES

I was Reading the article in district 28 newspaper with their pictures as well that has figures with no supporting documentation.Just proves its all hypothetical at this point.
Attempting to sell a bill of goods before the ship comes .

SENATORS. PLEASE DO THE RIGHT THING FOR YOUR FRIENDS,NEIGHBORS AND COMMUNITY. THE VERY PEOPLE THAT ELECTED YOU.
THANK YOU

DO NOT PASS HB1444

Chairman and Members of the Committee,

I strongly oppose HB1444.

This bill is clearly an attempt to strip local communities of control, paving the way for big corporations like Applied Digital to get what they want, regardless of how it affects nearby residents and landowners.

HB1444 would allow counties to take over township roads without the consent of local boards or property owners. That's not how we do things in North Dakota. We believe in local decision-making, not mandates driven by corporate interests.

Our townships know our roads, our people, and our needs far better than any out-of-state company ever will. This bill undermines the very principles of rural governance and private property rights.

Don't let Applied Digital or any other corporation dictate how we govern our communities. **Vote NO on HB 1444** and stand up for local control.

Thank you.

Joe Mongeon, Rolette

Chairman and Members of the Committee,

I Strongly Urge a Vote No on HB1444.

Once again HB1444 is a bill being proposed to erode the rights and power from local landowners and communities. This bill is targeted for ONE road in ONE county for outside corporate interest which is Applied digital. If HB1444 is passed it will set a precedent for the whole state by granting sole authority to county commissioners to designate and acquire roads into the county system even against the will of local townships or affected landowners. It allows counties to unilaterally absorb township roads with minimal accountability, despite the direct impact on residents and property owners who know these roads and communities best. I urge you to continue to protect our private property rights from our elected District 28 Legislatures who are campaigning for outside Corporate interest instead of the constituents that they were elected to represent. (see attached article)

Respectfully,
Lucas Wald
Edgeley, ND

DISTRICT 28 LEGISLATIVE REPORT

DICKEY COUNTY • LAMOURE COUNTY • LOGAN COUNTY • MCINTOSH COUNTY • SARGENT COUNTY



**Senator
Robert
Erbele**



**Representative
Mike
Brandenburg**



**Representative
Jim
Grueneich**

Sen. Robert Erbele, Rep. Mike Brandenburg and Rep. Jim Grueneich are working for property tax relief and reform for agriculture and small businesses as well as for residential property. The property tax has been a major issue for many legislative sessions which is why the state currently pays nearly \$5.5 billion per biennium to political subdivisions to ease the burden on taxpayers.

Final decisions on tax reform will not be made until the closing hours of the session; however, the first bill of the session signed by Gov. Kelly Armstrong, SB 2201, expands North Dakota's Primary Residence Credit to include homes held in trusts, ensuring more homeowners benefit from property tax relief.

HB 1441 Passes 74-16

1441, a bill sponsored by the District 28 Team to clarify the Century Code to allow a county to add a township road to the county road system, has passed the House and next will be considered by the Senate. Rep. Grueneich carried the bill on the House floor with support by Rep. Brandenburg, and Sen. Erbele will provide leadership in the Senate. The clarification was necessary for public

safety because of the heavy traffic on the township road serving the \$20-billion data center now under construction near Ellendale. Nearly 700 vehicles use the narrow road, and the data center is contributing funds to pay for upgrading it. To add a township road, county commissioners would hold a public hearing and make a decision at a future meeting.

The data center will bring 300-350 good-paying jobs and related economic development to the area as well as new tax revenue for Ellendale and Dickey County.

Legal Drain 11

Legal Drain 11 in Sargent County dates back to 1916 when farmers organized to dig a drain so land that did not drain naturally could be farmed. In 2013 the N.D. Department of Transportation increased the flow of water under Highway 13 from Ransom County by five times when new culverts were installed. The increased flow has led to massive flooding to the south of the highway. In addition, there have been disputes among landowners about paying to maintain and use the drain under the control of the Sargent County Water Board.

The District 28 Team has introduced legislation to remove Ransom County from voting on Legal Drain 11 issues since it does not pay assessments for the drain. The legislation also creates a process to resolve landowner disputes. HB 1280 passed the House 91-0. Reps. Brandenburg and Grueneich moved it through the House, and Sen. Erbele will be its Senate advocate.

Health Care Bill Passes Senate

Sen. Erbele led a bipartisan effort in the Senate to win passage of SB 2286 to fund a Health Professions Collaborative Facility to the School of Medicine and Health Sciences building at the University of North Dakota, Grand Forks. The bill passed 47-0 and awaits action by the House.

Having nursing, physical therapy, occupational therapy and the medical school in the same complex rather than in multiple buildings will mean health professionals train together to prepare them to work together in a real world environment.

Sen. Erbele said a needs-based study for the medical school has led to retaining more UND-educated medical professionals in North Dakota and to attracting more North Dakota students to medical careers.

HB1444
(misprint)

Lanny Kenner
District 7

Senator Clemens and committee members of the Senate Transportation committee,

I am requesting NO votes on
HB 1444.

From what I can tell this bill should not have even seen the light of day.

This a bill that is trying to take away local zoning from ALL townships and ALL counties in ND just so highway 11 can be widened for a left hand turn into 87th Ave SE and a right turn lane onto 87th Ave SE coming from the opposite direction. Do you know how silly that sounds to change the ND Constitution for something so minor??

They need to get all parties involved into discussions and work this problem out without getting the whole state involved! Don't turn ND into NATO to come to your rescue when you all can work it out.

For these reasons please vote NO
On HB 1444.

Thank you!

Dear Chairman and Members of the Committee,

I am a Lamoure County Commissioner and a Wano Township Supervisor; I serve on both boards which this bill would affect. As a Township, we hire the County Road Department to maintain our roads and replace culverts when needed. I believe this bill will cause controversy and tension between both boards and hinder our ability to work together peacefully and respectfully. If the county has the power to take away township roads and does so, this will lessen the time the county has to maintain township roads because county roads have more maintenance and are top priority. As a county, we do not have the time, manpower, equipment, or funding to take on more miles of county roads. If this bill is passed will the counties get more funding to maintain these acquired roads or will we have to keep struggling as we currently are? There have been many bills that want more from local government which costs us more money and time but never seem to get anymore funding or compensation from the state. More miles of county roads that means more miles that our county law enforcement must patrol which is more workload for our already limited county workforce. This bill is designed for one project and that is Applied Digital in Ellendale Township, Dickey County. Notice their representative that wrote an "in favor" testimony on this bill. All of these "take over bills" such as 2208, 1258, and 1444 have the same sponsors and are directed to take away local government control. These bills are directed to benefit outside corporations and will not benefit our local communities. Our local District Legislators should be representing the people that voted them into office, not going against us and representing corporate companies for their personal and financial gain. I strongly urge you to oppose HB1444. Thank you for your time.

Testimony in Opposition to House Bill 1444

Dear Senators,

I strongly urge a NO vote on HB 1444. This bill appears to have been introduced solely to benefit Applied Digital in Ellendale, and for that purpose only.

It is deeply concerning that our supposed representatives continue attempts to take local control away from townships and those representatives who are closest to the people and desire to give them to the state, or in this case, a county.

It is evident that some legislators are not interested in maintaining local authority and protecting the voice of the people and their property rights. It is evident by the statements made by the sponsors of this bill that what they consider “progress”, under and by any means, is the goal and without conscience, they are willing to continue the power grab at the expense of the citizens they were elected to represent.

Thank you for your consideration. Vote NO on HB 1444.

Shirley Gohner

Montpelier, ND

County of Stutsman

Chairman and Members of the Committee,

I am urging you to OPPOSE HB1444.

This kind of legislation makes people lose faith in the system. This bill is tailor-made to address a single situation near Applied Digital in Ellendale. Why are we writing statewide policy to cater to one road and one company?

Our state is built on local control, on communities working together, on landowners having a say in what happens to and on their land. HB1444 throws all of that aside in favor of special interests.

Stand up for your constituents. Stand up for local control and private property rights.

Vote NO on HB1444.

Richard Long
Berlin

Testimony in Opposition to HB 1444

Matt Herman
Ashley ND

The House Transportation Committee amendment to HB 1444 fails to accomplish what the apparent intent of the change was to be. The nature of the committee discussion was that the decision did NOT have to be made at the next meeting. By failing to change the word 'its' to 'a', along with changing 'next' to 'subsequent', the language could still be understood to mean the very next meeting. Perhaps it would be more grammatically correct and also meet the intent of the committee if the passage read, "...shall make a decision at a subsequently scheduled meeting..."

Whether amended or not, I still oppose the bill and ask for a **do not pass** recommendation. It appears that the township has no recourse to resist the county takeover. There should be a process, or something written into the bill that allows a township to resist and to have a process for appeal.

This is poor legislation and needs to be defeated.

Thank you.

Honorable Transportation Committee,

If I am understanding the premise behind HB 1444 correctly, the sponsors of the bill are 'cherry picking' which Townships will receive recognition and funding and a voice, on [Township] roads matters, while others will not! Our elected officials must strive to be loyal to ALL constituents, regardless of those constituents who don't always agree with how said elected officials are executing their office, and for them [elected officials] to be mindful that they work for The People of their respective Districts, and not just one or two! I implore you, Transportation Committee, do the Right thing and DO NOT PASS HB 1444.

Respectfully,

Ricky B. Schlecht, Kulm, ND, District 28

Dear Senators,

I urge you to **Vote NO** on **HB 1444**.

Once again, we are faced with a bill that seeks to strip power from local governments. Townships have long been a cornerstone of North Dakota's development, and this bill undermines their ability to govern effectively.

It is striking that 1.5 miles of township road has suddenly become a legislative priority, when money is involved. This road has always been within the township's jurisdiction, and it should remain that way. Local leaders, elected by their communities, have been working for decades to shape and maintain the state we are proud of today.

HB 1444 is unnecessary and harmful. It disregards the entire purpose of township supervisors, who were also elected to represent the best interests of their constituents.

I strongly urge you to **Vote NO** on **HB 1444**.

Thank you,

Cody M. Rupp

Dear Senate Transportation Committee,

I am deeply troubled that a county wants to take over a township road by what appears to be a one-sided bill that will benefit one side and no one else. Townships in ALL counties are at risk of being compromised if HB 1444 passes. Senate Transportation Committee, we rely on you to keep North Dakota's Township Viable, DO NOT PASS HB 1444

Regards,

Kathy Jacobson-Schlecht
Kulm, ND
District 28

To Members of the Senate Transportation Committee,

I request that you give a "DO NOT PASS" recommendation for bill HB1444.

This bill would enable less power and control for local communities and private landowners. Let the local citizens have the say over what happens with their land and roads.

I urge a "DO NOT PASS" on this bill, to keep property rights and local control intact.

Thank you,
Sandy Denis

Testimony in Opposition to HB1444

Chairman Clemens and members of the Senate Transportation Committee.

My name is Richard Schlosser.

HB 1444 is an attempt to codify in state statute, no less, a heavy handed resolution to a singular local issue.

The intent of HB1444 can best be described by the idiom “ ... using a sledge hammer to crack a nut.” It is legislative overkill!

The legislature’s scope should focus on the larger issues that impact the general welfare of ND citizens and leave these types of disputes to be settled locally.

I would urge a do not pass recommendation on HB1444.

Thank you.

Dear Chairman and Committee Members,

House Bill 1444 is yet another effort by multi-billion-dollar corporations to undermine local township and county governments in our state.

It is crucial for our townships to maintain control over their own roads.

When these corporations fail to get their way through bullying tactics, they turn to certain legislators to introduce bills that further their interests.

So, who does this legislation really benefit—local governments or corporations?

Politicians claim this bill will promote economic development, but who stands to gain—the people of North Dakota or the corporations?

If this bill is truly about fostering economic growth, why are these corporations still demanding loans, grants, and tax breaks from North Dakota's citizens?

This bill, which would allow counties to seize control of certain roads, could leave our communities vulnerable to decisions driven by interests that don't prioritize our local needs.

You, as elected officials, have a responsibility to protect and defend the rights and interests of your constituents and all North Dakotans. We deserve legislation that safeguards our rights.

I urge you to vote NO on HB 1444.

Respectfully,

Tim Leppert

Dickey, ND

Dear Senators,

I strongly request a do not pass on HB 1444. This bill was specifically aimed at a township road in Ellendale township in Dickey County. This matter needs to be resolved locally. We do not need an unnecessary law which would affect all township roads in North Dakota!

Thank you.

Sincerely,

Vicki Carpenter

March 20, 2025

Chairman Clemens and Members of the Committee,

Applied Digital Corporation (Nasdaq: APLD) is a designer, builder and operator of next-generation digital infrastructure for High Performance Compute ("HPC") applications. Plainly, we are a landlord offering a high-tech environment for owners of some of the most advanced super computers on the planet to safely operate their equipment. Applied Digital has been active in North Dakota since 2021 and currently maintains facilities north of Jamestown and in Ellendale. These investments are the result of a strong partnership between APLD and the State of North Dakota. Indeed, to date we have invested over \$1B in infrastructure in North Dakota and anticipate roughly \$4B more in the coming years. These figures do not include the money that a future customer is anticipated to spend in installing equipment within our facility. Our permanent employment footprint at our facilities is expected to be roughly 400 jobs and an outside economic impact study we commissioned estimates that this footprint will also create roughly 2,500 indirect jobs as a result of our projects. In addition to our positive employment numbers, our Ellendale project has directly resulted in \$5.4 Million being returned to MDU's North Dakota rate payers in 2023 and MDU is projecting that it will directly result in an additional \$14 Million being returned to MDU's North Dakota rate payers in 2024.

House Bill 1444 is a necessary and common-sense measure that provides clarity and a solution when township governance is unable or unwilling to address critical road infrastructure issues. This bill allows counties to step in and resolve road-related concerns when necessary.

Applied Digital has had positive experiences working with the Fried Township, north of Jamestown. There, we followed the established process, paid necessary permit fees, and collaborated effectively to complete required paperwork. The process was straightforward, efficient, and benefited both the township and our operations.

However, at our other facility in Ellendale, our experience has been entirely different. The township has treated a public road as if it were a toll road, a stance they have confirmed through written testimony and by verbal testimony by the Township Association to the House Transportation Committee. The road in question is a small gravel road that Applied Digital has significantly improved at our own expense, investing over \$400,000. Despite these improvements, the road still requires proper paving and turn lanes from the highway for safety and usability. Unfortunately, the township has actively opposed these necessary upgrades without offering any alternative solutions.

To further highlight the issue, Applied Digital has paid over \$300,000 in overweight permit fees to the township for truck traffic using this road. However, rather than reinvesting these funds into improving the road in question, the township has diverted the money to other roads or projects unrelated to this critical infrastructure need.

Recognizing the safety concerns and the township's inaction, the county has voted to take over the road. However, due to ambiguities in the Century Code, it remains unclear whether the county has the authority to proceed.

House Bill 1444 provides the necessary clarification for the interest of public safety and needed improvements. Public roads should not serve as income-generating tools for townships that selectively impose fees on some while neglecting essential infrastructure and safety obligations.

I respectfully urge the committee to support House Bill 1444 to ensure that public roads remain safe, accessible, and properly maintained.

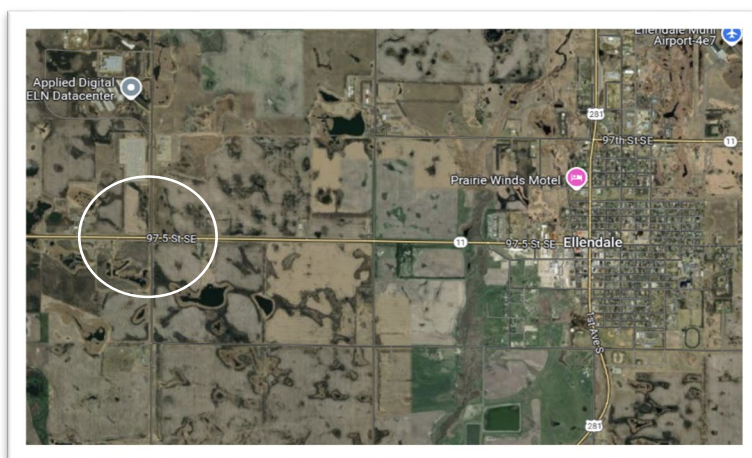
Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Nick Phillips". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Nick Phillips

Executive Vice President of External Affairs
Applied Digital

Intersection of State Highway 11 and 87th Ave SE

Widen Highway 11 for a left turn lane onto 87th Ave SE from eastbound travel on Highway 11.
Add a right turn lane onto 87th Ave SE from westbound travel on Highway 11.



Facing west on Highway 11 before the intersection of 87th Ave SE



Dear Chairman and Committee Members,

House Bill 1444 is yet another effort by multi-billion-dollar corporations to undermine local township and county governments in our state.

It is crucial for our townships to maintain control over their own roads.

When these corporations fail to get their way through bullying tactics, they turn to certain legislators to introduce bills that further their interests.

So, who does this legislation really benefit—local governments or corporations?

Politicians claim this bill will promote economic development, but who stands to gain—the people of North Dakota or the corporations?

If this bill is truly about fostering economic growth, why are these corporations still demanding loans, grants, and tax breaks from North Dakota's citizens?

This bill, which would allow counties to seize control of certain roads, could leave our communities vulnerable to decisions driven by interests that don't prioritize our local needs.

You, as elected officials, have a responsibility to protect and defend the rights and interests of your constituents and all North Dakotans. We deserve legislation that safeguards our rights.

I urge you to vote NO on HB 1444.

Respectfully,

Tim Leppert

Dickey, ND

Chairman Clemens and Transportation Committee members.

I am CarolLee Carruth and am a resident of Ellendale Township. I am writing to testify against HB 1444. 1-1/2 miles of township road in Ellendale Township is the reason for this bill.

The current way of how townships and counties deal with roads has worked very well for years. One company now wants you to change the way every township and county in the state deals with roads so they can control the 1.5 mile of road they want. You should not do a disservice to the whole state of ND to appease one company and 1.5 miles of road. You would create many problems across the state and forever to appease one company and mile and a half of road. It would be so short-sighted to change the law for all of ND for this one company. You would create problems for townships and counties through the whole state. That is not how the State of ND should operate.

This bill would strip powers away from local government where it should be. The state of ND should not usurp the powers of every township in ND. This is not a fair piece of legislation for any of the townships or people in ND. The people in a township that drive on those roads every day are the best ones to know those roads and what they need. This power definitely should not be taken from the townships where it has always been.

I would appreciate your vote for DO NOT PASS and your continued support for all the townships and people of ND. Thank you.

Good Morning Chairman Clemens and Transportation Committee members. I am Joel Hamar, Ellendale Township Chairman. Thank you for this opportunity to testify against HB 1444. 1-1/2 miles of township road in Ellendale Township is the reason for this bill.

As some of you know we are having some issues between Ellendale Township, Applied Digital, Dickey County, and now the City of Ellendale over 1.5 miles of 87th Ave in Ellendale Township. Ellendale Township has been thrown under the bus by Applied Digital, Dickey County, and the City of Ellendale. They have accused us of being uncooperative and not concerned with safety. Ellendale Township would also like to state that we are not against economic development.

We would like to clear the air on some of the things you have been hearing. It has been said that the Dickey County Commission has voted to take over 87th Ave. At the Commission meeting October 1st, 2024 a Dickey County Commissioner made a motion to investigate the acquisition of 87th Ave and 95th St in order for there to be turn lanes installed for the safety of all people in Dickey County. This motion passed 4-1, but was not a motion to take the road over. The Commission was expressing disappointment that Ellendale Township is not thinking about the safety issue regarding the turn lanes. That could not be further from the truth.

- First, there were numerous complaints about workers disregarding the stop sign on the intersection of 87th Ave and Hwy 11. The Township was the entity that suggested that a blinking stop sign be put by the State of ND on the intersection. The reason we suggested the stop sign be put up by the State is because it is a road that turns on to a state highway. We do not know who put the sign up but it was done.
- Second, it was requested by Applied Digital for safety reasons to reduce the speed limit on 87th Ave to 30mph. This was immediately approved by the township. The township asked Applied Digital who was going to enforce the reduced speed and they thought the Dickey County Sheriff would.
- Another issue that the township brought to Applied Digital's attention is that the slope of the ditch is becoming very steep, and especially the

shoulder drops off sharply, because of the amount of material that is being put on top of the road. It was requested that Applied Digital fix this and they stated that no action was needed. Applied Digital has a flag person watching the stop sign on highway 11. It was mentioned by the township to an Applied Digital representative that it appeared the flag person was causing some confusion due to the fact that the flag person is about 100ft from the stop sign going onto Hwy 11. It appeared they would stop for the flag man's stop sign and then continue right through the main stop sign going onto the highway.

On January 8th, 2024 there was a meeting with Applied Digital at their site. The meeting was with the Applied Digital and Ellendale Township representatives. Applied Digital was informed that load limits could go on at any time due to the unseasonably warm winter and that they should get any of their heavy loads in as quickly as possible. Ellendale Township load limits routinely go on when the county load limits go on. Township Supervisors attended the Dickey County Commission meeting on February 6th, 2024. Applied Digital representatives were also present. February 6th, at this meeting is the day the load limits went on. They then came off May 13th, 2024. This is a total of 97 days load limits were in place. On February 8th Ellendale Township, Applied Digital representatives, and contractors met to find a solution to get overweight trucks into the construction site. The Dickey County Sheriff was also in attendance at February 8th meeting. The solution at the time was to use the same permit fee and schedule that the Dickey County Highway department uses to permit overweight/oversized loads. On February 20th, 2024 the township discussed with the Dickey County Commission about joining Load Pass permits. Load Pass permits allows contractors to go online and buy/pay for their permits. All the paper work and fees are handled by Load Pass. The Commission made a motion to sign an agreement with Load Pass. It passed 5-0. On March 25th, 2024 Dickey County became an active member of the Load Pass system. At an August 6th, 2024 meeting the Dickey County Commission voted to split the Load Pass permits 85%-15%. Ellendale Township and Dickey County both received funds from these

permits. These permit fees all could have been avoided had the contractors complied with the posted weight restrictions.

Also at the February 8th, 2024 meeting there was a request from Collin's Precast to place 6 inches of rock and cover it with gravel on 87th Ave. It was stated that if Ellendale Township wants the rock removed after the project is done that the road would be put back the way it was. Ellendale Township agreed to this.

On August 21st, 2024 Applied Digital representatives stated that their legal team doesn't want Applied Digital doing any road maintenance on 87th Ave due to liability reasons. They wanted the township to be responsible for the maintenance and they would supply the funds. Applied Digital was going to get a contact for Webster Scale and that contact was never received by the township.

Applied Digital then requested that the road be paved. Because an old, un-engineered township road would need to be engineered and completely rebuilt in order to be paved and support heavy loads, Ellendale Township agreed to contact KLJ engineering and see what it will take to draw up a plan to fix the slope of road and get the road into a condition that the road would be safe to pave. This project would be at the expense of Applied Digital.

Ellendale Township contacted KLJ for the grading, widening, pipe replacements, aggregate base, and hot mix asphalt for 87th Ave SE, 1.5 miles. Cost estimated at \$4,019,000.00. Total estimated project does NOT include Right of Way purchasing or utility relocation costs. Upon further research the township discovered that there was a grant program through the DOT Flex Fund to use with townships, cities, and counties. This exact situation is what this fund is for. This already existing grant program could help the township with this road paving project without having to change any of the Century Code which HB1444 is trying to do.

February 27th, 2025 at an Ellendale Township meeting an Applied Digital representative presented Ellendale Township with a Memorandum of Understanding. In this document it's stated that Applied Digital is willing to give Ellendale Township \$300,000. In order for Ellendale Township to receive this

payment they must provide the following, “Prior to any payments, Township must provide this executed agreement and the executed agreement between the Township and Dickey County that provides for an immediate transfer of the authority of 87th Ave from the Township to Dickey County to Applied Digital.” At the meeting the Township tabled this proposal. The Township Board of Supervisors was skeptical that a private company could have authority over of a public road.

As far as the township being accused of being uncooperative the township would like to use a direct quote from an Applied Digital representative Nick Phillips. The email was sent August 29th, 2024. He states, **“I hope this message finds you well. I wanted to take a moment to thank you for your continued support and for working closely with us on the ongoing development of our project.”**

Again, Ellendale Township is not against any economic development. We have really NOT been uncooperative. We realize that this project is here to stay. What we are not in favor of is big corporate companies and local legislators thinking they can push the smallest form of government around in order to get what they want. HB1444 is a self-serving bill. This bill is for the benefit of one private company in the whole state of North Dakota and sets a dangerous precedent allowing a private company authority over a township road. Help us fix this small issue at the local level instead of changing Century Code. The state programs, DOT Flex Fund and grants to townships, are available that can fulfil this project for the township and satisfy the need of Applied Digital.

Chairman Clemens and Transportation Committee members, Ellendale Township urges that HB1444 be given DO NOT PASS.

Thank you for your time.

Commissioner Meeting
October 1, 2024

Chair Jerry Walsh called the meeting to order at 9:02 am. Commissioners John Hokana, Brandon Carlson, Kacey Holm, and Marke Roberts were also present. Auditor Sheppard and resident Cindy Bagley were also present. States Attorney Kim Radermacher and Health District staff Roxanne Holm and Kerry Waldo were present via electronic means. The media was not present. The Pledge of Allegiance was recited

Additions

- Load limits on county roads
- Paving of Co Rd 3 west of Oakes
- Voting booths in Oakes

Holm made a motion to approve the minutes with corrections. Roberts seconded. Motion carried.

County Agent Administrative Assistant Monica Pakonen and Clerk of Court Andi Schimke joined the meeting via electronic means at 9:15. County Agent Breana Kiser, NDSU Central District Director Dena Kemmet, and NDSU Interim East District Director Alicia Harstad joined the meeting at 9:28.

Sheppard requested the addition of a voucher in the amount of \$552.50 to transfer FEMA money received for cleaning downed trees on county property at Pheasant Lake. The reimbursement has been received. Holm made a motion to approve the vouchers with the addition of the transfer of funds. Roberts seconded. Roll call was unanimous. Motion carried.

Kemmet spoke with the Commission concerning the official resignation of Family and Community Wellness Agent Danielle Dinger, who officially started in LaMoure today. Walsh and Holm both expressed concern that Kemmet had not contacted the Commission about the pending resignation, stating it is hard to fix a problem if you are not aware of the problem. Kemmet recognizes that she should have reached out to Chair Walsh. Kemmet is requesting a motion from the Commission to fill the position because Kemmet can't open the position until the Commission has done so. The importance of the position and the individual's involvement with the schools was also discussed. Holm made a motion to authorize NDSU to fill the position. Carlson seconded. Roll call was Carlson yes; Hokana yes; Holm yes; Roberts no; Walsh yes. Motion carried. Kemmet requested one of the Commissioner serve on the search committee. Holm will serve on the search committee. Roberts personally thanked Dinger for her hard work and time of service with Dickey County.

The Commission went into recess at 10:05 and returned at 10:15.

Applied Digital staff Martin Vega and Andrea Mireles joined the meeting at 10:15.

Roberts made a motion to approve the final 2025 Budget. Holm seconded. Roll call was unanimous. Motion carried.

Roberts made a motion to open the Omitted Tax hearing. Carlson seconded. Motion carried.

Sheppard reviewed the six properties in question for the omitted tax hearing. Two parcels (#07210001 and #08083000) are land purchases from an exempt property to a non-exempt property. These values are prorated based on the day of the sale. The next two parcels (#02130002 and #00619750) are land purchases of property that no longer qualify for farm residence exemption because of the purchase. These values are prorated based on the day of the purchase. The last two parcels (#00890875 and #01980625) are properties that have new homes that were not included in the original assessment. Hokana made a motion to approve the new values to be added to the tax rolls on the above properties. Holm seconded. Roll call was unanimous. Motion carried.

Holm made a motion to close the omitted tax hearing. Hokana seconded. Motion carried.

Holm made a motion to open the abatement hearing. Roberts seconded. Motion carried.

Sheppard presented one parcel filing (parcel #10321000) for 100% homestead credit for the tax years 2022 and 2023. Sheppard stated the landowner meets the qualifications for the 100% credit. Holm made a motion to approve the abatement as presented. Carlson seconded. Roll call was unanimous. Motion carried.

Holm made a motion to close the abatement hearing. Carlson seconded. Motion carried.

KLJ Engineer Bryan Tykwinski and Highway Superintendent Jeff Hagen joined the meeting at 10:40.

Hagen presented a permit from Scott German to run a tile line under County Road 14 in section 16 of Lovell Township south of the Ludden curves on ND Highway 11. The tile permit was approved previously by the Water Board. Dakota Improvement completed the work and has put gravel on the road. German has agreed to pay the cost of putting the road back to its original condition. Carlson made a motion to approve the utility permit. Holm seconded. Motion carried.

DES/911 Coordinator Charlie Russell and Applied Digital representative Nick Phillips joined the meeting at 10:45.

Carlson commended the Highway Department on the paving completed on the west side of Oakes on County Road 3. The transition is very smooth and completed on time.

Hagen discussed with the Commission the railroad crossing east of Oakes that the county has had safety concerns reported from a concerned citizen. A decision was made to have the crossings looked at by the state of North Dakota.

Hokana has received many phone calls concerning load limits on county roads during harvest time. Hagen stated the weight limit is 105,500 unless posted. A farmer can pay for a 10% harvest permit from the state which only applies to state roads, allowing them to be 10% overweight. Currently, getting that harvest permit does not carry over to county roads. Roberts made a motion to approve the use of the state issued 10% harvest permit on county roads. Carlson seconded. Roll call was Hokana yes; Carlson yes; Walsh no; Roberts yes; Holm yes. Motion carried.

Elden Township Supervisor Gary Dathe joined the meeting at 11:00. Ellendale Township Supervisor Joel Hamar and NDACo Executive Director Aaron Birst joined the meeting via electronic means at 11:05.

Hagen and Tykwinski discussed the funding for County Road 12 with the Commission. There are two possible options, both costing the county the same amount of money. Holm made a motion to use the option to use county funds after the state project funds have been used, which postpones those expenses to 2026. Hokana seconded. Roll call was unanimous. Motion carried.

Phillips discussed with the Commission the traffic issue at 87th Avenue, as well as 95th Street. Phillips is requesting the state of North Dakota to install turn lanes on Highway 11 going east and west and a turn lane on Highway 281 at 95th Street. The grant funding that could be used for this project would need the two township roads be converted to county roads. Phillips discussed a sample cooperative agreement he has from McKenzie County, which would be a possible contract the group could work with. Applied Digital is willing to work with the county to pay for the cost of the road, as the intersections are creating a safety hazard for those using those roads.

Phillips recognizes that the township board is basically volunteer position and does not have the budget to complete this project. Phillips is not sure of the reasoning for Ellendale Township to not agree with the county making the road a county road. Phillips stated in his opinion it is the decision of the county whether to convert the road to a county road or not.

Dathe stated that the biggest concern for Elden Township was the maintenance of the road with the heavy use on the township road. Elden Township would lose two miles going west from Highway 281 on 95th Street to 87th Street and one mile south on 87th Street. Dathe felt that the citizens of Elden Township were less concerned with the change, if the county took the road over as a county road.

Radermacher has reviewed the Century Code concerning this issue. Radermacher is not sure of the issue that Ellendale Township has concerning this road.

Phillips stated that he wants the County and Applied Digital to follow the appropriate steps. Phillips stated they just need a motion to change the road to a county road.

Hamar reminded the Commission that the number one industry in Dickey County is agriculture. The county is busy enough with the roads they currently have. The example of the repair on County Road 2 that has not been done was used as an example. Hamar stated that Applied Digital has agreed to do maintenance on the road, such as cables by the holding ponds, but that has not been done. The slope of the ditches is not correct and that has not been fixed. Ellendale Township does have the equipment to continue to maintain that road.

Phillips stated that the cable by the ponds has not been done yet, but the agreement was that it was to be finished when the ponds were finished. The ponds have not been finished at this time. Phillips stated that they are trying to address the slope issue on the ditches but are having a hard time communicating with the township.

Vega discussed the issue of the township having time to maintain the road. In his discussions with Martin Construction, Vega felt that Martin Construction will only get to this road once or twice a month. Vega stated that the real problem is the road safety. Phillips and Vega both stated that the communication with the township is hard and often no response. Applied Digital was requesting the signature on a form from Ellendale Township. Hamar stated the township board felt that it was not in their best interest to sign the form.

The discussion concerning the safety of all Dickey County residents was discussed in detail. Holm stated that safety is his main concern, not so much the paving of the roads. Roberts stated that he will not vote against what the township's position

Carlson made a motion to investigate the acquisition of 87th Avenue and 95th Street in order that turn lanes can be placed on Highway 11 and Highway 281 for the safety of all the people in Dickey County. Hokana seconded. Discussion followed with Hokan expressing disappointment that Ellendale Township is not thinking about the safety issue regarding the turning lanes. Tykwinski stated there are some things he felt needed to be addressed before we go much further with the process. Radermacher will work with Phillips on a possible agreement between Dickey County and Applied Digital that was discussed earlier. Roll call was Carlson yes; Walsh yes; Roberts no; Holm yes; Hokan yes. Motion carried.

The meeting was adjourned at 12:27.

Ellendale Township
8910 99th St SE
Ellendale, ND 58436

ellendaletownship@outlook.com

Joel Hamar, Chairman
Jerry Rekow, Supervisor
Vincent Carruth, Supervisor
Amanda Thorpe, Clerk/Treasurer

October 30, 2024

Dickey County Commissioners
309 2nd St N
Ellendale, ND 58436

RE: 87th Avenue SE, Ellendale, ND

Dear Commissioners,

We are under the understanding that Dickey County is considering whether it has the authority to assume supervision and control over 87th Avenue SE, within the Township of Ellendale. As Supervisors for the Ellendale Township, the care and supervision of the Township Roads is our right and duty. At this time, the Township has not transferred any supervisory authority to the County with respect to 87th Avenue SE, or any other road within the Township.

As you are aware, the Constitution for the State of North Dakota specifies that political subdivisions have maximum local self-government. Moreover, that any subdivision has ultimate authority over when and for how long it may transfer any power or authority to another governmental entity, for example a County. Similarly, the Century Code fully supports township control over its own roads, and that the County's role in road control is limited only to those areas where the territory is unorganized.

This letter is to confirm with Dickey County, that the Township of Ellendale has not requested that the County undertake control of any road within the Township, nor have we transferred any of our supervisory authorities to manage any of the roads in Ellendale Township, including 87th Avenue SE.

Please contact the undersigned directly if you have any questions with regard to the contents of this letter.

Sincerely,

Joel Hamar, Chairman
Jerry Rekow, Supervisor
Vincent Carruth, Supervisor

From: Bryan Tykwinski Bryan.Tykwinski@kljeng.com
Subject: Ellendale Township 87th Ave
Date: Sep 6, 2024 at 9:30:48 AM
To: hamarfrm@gmail.com

Hi Joel,

We put together an overall cost estimate for the project (1.5 miles of roadway grading, widening, pipe replacements, and asphalt paving) that is attached. Also included is the scope of services that we would perform for the prelim/design engineering to get a project ready and advertised for bidding, approximate fee's for engineering are included in the cost estimate.

Right now, we have the scope set up for the contract to be with the township. I know at the last County Commission meeting the project was brought up and the possibility of the road becoming a County Highway so that DOT would add turn lanes and potentially adding in additional miles on 96th Street to create a "bypass" around Ellendale, if you want to set up a meeting or want any help from us with facilitating any of those talks we can definitely help out.

Let me know if you have questions on anything or if you need any additional information.

Thanks!

Bryan Tykwinski, PE



701-845-9422 Direct
701-490-1639 Cell
1010 4th Ave SW
Valley City, ND 58072-0937
kljeng.com

ELLENDALE TOWNSHIP
87TH AVE SE - ND HIGHWAY 11 NORTH 1.5 MILES
GRADING, WIDENING, PIPE REPLACEMENT, HOT MIX ASPHALT AND INCIDENTALS
PREPARED BY KLJ ENGINEERING LLC

SPEC	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
103	CONTRACT BOND	1	L SUM	\$ 15,000.00	\$ 15,000.00
202	REMOVAL OF PIPE ALL TYPES AND SIZES	550	LF	\$ 20.00	\$ 11,000.00
203	COMMON EXCAVATION-TYPE A	2,500	CY	\$ 8.00	\$ 20,000.00
203	TOPSOIL	10,000	CY	\$ 6.00	\$ 60,000.00
203	BORROW-EXCAVATION	25,000	CY	\$ 12.00	\$ 300,000.00
216	WATER	1,000	M GAL	\$ 20.00	\$ 20,000.00
230	SUBGRADE PREPARATION-TYPE A-12IN	80	STA	\$ 400.00	\$ 32,000.00
251	SEEDING CLASS II	12.5	ACRE	\$ 1,500.00	\$ 18,750.00
251	TEMPORARY COVER CROP	12.5	ACRE	\$ 750.00	\$ 9,375.00
253	STRAW MULCH	25	ACRE	\$ 500.00	\$ 12,500.00
260	FLOTATION SILT FENCE FENCE	300	LF	\$ 25.00	\$ 7,500.00
260	REMOVE FLOTATION SILT FENCE FENCE	300	LF	\$ 5.00	\$ 1,500.00
261	FIBER ROLLS 12IN	10,000	LF	\$ 3.25	\$ 32,500.00
261	REMOVE FIBER ROLLS 12IN	7,500	LF	\$ 1.00	\$ 7,500.00
302	AGGREGATE BASE COURSE CL 5	21,000	TON	\$ 28.00	\$ 588,000.00
401	PRIME COAT	7,000	GAL	\$ 4.00	\$ 28,000.00
401	BLOTTER MATERIAL CL 44	225	TON	\$ 40.00	\$ 9,000.00
430	SUPERPAVE FAA 43	8,000	TON	\$ 90.00	\$ 720,000.00
430	CORED SAMPLE	50	EA	\$ 50.00	\$ 2,500.00
430	PG 58S-34 ASPHALT CEMENT	480	TON	\$ 700.00	\$ 336,000.00
702	MOBILIZATION	1	L SUM	\$ 250,000.00	\$ 250,000.00
704	TRAFFIC CONTROL	1	L SUM	\$ 50,000.00	\$ 50,000.00
706	AGGREGATE LABORATORY	1	EA	\$ 15,000.00	\$ 15,000.00
706	BITUMINOUS LABORATORY	1	EA	\$ 5,000.00	\$ 5,000.00
706	CONTRACTOR'S LABORATORY	1	EA	\$ 5,000.00	\$ 5,000.00
709	GEOSYNTHETIC MATERIAL TYPE G	37,500	SY	\$ 6.00	\$ 225,000.00
714	PIPE CONDUIT 18IN-APPROACH	300	LF	\$ 100.00	\$ 30,000.00
714	PIPE CONDUIT 24IN	240	LF	\$ 250.00	\$ 60,000.00
714	PIPE CONDUIT 24IN-APPROACH	180	LF	\$ 150.00	\$ 27,000.00
714	PIPE CONDUIT 36IN	60	LF	\$ 300.00	\$ 18,000.00
714	PIPE CONDUIT 42IN	180	LF	\$ 400.00	\$ 72,000.00
760	RUMPLE STRIPS - INTERSECTION	1	SET	\$ 5,000.00	\$ 5,000.00
762	PVMT MK PAINTED 4IN LINE	7,500	LF	\$ 0.25	\$ 1,875.00

Estimated Total Construction Cost = \$ 2,995,000.00

Construction Contingency (15%) = \$ 449,000.00

Preliminary Engineering = \$ 275,000.00

Construction Engineering = \$ 300,000.00

Estimated Total Project Cost = \$ 4,019,000.00

Note: Total Estimated Project Cost Does Not Include Right of Way Purchasing and Utility Relocation costs.

From: Joel Hamar hamarfrm@gmail.com
Subject: Fwd: event follow up
Date: Aug 30, 2024 at 10:46:41 AM
To: Wanda Sheppard wsheppard@nd.gov

Sent from my iPhone

Begin forwarded message:

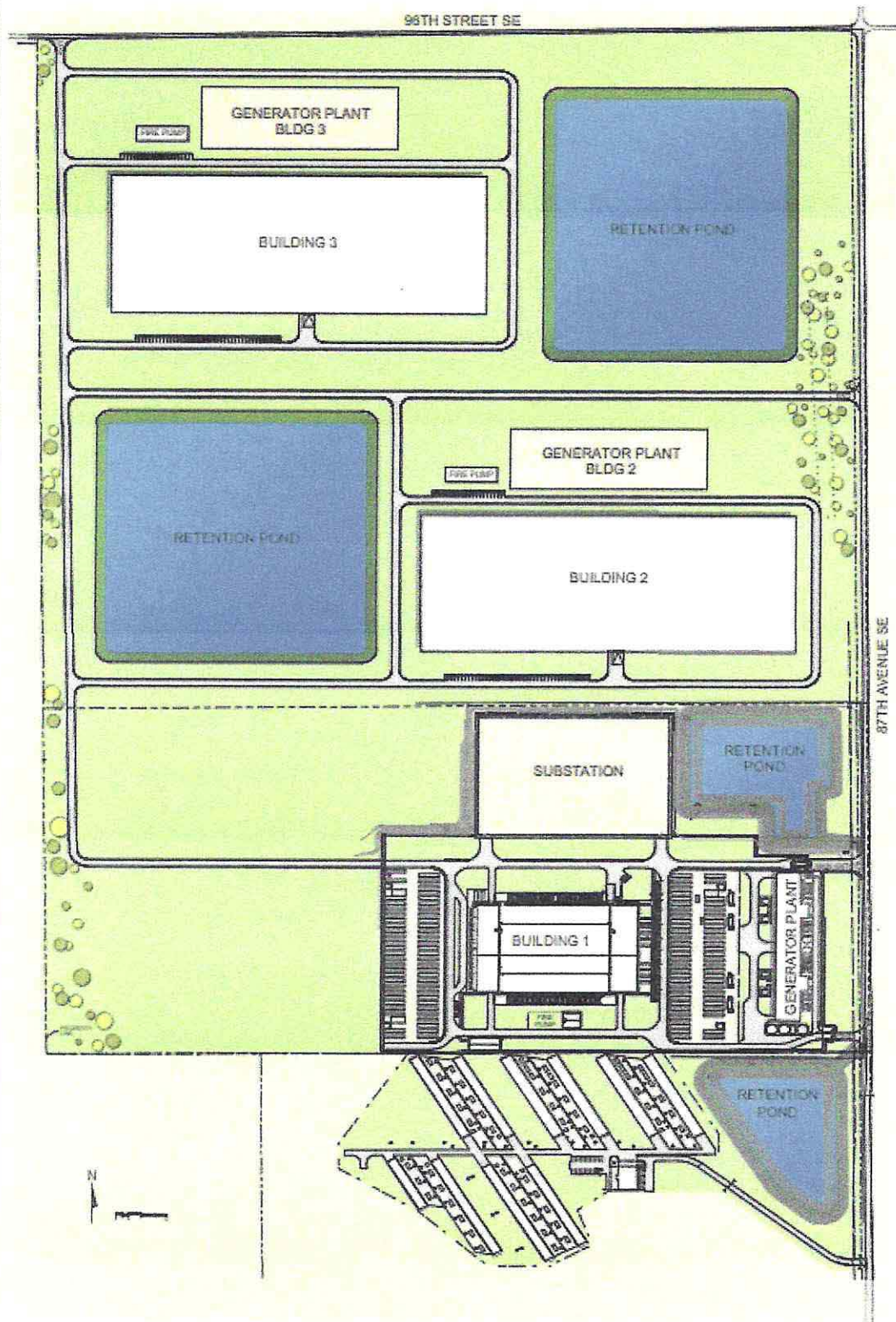
From: Nick Phillips <Nick@applieddigital.com>
Date: August 29, 2024 at 4:30:13 PM CDT
To: athorpe45@hotmail.com, hamarfrm@gmail.com, jrepair@drtel.net, vincentcarruth@gmail.com, holmkacey@nd.gov, jewalsh@nd.gov, carlsonbrandon@nd.gov, maroberts@nd.gov, jhokana@nd.gov
Cc: Martin J Vega <mjvega@applieddigital.com>
Subject: event follow up

I hope this message finds you well.

I wanted to take a moment to thank you for your continued support and for working closely with us on the ongoing development of our project.

Additionally, thank you for attending our event on the 27th, where we had the opportunity to showcase the current and plans for buildings. Your presence and input were invaluable. We also appreciate our previous meetings with the township on February 27th, June 26th, and September 21, 2024, where we delved into the details of this project.

As we have discussed numerous times in the past, our plans have focused on developing three buildings and support services on our property, with the first building nearly complete and the others well underway. I'm pleased to share with you a site layout for the work we have already commenced. We have successfully acquired all the necessary land, procured a substantial amount of equipment, and completed much of the design work required for the project.



Nick Phillips
EVP Public Affairs & Real Estate Acquisition



APPLIED DIGITAL

D: 423-567-8000

3811 Turtle Creek Blvd

Suite 2100

Dallas, TX 75219

MEMORANDUM OF UNDERSTANDING

The parties to this Memorandum of Understanding (MOU) are Township of Ellendale, North Dakota (Township), and APLD HPC Holdings LLC, a Delaware limited liability company (APLD).

ARTICLE I. Purpose.

The parties agree to work together in good faith to improve safety and performance of roads that are utilized by APLD, its contractors and employees.

ARTICLE II. AUTHORITY.

The Township has authority to dispose and regulate its corporate property as may be deemed conducive to the interests of the inhabitants pursuant to NDCC 58-03-01. APLD owns and operates a facility on 87th Avenue that requires improvements for its needs; however, Township will not provide those upgrades.

ARTICLE III. TERMS.

- (a) Township will unconditionally and immediately transfer ownership, rights and maintenance of one and one half (1.5) miles of township road on 87th Avenue SE from Highway 11 to 96th Street SE (87th Avenue), Ellendale, North Dakota to Dickey County, North Dakota, which roadway is shown on the attached Exhibit A. This will enable faster upgrades for this critical roadway.
- (b) APLD will pay to the VENDOR of Township a total up to \$300,000.00 for the costs of regravelling and maintaining other township roads that have been used by APLD contractors to expedite the construction schedule. Payment will be made of up to \$150,000.00 in 2025 and the balance of \$150,000.00 in annual amounts up to \$30,000.00 in each of the next five (5) calendar years (2026-2030). Amounts listed are maximums to be paid by APLD each year to the Township.
- (c) Prior to any payments, Township must provide this executed agreement and the executed agreement between the Township and Dickey County that provides for an immediate transfer of the authority of 87th Avenue from the Township to Dickey County to APLD.
- (d) For the payments to VENDOR, Township must provide to APLD the invoice that VENDOR provided showing the work was for gravel road maintenance or regravelling of the Roads within thirty (30) days of the completion of the work. APLD will issue payment within thirty (30) days of receipt of the invoice from Township for the amounts up to the amounts listed in Article III, subsection (c). Township will be responsible to the VENDOR for any amounts that are in excess of the limits for APLD.
- (e) This MOU is effective once executed by both parties only after the Township has signed an agreement with Dickey County to transfer ownership of 87th Avenue. If no agreement is signed by both the Township and Dickey County, then this MOU is null and void.
- (f) APLD agrees it is not a common carrier nor is it a governmental entity so it cannot exercise eminent domain under North Dakota Century Code Chapter 32-15.

IN WITNESS WHEREOF, Township and APLD have caused this Agreement to be executed as of the date both parties executed it.

Dated: _____, 2025

Township:
Ellendale Township, North Dakota

By: _____

Name: Joel Hamar

Title: Chair, Ellendale Township Board of
Supervisors

Dated: _____, 2025

APLD:

APLD HPC Hosting LLC

By: _____

Name: Saidal Mohmand

Title: Chief Financial Officer

Joel Hamar

From: Lance Cummins <Lance@appliedblockchaininc.com>
Sent: Tuesday, August 23, 2022 10:07 AM
To: hamarfrm@drtel.net
Cc: Brian Hasemann; Nick Phillips
Subject: FW: ELN01 - Permitting and Zoning for Construction

Hi Joel, Based on our conversations could you respond to the email below to verify this is correct so we have something for our records.

Thanks

Lance Cummins
Applied Blockchain Inc
Director of Field Operations



APPLIED BLOCKCHAIN

C: 208.280.4467

From: [Brian Hasemann](#)
Sent: Tuesday, August 23, 2022 9:48 AM
To: [Nick Phillips](#); [Lance Cummins](#)
Subject: ELN01 - Permitting and Zoning for Construction

Gentlemen,

My understanding is that Ellendale, ND and Dickey County do not require us to submit formal documentation for site permitting or zoning in order to construct our site in Ellendale, ND.

The approach permit provided to us with must be complete in order to construct our new approach to the proposed site.

Please have this verified in writing by your contacts in Ellendale and Dickey County and notify me should any of our understanding be incorrect.

Thanks all,

Brian Hasemann
Applied Blockchain Inc
Sr. Project Manager



APPLIED BLOCKCHAIN

C: 774-280-6832

...transmission capac-
ity. So, let's put the
transmission lines here in west-
ern North Dakota or
South Dakota, close to
the pipeline, or gas pro-
ducers. These companies
own their own gas
production," Vigesaa
said. "Even if it has another
purpose. By using
natural gas, we're
produce more oil.
It's a win-win."
The economic impacts
of building data centers rather
than natural gas are not
comparable, but
aid in improving
the networks
by building new
transmission lines tends to be less
costly.
Those in charge
of building data centers
must discuss
the issue, quick solu-
tions and federal
responding to
the needs.

growing consumer
demand for electricity
and support economic
expansion, we need to
add transmission capaci-
ty and build upon our
existing baseload genera-
tion — not try to shut it
down," Burgum said in
the release.

What's next?

Data Center Maps is a
company aiming to serve
as a database for data
center development. It
counts seven significant
data center sites in North
Dakota, operated by five
organizations. As the
state accepts new proj-
ects, those numbers will
dramatically increase.

North Dakota has been
incentivizing data center
development for years.
The state's cold climate,
proximity to fiber optic
networks, light regula-
tions on natural resource
use and flat topography
position it well for

about it (at the confer-
ence), but the amount of
land is not insignificant.
It's a lot of acres and just
big white buildings with
air conditioners all
around," Vigesaa said.

"(Data center compa-
nies) want this nice flat
place that's 500 acres,
multiple 500 acres. How
much corn or meat does
that displace?" Vigesaa
said. "Well, then that
farmer that sold that
maybe sold it for 50 times
what it was worth, then
he can go out and buy
land and compete against
the regular farmer who
didn't get to sell and pay
an ungodly price to get
the next land that's com-
ing up, which pushes that
farmer out.

"But it's a disruption
whether it happens in
North Dakota or not," he
said.

Data centers are only
regulated through coun-
ty-level zoning permits,

opment when Chair
Randy Christmann
begged the question.

"When I get those com-
plaints, may I pass your
cell number?" Christ-
mann asked.

North Dakota's Associ-
ation of Counties Direc-
tor Aaron Birst said reg-
ulating the industry
could take away control
from local governments.

"Economic develop-
ment projects are wel-
come in the counties, but
you still need to make
sure the development fits
within the community
that has been built so you
don't have so many nega-
tive land use issues,"
Birst said after the con-
ference. "Just dropping
these things in a commu-
nity without some deep
thought and zoning con-
trol is a recipe for
disaster."

Readers can reach Forum
reporter Peyton Haug at
608-397-6073.

The AARP logo, featuring the letters "AARP" in white on a red background.The word "SOCIETY" in white, slanted letters on a blue background.

on Mar 17

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Ellendale

February 27 11:03 AM



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Ellendale

February 27 11:03 AM



HB 1444

24-05-16. County road system - Designation.

The county road system must be the roads designated and selected by the boards of county commissioners. The director must be informed of the system so designated. Any changes of the original designation which can be justified and based on new developments must be made by the board of county commissioners and the director must be notified of such changes. In designating and selecting roads on the county road system, the boards of county commissioners of the several counties shall take into account such factors as the actual or potential traffic volumes, the conservation and development of the county's natural resources, the general economy of the communities, and the desirability of integrating such county roads into the general scheme of the statewide network of county roads.

What this bill is.

Current century code as referenced above.

What does this bill do.

It adds legislative intent to current century code exactly as it stands in law today

Why do we need this if it already exists in current century code

In Dickey County the county commissioners voted and passed to do exactly what current law says it has the authority to do and the law was silent. The states attorney was unable to make a ruling due to lack of legislative intent and that is exactly what this bill does it gives legislative intent to current law already on the books.

What this bill is about is public safety, something you would think elected officials would have as there focus rather than revenue.

Jim Gruenrich
Dist 28

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1444
3/21/2025

A BILL for an Act to amend and reenact section 24-05-17 of the North Dakota Century Code, relating to the county road system.

9:31 a.m. Chairman Clemens called the meeting to order.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

Discussion Topics:

- Committee action

9:32 a.m. Senator Klein moved a Do Pass.

9:32 a.m. Senator Paulson seconded the motion.

Senators	Vote
Senator David A. Clemens	Y
Senator Claire Cory	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 6-0-0.

Senator Paulson will carry the bill.

9:33 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1444 ([25.1160.02000](#))**

Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1444 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.