

## Jobs Development Authority Agenda

Monday, February 2, 2026  
5:30pm CST

### Meeting Items

- 1) Call to Order
- 2) Approval of Minutes – January 20, 2025
- 3) Release of Sponsorship Funds (\$25,000) – Ramsey County Event Center
- 4) 20x20 Program 2025 Review and Projections
- 5) JDA and Growth Fund 2025 Financial Performance Review

## City Commission Agenda

### Meeting Items

- 1) Call to Order
- 2) Approval of Minutes – January 20, 2025

### Awards and Proclamations

#### Public Hearings – 5:30 PM

#### Bid Openings – 5:30 PM

#### Visitors or Delegations

*\*Limited to five minutes per guest, unless extended by presiding officer*

- 1) Lake Regions Heritage Center – Release of Funds (\$10,832.75)

### Commission Portfolios

- 1) Assessing – Out of State Travel Request

### Old Business

### Consent Agenda

### New Business

- 1) MOU with Devils Lake Chamber of Commerce – America 250 Commission
- 2) Purchase Order for Shade Tree & Budget Amendment 26-01
- 3) Resolution Declaring the Necessity of an Improvement for Project 260101 – Street Improvement District No. 86-26 Highway 2 Frontage Roads

The City of Devils Lake may convene in an executive session as provided by NDCC 44-04-19.2 to consider and discuss closed or confidential records and information, negotiating strategy or negotiating instructions as provided by NDCC 44-04-19.1, 44-04-19.2, 44-04-18.4.

- 4) Resolution Declaring the Necessity of an Improvement for Project 260102 – Street Improvement District No. 87-26 3<sup>rd</sup> St SE, 4<sup>th</sup> St SE, 6<sup>th</sup> St SE, 7<sup>th</sup> St SE, Miscellaneous

#### **Citizen Comment**

#### **Informational Items**

- 1) 2026 Election Handbook – North Dakota League of Cities

#### **Executive Session**

The Devils Lake City Commission will convene in Executive Session this meeting on February 02, 2026 to discuss pending legal matters related to the Mortgage between the City of Devils Lake Building Authority and CoJack Snack and Pack, LLC at the property with the legal description of: Outlot 39-0014 of Lot 1, Pasta Acres Subdivision, Block 2, Replat of Devils Lake Industrial Park, Devils Lake, Ramsey County, North Dakota.

The City Commission may convene into executive session for attorney consultation regarding this legal matter pursuant to NDCC §§ 44-04- 19.1 and 44-04-19.2.

#### **Motion to approve payment of the list of bills as submitted.**

The City of Devils Lake may convene in an executive session as provided by NDCC 44-04-19.2 to consider and discuss closed or confidential records and information, negotiating strategy or negotiating instructions as provided by NDCC 44-04-19.1, 44-04-19.2, 44-04-18.4.

**MEETING MINUTES OF THE JOBS DEVELOPMENT AUTHORITY  
OF THE CITY OF DEVILS LAKE, ND  
JANUARY 20, 2026**

The regular meeting of the Devils Lake Jobs Development Authority was held on January 20, 2026 with the following members present: Jim Moe, Jason Pierce, Joe Knowski, Lisa Uhlenkamp and Rob Hach.

**MEETING ITEMS**

1) Approval of Minutes – November 17, 2025

Commissioner Pierce made a motion to approve the minutes from November 17, 2025. Commissioner Knowski seconded the motion, and the motion was approved unanimously.

2) Façade Loan – Leon's Lumber

Commissioner Knowski made a motion to approve the Façade Loan for Leon's Lumber in the amount of \$10,000. Commissioner Uhlenkamp seconded the motion, and the motion was approved unanimously on a roll call vote.

3) Small Business Revolving Loan – Learning Pond Daycare

Brady Ash, Forward Devils Lake Director, said that the Learning Pond Daycare is a new business that will be operating as a preschool and daycare in the old Felix's. The Forward Devils Lake Board had reviewed the original requested amount of \$18,000. There was not a quorum at the January 14<sup>th</sup> meeting, but Brady said there were no objections from the members present to provide a \$10,000 Small Business Revolving Loan at 0% interest and amortized over 3 years. It was relayed that after six months of payment history is established, the remaining \$8,000 could be considered. The tentative opening date is March 1<sup>st</sup>, 2026. They will be licensed for 65 children and their hours will be 7:15am-5:30pm Monday-Friday. Commissioner Pierce made a motion to approve the Small Business Revolving Loan for the Learning Pond Daycare in the amount of \$10,000. Commissioner Uhlenkamp seconded the motion, and the motion was approved unanimously on a roll call vote.

4) Mobile Career Exploration Classroom Contribution – North Central Planning Council

Commissioner Pierce made a motion to approve the mobile career exploration classroom contribution to the North Central Planning Council in the amount of \$16,079.00. Commissioner Hach seconded the motion, and the motion was approved unanimously on a roll call vote.

5) Housing Incentive Fund PILOT Project – Pay Application #5 – Gleason Construction

Commissioner Knowski made a motion to approve Pay Application #5 to Gleason Construction for the housing incentive fund PILTOT project. Commissioner Uhlenkamp seconded the motion, and the motion was approved unanimously on a roll call vote.

6) 2025 Year End Growth Fund Report

The City Administrator gave a brief overview of year-end 2025 report for the Growth Fund. He added that a more thorough analysis will be provided at a future JDA meeting.

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**SPENCER HALVORSON**  
**CITY ADMINISTRATOR/AUDITOR**

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**JIM MOE**  
**PRESIDENT OF JOBS DEV. AUTHORITY**



ACCT #	DESCRIPTION	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET
9201	20x20 PROGRAM & BUSINESS TRAINING	2019	2020	2021	2022	2023	2024	2025	2026	2027
39990	COMMITMENT	30,000	30,000	30,000	30,000	0	30,000	30,000	30,000	30,000
	<b>TOTAL REVENUES</b>	<b>30,000</b>	<b>30,000</b>	<b>30,000</b>	<b>30,000</b>	<b>0</b>	<b>30,000</b>	<b>30,000</b>	<b>30,000</b>	<b>30,000</b>
	<b>EXPENSES</b>									
57500	20x20 Program	12,000	18,000	9,619	22,108	10,204	44,322	26,202	20,000	23,165
43170	Business Training	0	0	0	12,550	15,368	11,463	0	10,000	5,000
	<b>TOTAL EXPENDITURES</b>	<b>12,000</b>	<b>18,000</b>	<b>9,619</b>	<b>34,658</b>	<b>25,572</b>	<b>55,784</b>	<b>26,202</b>	<b>30,000</b>	<b>28,165</b>
	REVENUE OVER (UNDER) EXP	18,000	12,000	20,381	-4,658	-25,572	-25,784	3,798	0	1,835
	BEGINNING JANUARY BALANCE	0	18,000	30,000	50,381	45,723	20,151	-5,633	-1,835	-1,835
	ACTUAL/ESTIMATED REVENUES	30,000	30,000	30,000	30,000	0	30,000	30,000	30,000	30,000
	ACTUAL/ESTIMATED EXPENDITURES	12,000	18,000	9,619	34,658	25,572	55,784	26,202	30,000	28,165
	ENDING DECEMBER BALANCE	18,000	30,000	50,381	45,723	20,151	-5,633	-1,835	-1,835	0

#### 2025 20x20 Program Review

Business/Organization	Students	Tuition Reduction
Devils Lake Cars	4	\$ 6,813.99
Blake's Marine and Sports	2	\$ 6,375.00
LRSC	1	\$ 500.00
Sunnyside Childcare	1	\$ 1,013.00
DLPS	2	\$ 4,000.00
Leading Edge	4	\$ 6,000.00
High Plains Equipment	1	\$ 1,500.00
	15	\$ 26,201.99

To: Devils Lake Jobs Development Authority

From: Spencer Halvorson, City Administrator/Auditor

Date: February 02, 2026

Re: JDA and Growth Fund 2025 Financial Performance Review

Below are some highlights providing a context and overview of the financial performance of the Jobs Development Authority (Fund 9200) and Growth Fund (Fund 9201):

**Jobs Development Authority**

- Property tax revenue and contributions as expected.

**Growth Fund**

Revenue

- Sales Tax proceeds allocated to the Growth Fund were right on original budget projections.

Expenses

- Pace/Flex-Pace Interest Buydown
  - o Interest buydown expenses were reduced by over \$20,000 due to the discontinuation of operation by ND Petroleum.
  - o New Flexpace loans approved by the JDA include: Enduring Properties, Joyful Beginnings
- 20x20 and Business Training
  - o 20x20 program assisted 15 students and numerous businesses, with over \$26,000 in tuition expenses being remitted by the growth fund.

2025 20x20 Program Review		
Business/Organization	Students	Tuition Reduction
Devils Lake Cars	4	\$ 6,813.99
Blake's Marine and Sports	2	\$ 6,375.00
LRSC	1	\$ 500.00
Sunnyside Childcare	1	\$ 1,013.00
DLPS	2	\$ 4,000.00
Leading Edge	4	\$ 6,000.00
High Plains Equipment	1	\$ 1,500.00
	15	\$ 26,201.99

- Regional Workforce Impact Program (RWIP)
  - o \$20,000 commitment to North Central Planning Council for administration and execution of local RWIP programming.

- Sponsorships
  - o \$25,000 for Dockside Family Entertainment Center (installment 2 of 10)
  - o \$25,000 sponsorship for the Ramsey County Event Center (installment 1 of 5)
- Façade Loans
  - o Old Spirit and Sushi - \$10,000
  - o Ye Olde Tavern - \$10,000
  - o Lotta's - \$10,000
  - o Slumberland Furniture - \$10,000
- Small Business Revolving Loan
  - o Maid Right Cleaning - \$10,000

CITY OF DEVILS LAKE  
BALANCE SHEET  
DECEMBER 31, 2025

JOBS DEVELOPMENT AUTHORITY

ASSETS

9200-000-11000	CASH IN COMBINED FUND	32,597.41	
	TOTAL ASSETS		32,597.41

LIABILITIES AND EQUITY

FUND EQUITY

9200-000-30000	FUND BALANCE	45,330.09	
	REVENUE OVER EXPENDITURES - YTD	( 12,732.68)	
	TOTAL FUND EQUITY		32,597.41
	TOTAL LIABILITIES AND EQUITY		32,597.41

CITY OF DEVILS LAKE  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 12 MONTHS ENDING DECEMBER 31, 2025

JOBS DEVELOPMENT AUTHORITY

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	TAXES					
9200-000-31100	GENERAL PROPERTY TAXES	42,284.82	42,284.82	43,557.00	1,272.18	97.1
	TOTAL TAXES	42,284.82	42,284.82	43,557.00	1,272.18	97.1
	TOTAL FUND REVENUE	42,284.82	42,284.82	43,557.00	1,272.18	97.1

CITY OF DEVILS LAKE  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 12 MONTHS ENDING DECEMBER 31, 2025

JOBS DEVELOPMENT AUTHORITY

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	DEPARTMENT 000					
9200-000-44900	MISCELLANEOUS EXPENSE	17.50	17.50	.00	( 17.50)	.0
9200-000-57340	FDL OP & MAINT/PROMO.	53,800.00	53,800.00	53,800.00	.00	100.0
	TOTAL DEPARTMENT 000	53,817.50	53,817.50	53,800.00	( 17.50)	100.0
	TRANSFERS IN/OUT					
9200-700-43020	PROJECT ADMINISTRATION %	1,200.00	1,200.00	1,200.00	.00	100.0
	TOTAL TRANSFERS IN/OUT	1,200.00	1,200.00	1,200.00	.00	100.0
	TOTAL FUND EXPENDITURES	55,017.50	55,017.50	55,000.00	( 17.50)	100.0
	NET REVENUE OVER EXPENDITURES	( 12,732.68)	( 12,732.68)	( 11,443.00)	1,289.68	(111.3)

CITY OF DEVILS LAKE  
BALANCE SHEET  
DECEMBER 31, 2025

LAKE REGION GROWTH FUND

ASSETS

9201-000-11000	CASH IN COMBINED FUND	619,741.82	
	TOTAL ASSETS		619,741.82

LIABILITIES AND EQUITY

LIABILITIES

9201-000-21210	ACCOUNTS PAYABLE	3,508.46	
	TOTAL LIABILITIES		3,508.46

FUND EQUITY

9201-000-30000	FUND BALANCE	551,489.20	
	REVENUE OVER EXPENDITURES - YTD	64,744.16	
	TOTAL FUND EQUITY		616,233.36
	TOTAL LIABILITIES AND EQUITY		619,741.82

CITY OF DEVILS LAKE  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 12 MONTHS ENDING DECEMBER 31, 2025

LAKE REGION GROWTH FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>MISC. REVENUES</u>					
9201-000-36100	INTEREST EARNINGS	3,938.43	3,938.43	.00	( 3,938.43)	.0
9201-000-36800	RENT	9,450.00	9,450.00	.00	( 9,450.00)	.0
9201-000-36900	MISCELLANEOUS REVENUE	25,826.90	25,826.90	.00	( 25,826.90)	.0
9201-000-36950	LOAN REPAYMENTS - PRINCIPAL	28,809.29	28,809.29	24,200.00	( 4,609.29)	119.1
9201-000-36960	LOAN REPAYMENTS - INTEREST	404.94	404.94	.00	( 404.94)	.0
	TOTAL MISC. REVENUES	68,429.56	68,429.56	24,200.00	( 44,229.56)	282.8
	<u>TRANSFERS IN</u>					
9201-700-39930	SALES TAX TRANSFERS	227,026.27	227,026.27	226,840.00	( 186.27)	100.1
	TOTAL TRANSFERS IN	227,026.27	227,026.27	226,840.00	( 186.27)	100.1
	TOTAL FUND REVENUE	295,455.83	295,455.83	251,040.00	( 44,415.83)	117.7



CITY OF DEVILS LAKE  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 12 MONTHS ENDING DECEMBER 31, 2025

LAKE REGION GROWTH FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>DEPARTMENT 000</u>					
9201-000-43170	ADMINISTRATION FEES	2,540.00	2,540.00	.00	( 2,540.00)	.0
9201-000-44900	MISCELLANEOUS EXPENSE	35,032.00	35,032.00	10,000.00	( 25,032.00)	350.3
9201-000-57330	INTEREST BUYDOWN (PACE)	33,245.85	33,245.85	70,000.00	36,754.15	47.5
9201-000-57380	AFFORDABLE HOUSING INTEREST BU	2,491.83	2,491.83	6,200.00	3,708.17	40.2
9201-000-57440	FACADE LOAN POOL	40,000.00	40,000.00	20,000.00	( 20,000.00)	200.0
9201-000-57490	LOANS	10,000.00	10,000.00	25,000.00	15,000.00	40.0
9201-000-57500	2020 PROGRAM	26,201.99	26,201.99	20,000.00	( 6,201.99)	131.0
9201-000-57510	BUSINESS TRAINING	.00	.00	10,000.00	10,000.00	.0
9201-000-57520	RWIP	20,000.00	20,000.00	20,000.00	.00	100.0
9201-000-57530	SPONSORSHIPS	50,000.00	50,000.00	50,000.00	.00	100.0
	TOTAL DEPARTMENT 000	219,511.67	219,511.67	231,200.00	11,688.33	94.9
	<u>TRANSFERS IN/OUT</u>					
9201-700-43020	PROJECT ADMINISTRATION %	1,200.00	1,200.00	1,200.00	.00	100.0
9201-700-55100	CITY BEAUTIFICATION	10,000.00	10,000.00	10,000.00	.00	100.0
	TOTAL TRANSFERS IN/OUT	11,200.00	11,200.00	11,200.00	.00	100.0
	TOTAL FUND EXPENDITURES	230,711.67	230,711.67	242,400.00	11,688.33	95.2
	NET REVENUE OVER EXPENDITURES	64,744.16	64,744.16	8,640.00	( 56,104.16)	749.4

NOTES RECEIVABLE (As if 12.31.25)

SBRLF

		First Payment	Last Payment
Maid Right Cleaning	\$ 9,444.44	In Progress	11/1/2028
Black Paws Brewing	\$ 14,833.54	In Progress	6/1/2033
Discovery Preschool	\$ 12,667.93	In Progress	6/1/2029
Head over Heels	\$ 17,166.78	In Progress	6/1/2033
	<b>\$ 54,112.69</b>		

Façade Loans

Black Paws	\$ 2,436.00	7/1/2023	11/1/2026
Blue Hippo	\$ 2,280.00	6/1/2023	4/1/2028
Fort Totten Little Theater	\$ 7,200.00	8/1/2023	9/1/2027
KDLR	\$ 1,900.00	5/1/2023	9/1/2027
Hometown Hobbies	\$ 8,400.00	5/1/2025	10/1/2029
Knights Athletics	\$ 3,276.00	2/1/2025	7/1/2029
Camora Clothing	\$ 8,200.00	2/1/2025	7/1/2029
Ye Old Tavern/Lotta's	\$ 19,600.00	12/1/2025	5/1/2030
Old Spirit and Sushi	\$ 8,333.34	10/1/2025	9/1/2026
Slumberland Furniture	\$ 10,000.00	3/1/2026	4/1/2030
Lamottes	\$ 2,398.00	In Progress	Past Due
Young Motorsports	\$ 2,250.11	In Progress	4/1/2028
	<b>\$ 76,273.45</b>		

Flex Pace

JKV Investments	\$ 23,571.28	In Progress	10/1/2028
S&S Childcare	\$ 11,842.95	6/1/2026	5/1/2031
Storm's Chiropractic	\$ 12,119.82	2/1/2027	1/1/2032 changed to reflect amount paid out to date
583 Therapy	\$ 6,560.85	2/1/2027	1/1/2032
MJ Rentals II	\$ 42,068.33	8/1/2028	7/1/2035 changed to reflect amount paid out to date
Lake Region Corporation	\$ 13,373.21	8/1/2030	7/1/2035
Koeshall - Sportsman's Lodge	\$ 10,912.00	8/1/2030	7/1/2035
Wahl Automotive	\$ 35,341.04	11/1/2031	10/1/2036
Mini-mall	\$ 9,309.61	6/1/2032	5/1/2037
MJ Rentals I	\$ 40,682.12	2/1/2035	1/1/2040 changed to reflect amount paid out to date
CD J & J Properties	\$ 42,857.00	2/1/2036	1/1/2041
ND Petroleum	\$ 44,721.25	1/1/2030	12/1/2034
Golden Rule	\$ 14,646.57	7/1/2032	8/1/2036 changed to reflect amount paid out to date
Enduring Properties	\$ 3,949.15	11/1/2035	10/1/2040
City Plaza	\$ 42,857.00	9/1/2036	8/1/2041
James & Kristen Andrews	\$ 42,857.00	12/1/2036	11/1/2041
	<b>\$ 397,669.18</b>		

Multi-Family

Agassiz Properties 2	\$ 98,382.81	4/1/2027	3/1/2032
Agassiz Properties 1	\$ 107,692.31	3/1/2032	2/1/2037
Klemestrud - 3	\$ 86,645.14	4/1/2032	3/1/2037 changed to reflect amount paid out to date
Klemetsrud - Highland Park	\$ 42,857.14	12/1/2033	11/1/2038
Tri-Klem 9	\$ 28,164.14	8/1/2035	7/1/2040
Klemetsrud - Elkhorn	\$ 32,015.23	1/1/2036	12/1/2040
	<b>\$ 395,756.77</b>		

TOTAL =	<b>\$ 923,812.09</b>
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(As of 12.31.25)

		Last Payment Year
Flex Pace	MJ Rentals I	\$ 2,174.91 2026
	MJ Rentals II	\$ 8,317.98 2027
	Koeshall	\$ 4,782.60 2029
	Storm's Chiropractic	\$ 2,815.21 2027
	Koeshall	\$ 4,782.60 2029
	Woodland Resort	\$ 85,178.82 2028
	Joyful Beginnings	\$ 10,343.90 2030
	Enduring Properties, LLC	\$ 31,714.67 2034
	Golden Rule	\$ 7,977.51 2027
	Lake Region Corporation	\$ 2,898.63 2029
		<b>\$ 160,986.83</b>
Multi-Family	Klemestrud - 3	\$ 7,780.56 2031
		<b>\$ 7,780.56</b>
	TOTAL =	<b>\$ 168,767.39</b>

**MEETING MINUTES OF THE CITY COMMISSION  
OF THE CITY OF DEVILS LAKE, ND  
JANUARY 05, 2026**

The regular meeting of the Devils Lake City Commission was held on January 20, 2026, with the following members present: President Moe and Commissioners Hach, Pierce, Knowski and Uhlenkamp.

**MEETING ITEMS**

- 1) Call to Order
- 2) Approval of Minutes – January 05, 2026

Commissioner Uhlenkamp made a motion to approve the minutes of the January 05, 2026, City Commission meeting. Commissioner Knowski seconded the motion, and the motion was approved unanimously.

**AWARDS AND PROCLAMATIONS**

**PUBLIC HEARINGS – 5:30 PM**

**BID OPENINGS – 5:30 PM**

**VISITORS OR DELEGATIONS**

**COMMISSION PORTFOLIOS**

Commissioner Knowski – The City Engineer that the Utility Department has been doing some work at the water plant. Knowski asked if there have been many water breaks this year. The City Engineer said that there have not been many, but there was some work done on a curb stop on 15<sup>th</sup> St and there was an issue with the water by TSC.

Commissioner Hach – The City Engineer said the automated truck should be done by the end of October. There was not an update for the Engineering Department.

The City Assessor said that he will be at the Library every Friday in January from 1-3pm to help individuals with the homestead credit application. He said that the Building Inspector, Dustin Willey, is now the president of the ND Building Officials Association. President Moe and the Commission congratulated him.

The Airport Manager said that because of last year's boarding numbers, the airport is no longer a non-primary airport, but a primary according to the FAA.

Commissioner Uhlenkamp – The City Engineer said that with the wind it has been a little challenging for the street department.

Commissioner Uhlenkamp said that they had a library board meeting last week. With the departure of County Commissioner Lee Gessner, Calli Demarce is now the President, Daniel

Howell is the Vice President, and Ed Brown is now serving as the Ramsey County Commission representative.

Commissioner Pierce – The Fire Chief said they are roughly two weeks away from this fishing derby. He also said they have some amendments to the Airport Certification Manual. Commissioner Pierce commended the Facebook spotlights that they are putting out for the Firefighters.

Commission Pierce said that they filled all 70 slots for the Military Banners for downtown. He is waiting on a couple of photos and then they will be sent to the printer. He said next year they are looking to change it up a little bit and there will be different people on each side of the banner, which will allow for more individuals.

President Moe – The Police Chief said that they have filled their open position. He will graduate from the Academy on May 1<sup>st</sup>, 2026.

The City Administrator said that there are two informational pieces later the agenda. He said that nominating petitions for the election in June can be picked up at the City Office. If running for City Commission, 59 signatures are required, and Park Board candidates are required to have 60 signatures. These need to be completed by April 6<sup>th</sup> at 4pm. He also said that he has been talking to the County Auditor frequently regarding the special assessment information that was on residents' property tax statements.

The City Attorney said that there are three proposed ordinances on the agenda.

President Moe said yesterday they held a community celebration with Senator Hoeven, Altru Health System, and Common Spirit to celebrate the ownership transition of the hospital. He said there will be a ribbon cutting around March 1<sup>st</sup> when Altru officially takes over.

## **OLD BUSINESS**

## **CONSENT AGENDA**

## **NEW BUSINESS**

- 1) 1<sup>st</sup> Reading – Ordinance 1033 – Chapter 13.36 Non-Exclusive Franchise for Cable Communications Systems

A 1<sup>st</sup> reading of Ordinance 1033 was held.

- 2) 1<sup>st</sup> Reading – Ordinance 1034 – Section 13.36.090 Operation and Administration Providing

A 1<sup>st</sup> reading of Ordinance 1034 was held.

- 3) 1<sup>st</sup> Reading - Ordinance 1035 – Renewal of Franchise

A 1<sup>st</sup> reading of Ordinance 1035 was held.

- 4) Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications from Project 260101 – Street Improvement District No 86-26 Highway 2 Frontage Roads

The City Engineer said that the estimated project cost is \$1.75 million. With that, 80% of the construction cost is allowed to be covered through the Department of Transportation with our federal aid funds. The local share will be around \$575,000. The City will be assessing approximately \$350,000 to property owners that are in the district. Commissioner Pierce made a motion to approve the preliminary report and resolution for project 260101. Commissioner Uhlenkamp seconded the motion, and the motion was approved unanimously.

- 5) Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications from Project 260102 – Street Improvement District No 87-26 3<sup>rd</sup> St SE, 4<sup>th</sup> St SE, 6<sup>th</sup> St SE, 7<sup>th</sup> St SE, Miscellaneous

The City Engineer said that this area is one of the last large areas within the city to need street improvements done. The funding for this project is 100% City Funds, with an estimated project cost of roughly \$1.5 million. The amount that will be special assessed is just under \$400,000. Commissioner Uhlenkamp made a motion to approve the preliminary report and resolution for project 260102. Commissioner Hach seconded the motion, and the motion was approved unanimously.

- 6) America 250 Commission

The City Administrator said that at the last meeting it was discussed to enhance its normal 4<sup>th</sup> of July celebration. It was suggested that the City Commission engage in a Memorandum of Understanding with the Chamber to create, administer, and finance an “America 250 Commission”. It was mentioned that the Chamber would utilize the funding from business sponsors for the financing and any remaining process could be donated to a non-profit, possibly the North Dakota National Guard Foundation. Commissioner Pierce made a motion to work with the Chamber on a Memorandum of Understanding. Commissioner Uhlenkamp seconded the motion, and the motion was approved unanimously.

- 7) Law Enforcement Center Joint Powers Agreement Review

Commissioner Pierce made a motion to approve the Law Enforcement Center Joint Powers Agreement, as is. Commissioner Knowski seconded the motion, and the motion was approved unanimously.

## **CITIZEN COMMENT**

Nicole Steinhaus spoke about Ordinance 9.54.010 and 9.54.020. President Moe asserted that it has already been addressed formally by the City Attorney and the Commission's consideration of the matter is complete. Ms. Steinhaus continued to speak. President Moe asserted she was out of order and concluded the citizen comment portion of the agenda.

#### **INFORMATIONAL ITEMS**

- 1) City Attorney Opinion on Ordinances 9.54.010 and 9.54.020
- 2) Year End Sales Tax and Utility Data

#### **LIST OF BILLS**

Commissioner Uhlenkamp made a motion to approve the list of bills as submitted. Commissioner Knowski seconded the motion, and the motion was approved unanimously on a roll call vote.

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**SPENCER HALVORSON**  
**CITY ADMINISTRATOR/AUDITOR**

---

**JIM MOE**  
**PRESIDENT OF CITY COMMISSION**

## **MEMORANDUM OF UNDERSTANDING**

### **ESTABLISHMENT OF AMERICA 250 COMMISSION**

The City of Devils Lake (City) and the Devils Lake Chamber of Commerce (Chamber) enter into this Memorandum of Understanding (MOU) on this date, February \_\_\_\_\_, 2026 which outlines the parameters for the execution and administration of the community's "America 250 Commission" (Commission). This Commission will organize the community celebration for the weekend of July 3 - July 5, 2026 to commemorate the 250<sup>th</sup> anniversary of the adoption of the Declaration of Independence by the Continental Congress of the American Colonies.

It is understood that the Chamber will take responsibility for the administration of Commission's business, which includes; coordination of the meetings, record keeping of actions and notes related to the meetings of the Commission, bookkeeping for revenues and expenses incurred by the Commission, media releases on behalf of the Commission, promotion of relevant information to the community, solicitation of business sponsorships, and other general support functions.

The Commission shall be made up of the following:

1. City Representative (appointed by the City Commission)
  2. Rotary Representative (appointed by Rotary)
  3. Kiwanis Representative (appointed by Kiwanis)
  4. Veteran Service Officer
  5. Park District Representative
  6. Camp Grafton Representative (designated by Camp Commander)
  7. Chamber Director (Business Liaison)
- 8-15 Business Platinum Sponsors of the Commission shall be provided with a seat on the Commission. The sponsorship tiers and contribution amounts are to be set by the Chamber.

The Chamber shall serve as the financier of the Commission, utilizing the funding from business sponsors for the financing of expenses associated with the festivities of the July 3 – July 5, 2026 weekend. The funds remaining allocated to the Commission, after all expenses associated with the weekend's festivities have been paid, shall be donated to the North Dakota National Guard Foundation.

It is understood that Chamber Staff will not be responsible for any weekend organizing, coordination, or staffing. It is understood that event execution and support should be handled by volunteers from the various community groups that will be present for the weekend's festivities.



The Devils Lake Fire Chief and Police Chief will represent the City at the meetings of the Commission and provide information and advice on parade logistics, traffic control, fireworks, and any security related matters.

This MOU is not intended to be all encompassing, but establish clear boundaries and expectations for the planning, coordination, and execution of the Commission's responsibilities and the weekend's festivities. This agreement can't include a solution or expectation for every contingency. If something significant and unforeseen hinders the ability to put on a safe, successful, or financially prudent event, the Chamber shall consult the City, and both are expected to work collaboratively on a solution to remedy such a situation."

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Jim Moe  
Mayor  
City of Devils Lake

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Suzie Kenner, Director  
Devils Lake Chamber of Commerce

ATTEST:

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Spencer Halvorson  
City Administrator/Auditor  
City of Devils Lake

To: Devils Lake City Commission

From: Spencer Halvorson, City Administrator/Auditor

Date: January 30, 2026

Re: Tree Purchase Order and Budget Amendment 26-01

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The City of Devils Lake applied for and did not receive the \$25,000 Emerald Ash Borer Mitigation Grant from the North Dakota Forest Service.

The Shade Tree Committee and City staff have created amended plans for tree planting and tree removal for 2026 for the City Commission's consideration. Originally, it was planned to plant 200 trees and remove around 50. The tree purchase order and Budget Amendment 26-01 reflect the purchase of 100 trees and removal of around 30 trees.

This is all in addition to the standard trimming and pruning contract bid out every year.

For the purchase order, the City contacted two local vendors and one outside vendor and is recommending the purchase order from Unlimited Landscapes of Devils Lake.

Both the purchase order and budget amendment are being recommended for approval from the Shade Tree Committee.

Attached:

- Tree Quote from Unlimited Landscapes
- Budget Amendment 26-01

**Landscapes Unlimited**  
**po box 387**  
**Devils Lake ND 58301**  
**701 238-7203**

1-16-2026

Spencer Halvorson  
City of Devils Lake  
po box 1048  
Devils Lake ND 58301

15	10 gallon	Boulevard Linden	
10	10 gallon	Redmond Linden	
20	10 gallon	Quaking Aspen	
15	10 gallon	Prairie Expedition Elm	
5	10 gallon	Triumph Elm	
5	10 gallon	Fall Fiesta Sugar Maple	
10	10 gallon	Sienna Glen Maple	
15	10 gallon	Emerald Lustre Maple	
5	10 gallon	Bur Oak	
100	10 gallon		\$19,200.00

Trees to be delivered to the Devils Lake Cemetery for staging

Thank You

**QUOTE TOTAL      \$19,200.00**

**BUDGET AMENDMENT 26-01**

<b>DESCRIPTION</b>		<b>BUDGET</b>	<b>AMENDED</b>
<b>2048</b>	<b>SHADE TREE</b>	<b>2026</b>	<b>2026</b>
34390	FORESTRY FEE (\$3.50)	105,000	105,000
33600	STATE GRANT		
33660	FEDERAL GRANTS	25,000	-
<b>700</b>	<b>TRANSFERS IN/OUT</b>		
39990	TRANSFERS IN	-	-
	<b>TOTAL REVENUE</b>	<b>130,000</b>	<b>105,000</b>
	<b>EXPENSES</b>		
43400	EDUCATION & TRAINING	500	500
43600	PUBLISHING & PRINTING	500	500
44100	SUPPLIES & POSTAGE	25	1,000
44240	GAS, OIL, & GREASE	200	200
44260	EQUIPMENT MAINTENANCE	-	-
44280	TOOLS & EQUIPMENT	500	500
44900	MISCELLANEOUS	500	500
56500	EQUIPMENT (\$500 OR OVER)	-	-
56600	PAYMENT TO CONTRACTORS	45,000	45,000
56800	TREE PURCHASE	7,000	20,000
56820	TREE & STUMP REMOVAL	67,000	35,000
	<b>TOTAL SHADE TREE</b>	<b>121,225</b>	<b>103,200</b>
	<b>REVENUE OVER (UNDER) EXPENSE</b>	<b>8,775</b>	<b>1,800</b>
	<b>BEGINNING BALANCE</b>	-	-
	<b>REVENUE</b>	130,000	105,000
	<b>EXPENDITURES</b>	121,225	103,200
	<b>YEAR END BALANCE</b>	<b>8,775</b>	<b>1,800</b>

**Resolution Declaring the Necessity of an Improvement for  
Project 260101 - Street Improvement District No 86-26  
Highway 2 Frontage Roads**

BE IT RESOLVED by the Board of City Commissioners of the City of Devils Lake, North Dakota, as follows:

1. It is hereby found, determined and declared that it is necessary for the City of Devils Lake to perform street improvements and other items incidental thereto in connection therewith and for said district.
2. As discussed in the Engineer's Preliminary Report approved at the 01-20-26 City Commission meeting, the work will consist of furnishing all labor and materials and performing all work for improving roadways through asphalt overlay in accordance with and more fully described in the Plans and Specifications for said project. An estimate of cost for said improvement is also included in the Preliminary Report and can be reviewed in the Office of the City Engineer.
3. The cost of said project shall be paid in part by the levy and collection of special assessments upon properties within said district in amounts in proportion to and not exceeding the said improvement in accordance with the provisions of Title 40 of the North Dakota Century Code as amended.
4. The City Auditor is authorized and directed to cause this resolution to be published as required by law.
5. Written protests may be filed with the City Auditor within 30 days after the first publication of this resolution by owners of property liable to be special assessed for such improvement and this Commission shall meet at the office of the City Auditor in the City Hall in said City, to hear and determine the sufficiency of any written protests so filed.
6. Parcels of land included within the boundary of the District are shown on the attached map labeled as Street Improvement District 86-26.

Voting aye were Commissioners \_\_\_\_\_  
Voting nay were Commissioners \_\_\_\_\_  
Absent and not voting were Commissioners \_\_\_\_\_

Dated this 2<sup>nd</sup> day of February, 2026.

Attest:

City of Devils Lake

\_\_\_\_\_  
Spencer Halvorson, City Administrator/Auditor

\_\_\_\_\_  
Jim Moe, President of City Commission







**Resolution Declaring the Necessity of an Improvement for  
Project 260102 - Street Improvement District No 87-26  
3<sup>rd</sup> St SE, 4<sup>th</sup> St SE, 6<sup>th</sup> St SE, 7<sup>th</sup> St SE, Misc**

BE IT RESOLVED by the Board of City Commissioners of the City of Devils Lake, North Dakota, as follows:

1. It is hereby found, determined and declared that it is necessary for the City of Devils Lake to perform street improvements and other items incidental thereto in connection therewith and for said district.
2. As discussed in the Engineer's Preliminary Report approved at the 01-20-26 City Commission meeting, the work will consist of furnishing all labor and materials and performing all work for improving roadways through asphalt overlay in accordance with and more fully described in the Plans and Specifications for said project. An estimate of cost for said improvement is also included in the Preliminary Report and can be reviewed in the Office of the City Engineer.
3. The cost of said project shall be paid in part by the levy and collection of special assessments upon properties within said district in amounts in proportion to and not exceeding the said improvement in accordance with the provisions of Title 40 of the North Dakota Century Code as amended.
4. The City Auditor is authorized and directed to cause this resolution to be published as required by law.
5. Written protests may be filed with the City Auditor within 30 days after the first publication of this resolution by owners of property liable to be special assessed for such improvement and this Commission shall meet at the office of the City Auditor in the City Hall in said City, to hear and determine the sufficiency of any written protests so filed.
6. Parcels of land included within the boundary of the District are shown on the attached map labeled as Street Improvement District 87-26.

Voting aye were Commissioners \_\_\_\_\_  
Voting nay were Commissioners \_\_\_\_\_  
Absent and not voting were Commissioners \_\_\_\_\_

Dated this 2<sup>nd</sup> day of February, 2026.

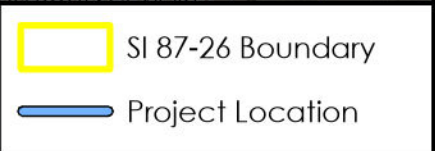
Attest:

City of Devils Lake

\_\_\_\_\_  
Spencer Halvorson, City Administrator/Auditor

\_\_\_\_\_  
Jim Moe, President of City Commission









2026

# ELECTION HANDBOOK

NORTH DAKOTA LEAGUE OF CITIES



## Acknowledgments

The NDLC extends its gratitude to Erica Johnsrud, the McKenzie County Auditor/Treasurer, Erika White, the Elections Director for the North Dakota Secretary of State, and Lee Ann Oliver, the Elections Coordinator for the North Dakota Secretary of State, for their help with preparing the Elections Handbook.

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## Introduction

This handbook is intended to provide basic information on both city general and special elections.

Regular city elections are held on the second Tuesday in June during even numbered years.<sup>1</sup> This election is held in conjunction with the state and county primary election. A city special election is any election that occurs at any time other than a regular city election. Some cities will work with their county auditors to include city election questions at the general election for federal, state, and county elections in November of even numbered years. Even though the November election is a regularly scheduled election for federal, state, and county elections, it would be a special election for any city races or questions.

### Regular City Elections

For regular city elections, cities are required to enter an agreement with the county for use of a single canvassing board, the sharing of election personnel, the printing of election materials, the publishing of legal notices, and the splitting of election expenses.<sup>2</sup>

In the last few years, there has been a lot of personnel turnover in both the county auditor and city auditor offices across the state. City auditors should reach out to county auditors before each city general election to make sure everyone understands how the city auditor and the county auditor plan to work together to make sure the June election runs smoothly. The best practice is to have an election agreement in writing for both the city and the county to refer to. See Appendix A for an example. Please note that cities should make sure to discuss with their county auditors the need to include city election questions on a scannable ballot. That is the only way city election results are included on the North Dakota Secretary of State's webpage.

The responsibility for regular city elections is split between the North Dakota Secretary of State, the county auditor and the city auditor. Ultimately, the North Dakota Secretary of State's office is responsible for ensuring the integrity of North Dakota elections.

### City Special Election

A city special election is generally the responsibility of the city auditor; however, the North Dakota Secretary of State still has general authority to ensure the fairness of the election. Also, some cities enter a contract with the county to administer a special

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<sup>1</sup> NDCC 40-21-02.

<sup>2</sup> NDCC 40-21-02.

election when a city needs to have a special election. Special elections are conducted in the same manner as regular city elections.<sup>3</sup>

Cities may have special elections for various reasons including:

- to authorize certain property tax levies (Library Levy<sup>4</sup>, Public Recreation System Levy<sup>5</sup>, Capital Improvement Levy<sup>6</sup>, Programs for Older Persons Levy<sup>7</sup>, Aid for Public Transportation System Levy<sup>8</sup>, Municipal Art Council Levy<sup>9</sup>);
- to issue certain types of bonds (debt)<sup>10</sup>;
- to increase the city debt limit<sup>11</sup>;
- to adopt or amend a home rule charter<sup>12</sup>;
- to purchase water for distribution<sup>13</sup>;
- for a recall election<sup>14</sup>;
- to fill a vacancy on city council or city commission<sup>15</sup>;
- for a referred or initiated ordinance<sup>16</sup>; and
- for authority to offer a property tax exemption for new and expanding retail businesses.<sup>17</sup>

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<sup>3</sup> NDCC 40-21-16.

<sup>4</sup> NDCC 40-38-02, 57-15-10.

<sup>5</sup> NDCC 40-55-08, 40-55-09, 57-15-10.

<sup>6</sup> NDCC 57-15-38, 57-15-42.

<sup>7</sup> NDCC 57-15-10, 57-15-56.

<sup>8</sup> NDCC 57-15-10, 57-15-55.

<sup>9</sup> NDCC 40-38.1-02, 57-15-10.

<sup>10</sup> See e.g., NDCC 21-03-11.

<sup>11</sup> ND Const. art. X, § 15.

<sup>12</sup> NDCC ch. 40-5.1.

<sup>13</sup> NDCC 40-33-16.

<sup>14</sup> NDCC 44-08-21.

<sup>15</sup> NDCC 40-08-08, 40-08-16, 40-09-10.

<sup>16</sup> NDCC ch. 40-12.

<sup>17</sup> NDCC 40-57.1-03.

## Glossary

**Canvassing Votes** – The canvass is the official tally of the votes in the election. An appointed canvassing board meets for the purpose of making sure to account for every ballot cast and to ensure that every valid vote is included in the election totals.

**City Regular Election** – The city regular election occurs on the second Tuesday in June in even numbered years (2024, 2026, 2028). This election occurs in conjunction with the state primary election.

**City Special Election** – Any election that the city holds that is not on the second Tuesday in June in even numbered years is a city special election.

**Polling Place** – A polling place is the location where voting takes place during an election.

**Unexpired 2 Year Term** – When a vacancy in a city elected office occurs during the first two years of a term due to death or resignation and the vacancy is filled by appointment, the office appears on the ballot as an unexpired 2-year term to elect someone to hold the office until the term of the office expires.

## Election Timeline – Generally

The following is a step-by-step description of the election process. Due to city elections being held with county elections, there are some slight differences between general elections and special elections as noted in the paragraphs.

1. **Candidates may Begin Circulating Petitions.** For regular city elections, candidates may begin circulating petitions for signatures on January 1. For special elections, candidates may begin circulating petitions for signatures thirty days before the filing deadline. Any signatures collected before the time allowed cannot be counted towards the minimum number of signatures required for a name to be on the ballot.<sup>18</sup>
2. **Prepare Election Notice.** No later than 100 days (preferably more than 100 days) before a regular election and as soon as practicable for a special election, an election notice shall be prepared showing the offices expected to be filled and the election questions.<sup>19</sup> For regular elections, this information should be confirmed with the county auditor to make sure the information they have is correct.

Any city with a website needs to make updated versions of the election notices regularly available on the website.<sup>20</sup>

3. **Publish Notice of Filing Deadline.** Thirty days before the filing deadline for candidate petitions to be filed, an official notice of the deadline (94 days before the election), along with a list of offices to appear on the ballot must be published in the newspaper.<sup>21</sup> The city may have an agreement to combine this notice with the county filing deadline notice for regular city elections. See Appendix B for example.
4. **Designate Polling Places.** No later than 64 days before the election, the polling place/places within a precinct must be designated by the city governing board. The polling locations chosen must be accessible to people with disabilities and people who are elderly.<sup>22</sup>

Please note that the polling place may be changed when there is good and sufficient reason. If a polling place is changed under this provision, the name and location of the new polling place must be prominently posted on or near

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<sup>18</sup> NDCC 40-21-07.

<sup>19</sup> NDCC 16.1-07-30.

<sup>20</sup> NDCC 16.1-07-30(4).

<sup>21</sup> NDCC 40-21-02.

<sup>22</sup> NDCC 16.1-01-03.

the main entrance of the prior polling place.<sup>23</sup> Some cities delegate the authority to designate polling places to the county.

5. **Filing Deadline.** By 4 p.m. local time, 64 days before the election, the language for the public question and/or the candidate nomination petitions and statements of interests must be filed with the city auditor.<sup>24</sup>
6. **Arrangement of Offices on the Ballot.** The city auditor shall arrange the offices upon the ballot in the order in which they are named in the statutes.<sup>25</sup>
7. **Arrangement of Names on the Ballot.** The city auditor shall determine the arrangement of names of the candidates upon the ballot by conducting a drawing immediately after the candidate filing deadline. The city auditor shall set the date, time and location for the drawing and notice of the drawing must be given to the candidates involved.<sup>26</sup>
8. **Transmittal to County Auditor.** Each city that enters an agreement with the county must notify the county auditor, in writing, immediately after the filing deadline of the offices to be filled at the election, the candidates and order of the candidate names for the ballot and any measures to appear on the ballot.<sup>27</sup>
9. **Campaign Disclosure Statement.** Between the 39<sup>th</sup> day before the election and the 31<sup>st</sup> day before the election, a candidate in a city over 5,000 people must file a campaign disclosure statement with the city auditor covering all contributions received from January 1<sup>st</sup> through the 40<sup>th</sup> day before the election.<sup>28</sup>
10. **Absentee Ballots Transmitted to Eligible Overseas Military Voters and their Families.** Not later than 45 days before the election, the election official shall transmit ballots and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.<sup>29</sup>
11. **Absentee Ballots Available for Members of the Public.** At least 40 days before the election, the election officer shall have printed and have available for distribution to the public a sufficient number of absent voter's ballots for the use of all voters likely to require such ballots for that election.<sup>30</sup>
12. **Appoint Election Officials.** At least 10 days before the election, when an election is not held in conjunction with the county, the city must appoint one inspector and two judges of election for each polling place. In voting precincts in which over 300 votes are cast in any previous election, the governing body

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<sup>23</sup> NDCC 16.1-04-02.

<sup>24</sup> NDCC 40-21-02(5).

<sup>25</sup> NDCC 40-21-08.

<sup>26</sup> NDCC 40-21-08.

<sup>27</sup> NDCC 40-21-02(5).

<sup>28</sup> NDCC ch. 16.1-08.1.

<sup>29</sup> NDCC 16.1-07-23.

<sup>30</sup> NDCC 16.1-07-04.



may appoint two election clerks for each polling place. In a precinct in which 75 votes or fewer were cast in the last election, the governing body of the city may appoint one inspector and one judge for each polling place.<sup>31</sup> For elections held with the county, election officials may be shared.

13. **Publication of Election Notice.** Ten days before the election, publication of the time and place of the election must be given in the official newspaper.<sup>32</sup> The city may have an agreement to combine this notice with the county election notice for regular city elections. See Appendix C for an example of an election notice.
14. **Election Day.** For cities holding an election in conjunction with an agreement with the county, generally the county will handle election day procedures. For city elections not held in conjunction with the county, the governing body needs to follow the same procedures as elections for the purpose of electing county officials. There is a guide for election officials on the North Dakota Secretary of State's webpage at <https://vip.sos.nd.gov/pdfs/Portals/2022%20Election%20Officials%20Manual.pdf>.

Polls must be open at 9 a.m. but can be open as early as 7 a.m. The polls must remain continuously open until 7 p.m. but can be open until 9 p.m. The times are to be designated by resolution of the governing body.<sup>33</sup>

15. **Canvassing Board Meets.** For any city election not held in conjunction with a county election, the city canvassing board meets on the thirteenth day following the election. The city canvassing board must be composed of the city auditor, city attorney, mayor or commission president, and two members of the city commission or council, or appointed replacement of any of these named officials. An individual who served on the election board for the election may not serve on the canvassing board. A city canvassing board must have at least five members.<sup>34</sup>
16. **Notification of Elected Candidates.** Within five days after the result of the election is declared, also known as the canvassing board has issued its report, the city auditor must notify candidates elected. The best practice is to notify candidates in writing of their election and to enclose an oath of office. See Appendix D for an example notice letter.
17. **Oath of Office.** Elected candidates shall take the oath of office and file it with the city auditor within 10 days after notice of election has been given. Refusal

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<sup>31</sup> NDCC 40-21-02.

<sup>32</sup> NDCC 40-21-02.

<sup>33</sup> NDCC 16.1-01-03

<sup>34</sup> NDCC 16.1-15-17, 40-21-16.1.

to take the oath of office shall be deemed refusal to serve and therefore failure to qualify for the office.<sup>35</sup>

18. **Taking Office.** For regular city elections, newly elected officials take office on July 1<sup>st</sup>.<sup>36</sup> For special elections, newly elected officials take office once they are elected and qualified. That means that the canvassing board has issued its report and the newly elected official has taken the oath of office and filed it in the city auditor's office.<sup>37</sup>

Additionally, the city auditor shall notify the North Dakota Supreme Court of the election of any municipal judge.<sup>38</sup>

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<sup>35</sup> NDCC 40-13-03.

<sup>36</sup> NDCC 40-14-03, 40-15-03

<sup>37</sup> NDCC 40-04.1-01, 40-08-06, 40-08-14, 40-09-04.

<sup>38</sup> NDCC 40-21-14

## 2026 City Election Timeline

**January 1 – *Candidates May Begin Circulating Petitions.*** A city election candidate may begin collecting signatures on a nominating petition.<sup>39</sup>

**By March 2 (ideally sooner) – *Prepare Election Notice and Transmit to the County Auditor.*** No later than 100 days before a regular election, an election notice shall be prepared showing the offices expected to be filled and the expected election questions. This information should be confirmed with the county auditor to ensure the correct information is in the State's system. The information from the election notice is used by the North Dakota Secretary of State to publish an election notice online. The earlier city auditors can send this information to the county auditors, the better.<sup>40</sup>

**By March 9 – *Publish Notice of Filing Deadline.*** Thirty days before the filing deadline for candidates' names to be printed on the ballot (April 6, 2026), an official notice of this deadline must be published in the official newspaper.<sup>41</sup> See Appendix B for example.

Reminder: Whenever, for any reason, vacancies exist on a city council or commission which require an unexpired term to be filled by election, the unexpired term must be designated on the ballot separate from any other regular term or terms that may also appear on the ballot. Candidates seeking nomination are required to indicate whether they are seeking a regular term of office or an unexpired term of office on their nominating petitions.<sup>42</sup>

**By April 6 – *Designate polling places.*** No later than 64 days before the election the polling place/places within a precinct must be designated by the city governing board. Polling locations must be accessible by people with disabilities and people who are elderly.<sup>43</sup> Please note that the polling place may be changed when there is good and sufficient reason. If a polling place is changed under this provision, the name and location of the new polling place must be prominently posted on or near the main entrance of the prior polling place.<sup>44</sup> Some cities delegate the authority to designate polling places to the county.

**April 6 – 4 p.m. (Local Time)– *Filing Deadline.*** Deadline for candidates for city offices to file their election petitions is 4 p.m. local time 64 days before the election. The city

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<sup>39</sup> NDCC 40-21-07.

<sup>40</sup> NDCC 16.1-07-30.

<sup>41</sup> NDCC 40-21-02.

<sup>42</sup> NDCC 40-08-06.

<sup>43</sup> NDCC 16.1-04-02(2).

<sup>44</sup> NDCC 16.1-04-02(4).

auditor shall determine the arrangement of the names of the candidates upon the ballot by conducting a drawing immediately after the deadline for the filing of nomination petitions. The auditor shall set the date, time, and location for the drawing and give advance notice to the candidates involved. Immediately after this drawing, the city auditor shall notify the county auditor of the offices to be filled, the candidate names and of any measures to appear on the city election ballot.<sup>45</sup>

**May 1 and May 11 – Campaign Contribution Statement.** The first and last day for city office candidates in cities with a population of 5,000 or above, to file pre-election campaign contribution statements before incurring late filing penalties.<sup>46</sup>

**June 1 – Election Notice.** The election notice, including election time, place and offices to be filled, must be published at least ten days before the election. (It is suggested that this be done earlier). The city may have an agreement to combine this notice with the county's election notice.<sup>47</sup>

**June 9 – Election Day.** City election is held in conjunction with the state primary election except in certain home rule cities.<sup>48</sup>

**June 22 – Canvassing Board Meets.** Thirteen days after election the canvassing board meets. Generally canvassing the vote is handled by the county canvassing board for combined elections.<sup>49</sup>

**Within five days after the result of the election is declared – Notification of Elected Candidates** – once the canvassing board has issued its report, the city auditor must notify candidates who were elected. The best practice is to notify candidates in writing of their election and to enclose an oath of office.<sup>50</sup> **See Appendix D for an example notice letter.**

**July 1 – Newly Elected Officials Take office.** Newly elected city commission and council members take office on the fourth Tuesday in June.<sup>51</sup>

**First Meeting in July of City Council – Organization meeting** – The mayor, with the approval of the city council, shall appoint the following officers: city auditor, city attorney, city engineer, and such other officers as the city council deems necessary. The city council, by a majority vote, may dispense with any appointive office and provide that the duties of that office be performed by others. (NDCC 40-14-04) At the organization meeting, the members of the city council shall elect a president and a vice president who shall hold their respective offices

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<sup>45</sup> NDCC 40-21-02, 40-21-07, 40-21-08

<sup>46</sup> NDCC ch. 16.1-08.1.

<sup>47</sup> NDCC 40-21-02.

<sup>48</sup> NDCC 40-21-02.

<sup>49</sup> NDCC 16.1-15-17 and 40-21-02(3).

<sup>50</sup> NDCC 40-21-14.

<sup>51</sup> NDCC 40-14-03, 40-15-03.

until their successors are elected at the organization meeting following the next biennial election. (NDCC 40-08-10 and 40-08-11) \*Date changed during 2023 Legislative Session.\*

**First Meeting after Newly Elected Commissioners Take Office** - *Organization meeting* (Commission cities in even-numbered years) - The board of city commissioners shall appoint the following officers: a treasurer, an auditor, an attorney, one or more assessors, a city health officer who shall be a physician, a street commissioner, a chief of the fire department, a chief of police, one or more policemen, a city engineer, a board of public works, and such other officers or boards as the board of city commissioner may deem necessary. The board of city commissioners, by a majority vote, may dispense with any appointive office and provide that the duties of that office be performed by other officers, boards, or committees. (NDCC 40-15-05) At the organization meeting, the commission shall elect a vice president who shall perform the duties of the president in the absence or disability of the president. (NDCC 40-09-09)

## Eligibility for Elected City Office

### City Council and City Commission

No person is eligible to hold an elective city council or city commission office unless that person is a qualified elector of the city and has been a resident of that city for at least nine months before the election and cannot be in default to the city.<sup>52</sup> A qualified elector must also be:

1. a citizen of the United States; and
2. eighteen years of age or older.<sup>53</sup>

Further, a person sentenced for a felony to a term of imprisonment, during the term of actual incarceration, cannot be a qualified elector.<sup>54</sup>

City council candidates must be residents of their wards, unless council members are elected at large.<sup>55</sup>

A candidate for the city council may run for either the office of mayor or council member but not both at the same election. A candidate for the city commission may run for either the office of city commissioner or the office of president of the board of city commissioners but not both in the same election. A candidate may run for only one office in a city at any given election.<sup>56</sup>

### Park District

Members of the board of park commissioners must be electors of the city. In other words, he or she must be a resident of the city for 30 days, a citizen of the United States, and eighteen years of age or older.<sup>57</sup>

Further, a person sentenced for a felony to a term of imprisonment, during the term of actual incarceration, cannot be a qualified elector.<sup>58</sup>

### Municipal Judge

For cities that have municipal judges and have a population of five thousand or more people, the judge shall be an attorney licensed to practice law in this state, and must

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<sup>52</sup> NDCC 40-13-01.

<sup>53</sup> NDCC 16.1-01-04.

<sup>54</sup> NDCC 12.1-33-01.

<sup>55</sup> NDCC 40-08-05.

<sup>56</sup> NDCC 40-21-07.

<sup>57</sup> NDCC 40-49-07, 16.1-01-04.

<sup>58</sup> NDCC 12.1-33-01.

be a resident of the city. The city can provide through ordinance or resolution that the judge does not need to be a resident.<sup>59</sup>

In a city with a municipal judge and a population of less than five thousand people, the municipal judge may be, but is not required to be an attorney licensed to practice law in this state, nor shall he or she be required to be a resident of the city in which he or she is to serve. In a city with a population of less than 5,000 people, the city may require by resolution or ordinance that the judge be licensed to practice law.<sup>60</sup>

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<sup>59</sup> NDCC 40-18.1-05.

<sup>60</sup> NDCC 40-18.1-05.

## Pre-Election

### Offices on Ballot

#### A. City Council/City Commission

Mayors, city council members, commission presidents, and commissioners serve four-year terms. Those terms are staggered so that approximately one-half of the city governing board is up for election at each election. The city auditor will need to determine which of the city governing board's offices are to be on the ballot for the election.

Please note that anytime a vacancy on the city governing board was filled by appointment and there is time remaining on the term, the office must appear on the ballot and be set out separately as a two-year unexpired term.<sup>61</sup>

#### B. Board of Park Commissioners

Members of the board of park commissioners serve four-year terms. Those terms are staggered so that in park districts with five member boards, two commissioners are elected at one election and three commissioners are elected at the next election. For three member boards, one commissioner is elected at one election and two commissioners are elected at the following election.<sup>62</sup>

#### C. Municipal Judges

In cities with a municipal court, the term of office for the municipal judge is four years.<sup>63</sup>

### Notices and Publications

Prior to the election, several different election notices need to be prepared and some of them need to be published in the city's official newspaper. Keep in mind that the notices in law set the minimum notices required. Many cities post election information on city websites and on city social media pages. Information on the notices and publications required by law are found on the election timelines on pages 7-11.

### Election Officials

#### A. Appointment of Election Officials

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<sup>61</sup> NDCC 40-08-06, 40-08-08, 40-08-14, 40-08-16, 40-09-04, 40-09-10.

<sup>62</sup> NDCC 40-49-05.

<sup>63</sup> NDCC 40-14-02, 40-15-02.



For regular and special city elections not held under an agreement with the county, at least ten days before the election, the city governing body shall appoint for each polling place:

- One inspector; and
- Two judges.

In precincts where over 300 ballots were cast in any previous election, the governing body may also appoint two election clerks.

In any precinct in which 75 or fewer votes were cast in the last city election, the governing body may appoint for each polling place:

- One inspector; and
- One judge.<sup>64</sup>

#### B. Qualifications of Election Officials

Election inspectors, judges and clerks must be qualified voters of the polling places in which they are assigned to work unless all options have been exhausted. No individual may serve as a member of the election board or as a poll clerk who has anything of value bet or wagered on the result of an election; is a candidate in the election; or is the husband wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage, of the whole or the half-blood, of any candidate in that election.<sup>65</sup>

A student enrolled in high school or college in North Dakota who is at least sixteen years of age is eligible to be appointed as a poll clerk if the student possesses the following qualifications: (1) Is a United States citizen; (2) Is a resident of North Dakota and has resided in the precinct at least 30 days before the election; and (3) Is a student in good standing attending a secondary or higher education institute.<sup>66</sup>

#### C. Compensation for Election Officials

Election officials must be paid at least the state minimum wage. If any of the election workers attended election training in the six months prior to a special election, those workers must be paid at least 25% more than the state minimum wage.<sup>67</sup>

#### D. Election Official Oath

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<sup>64</sup> NDCC 40-21-02.

<sup>65</sup> NDCC 16.1-05-02 and 40-21-13.

<sup>66</sup> NDCC 16.1-05-02.

<sup>67</sup> NDCC 16.1-05-05.

Prior to beginning duties on election day, the election officials shall take and subscribe the following oath:

I do solemnly swear (or affirm as the case may be), that I will perform the duties of inspector, judge, or clerk according to law and to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same.

The oath may be taken before any officer authorized by law to administer oaths or, if no officer is present, the inspector or election judges shall administer the oath to each other and to the poll clerks. The individual administering the oath shall cause an entry thereof to be made and subscribed by that individual and prefixed to each pollbook.<sup>68</sup>

#### E. Election Official Resources

The North Dakota Secretary of State's office has several resources for election officials available online at [www.vote.nd.gov](http://www.vote.nd.gov) under the "Election Officials" tab. Every election official should be provided a copy of the Election Official Manual.

#### Set Polling Locations

No later than 64 days before the election the polling place/places within a precinct must be designated by the city governing board. The polling locations chosen must be accessible to the disabled and the elderly.<sup>69</sup>

Please note that the polling place may be changed when there is good and sufficient reason. If a polling place is changed under this provision, the name and location of the new polling place must be prominently posted on or near the main entrance of the prior polling place.<sup>70</sup>

#### Nominating Petition and Statement of Interest Filing

The deadline for candidates for city offices to file their election petitions with the city auditor is at 4 p.m. local time 64 days before the election. Mailed petitions must be in the possession of the city auditor by 4 p.m. local time on filing deadline as well.<sup>71</sup> City auditors should make sure their offices are open at 4 p.m. local time on the filing deadline for candidates to file their nominating petitions. This is to avoid any issues that may arise if someone is unable to file a petition right at 4 p.m.

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<sup>68</sup> NDCC 16.1-05-02(3).

<sup>69</sup> NDCC 16.1-04-02(2).

<sup>70</sup> NDCC 16.1-04-02.

<sup>71</sup> NDCC 40-21-07.

In addition to the nominating petition form, candidates need to file a statement of interest form with the city auditor's office. Both forms are available on the North Dakota Secretary of State's webpage at <https://www.sos.nd.gov/elections/candidate/become-candidate/local-government>.

### Number of Signatures Required

Nominating petitions must be signed by not less than 10 percent of the number of qualified voters who voted for that office in the last city election. However, not more than 300 signatures may be required.<sup>72</sup> How to calculate this number is best explained through an example:

In 2020, a city had 2 city council positions on the ballot for four-year terms. There was a total of 250 votes for those 2 city council positions during the election. Each of those city council positions counts as an "office." So, first we divide 250 (total number of votes) by 2 (number of offices) to get the total number of votes for each office. That gives us 125 votes for each office.

$$\begin{array}{r} 250 \text{ (Total Number of Votes for City Council)} \\ \div \quad 2 \text{ (Number of offices)} \\ \hline 125 \text{ (Votes for office)} \end{array}$$

A candidate is required to get signatures equal to 10% of the qualified voters for that office. In other words, we multiply 125 (number of votes for the office) by 10% which equals 12.5 signatures.

$$\begin{array}{r} 125 \text{ (Votes for office)} \\ \times \quad .10 \text{ (Percentage required)} \\ \hline 12.5 \text{ (Signatures needed)} \end{array}$$

Cities should always round the number of signatures downward to avoid setting a larger burden than is in state law for a candidate to place his or her name on the ballot. Thus, under this example, a candidate is required to file a petition with 12 signatures to get his or her name on the ballot.

### Withdrawal of Petition

A candidate may withdraw his or her nominating petition any time before the nominating petition filing deadline.<sup>73</sup>

### Verifying Petitions

Once the nominating petitions are filed, the city auditor must verify the petitions. This process requires ensuring the petition has the required number of signatures and that the addresses of the people signing the petition are within the city boundaries. Property tax records may be used to help with this process. Just a reminder, individuals signing the petition are not required to own property in the city, only to be

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<sup>72</sup> NDCC 40-21-07.

<sup>73</sup> NDCC 40-21-07.

a resident of the city. Consistent criteria should be used for reviewing all signatures on petitions.

#### Drawing for Order of Names on the Ballot

Immediately after the filing deadline, and once all petitions have been verified, the city auditor shall conduct a drawing to determine the order of the names on the ballot. Candidates shall be given advance notice of the drawing.<sup>74</sup>

#### Notification of County Auditor

For elections held in conjunction with the county, immediately after the filing deadline and drawing, the city auditor shall notify the county auditor of the offices to be filled at the election (including the candidates on the ballot for those positions in the order those candidates' names will appear on the ballot) and any ballot measures that will appear on the ballot.<sup>75</sup>

The more quickly a city auditor can send city election information to the county auditor, the easier it is for the county auditor to comply with his or her election deadlines. After the nominating petition filing deadline, the county auditors only have about two weeks to get every ballot in the county put together, proofread, and printed to comply with federal law.

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<sup>74</sup> NDCC 40-21-08.

<sup>75</sup> NDCC 40-21-02.

## Running for City Elected Office

### Getting on the Ballot

For a candidate to get his or her name on the ballot, he or she must file **both** a nominating petition and a statement of interest form with the city auditor.

Nominating petitions require signatures from no less than 10 percent of the number of qualified voters who voted for that office in the last city election. However, not more than 300 signatures may be required. Nominating petitions may be signed by qualified voters who reside within a ward or precinct if elected by ward or within the corporate limits if elected at large. Voters may sign nominating petitions for more than one candidate. Nominating petitions must be filed before 4:00 p.m. local time on the 64<sup>th</sup> day before the election. In other words, nominating petitions must be in the physical possession of the city auditor by 4:00 p.m. on the filing deadline.<sup>76</sup>

Every candidate for elective office in a city shall file a statement of interest with the city auditor at the time they file their nominating petition. The statement of interest applies to the candidate and the candidate's spouse and must include:

1. The name of the business or employer and an identification of the principal source of income of both the candidate and the candidate's spouse.
2. The name of each business or trust, not the principal source of income, in which the person making the statement, and that person's spouse, have a financial interest.
3. A list of the associations or institutions with which the person making the statement, and that person's spouse, are closely associated, or for which they serve as a director or officer, and which may be affected by their actions as an officeholder.
4. The identity by name of all business offices, business directorships, and fiduciary relationships the person making the statement, and that person's spouse, have held in the preceding calendar year.<sup>77</sup>

Nominating Petitions and Statement of Interest Forms are available on the North Dakota Secretary of State's webpage at <https://www.sos.nd.gov/elections/candidate/become-candidate/local-government>.

### Campaign Contribution Statement Candidate Filing

Candidates in cities with a population of 5,000 or more according to the last Census, must file campaign contribution statements with the city auditor 31 days before the election, covering contributions received between January 1 and 40 days before the election. Late filing fees start accruing if the statements are filed after the due date.

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<sup>76</sup> NDCC 40-21-07.

<sup>77</sup> NDCC 16.1-09-03.

There are also special requirements to file a supplemental contribution statement within 48-hours following receipt of a contribution or aggregate contribution from a contributor which is in excess of \$500. Finally, there is a requirement to file a year-end report.<sup>78</sup>

The Campaign Disclosure Statement form is available on the North Dakota Secretary of State's webpage at <https://www.sos.nd.gov/elections/candidate/become-candidate/local-government>.

### Campaign Do Nots

If you are a candidate for a city elected office:

- Do not use any governmental services or property for political purposes.<sup>79</sup>
- Do not give, sell, or wear political badges, buttons, or insignia within 100 feet from the entrance to a room containing the polling place while it is open for voting.<sup>80</sup>
- Do not allow government employees to work on your campaign while at work.<sup>81</sup>
- Do not pay another person for: (1) loss or damage suffered due to attendance at the polls; (2) registering; (3) expense of transportation to or from the polls; (4) personal services to be performed on the day of a caucus, primary election, or any election which tend in any way, directly or indirectly, to affect the result of such caucus or election.<sup>82</sup>
- Do not serve on an election board or have a relative serve on an election board.<sup>83</sup>
- Do not give anything of value, or promise to give anything of value, to another in return for the other's promise to vote or withhold his vote for or against any candidate.<sup>84</sup>

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<sup>78</sup> NDCC ch. 16.1-08.1.

<sup>79</sup> NDCC 16.1-10-02.

<sup>80</sup> NDCC 16.1-10-03

<sup>81</sup> NDCC 16.1-10-02.

<sup>82</sup> NDCC 16.1-10-06.1.

<sup>83</sup> NDCC 16.1-05-02(2).

<sup>84</sup> NDCC 12.1-14-03.

## Publication of Minutes

Every four years, cities must put the question on the ballot of whether the minutes of the governing body will be published in the city's official newspaper. The question was on the ballot in 2024 and the next time this question will be on the ballot is 2028.

The question should appear as follows:

Shall the City of \_\_\_\_\_ publish its city governing body minutes in the official city newspaper for the next four years?

Yes \_\_\_\_\_

No \_\_\_\_\_

If voters vote in favor of publishing the minutes, within seven days of each meeting, the minutes or a summary of the minutes showing the substantive actions taken at the meeting needs to be provided to the newspaper. Roll call votes must be included but can be shown as unanimous when appropriate. A list of individual checks written by the city and approved by the governing body, showing the payee and the amount of each check, must be published. Employee salary checks do not need to be published if the city publishes an annual salary schedule. Minutes may be labeled as being published subject to the governing body's review and revision.<sup>85</sup>

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<sup>85</sup> NDCC 40-01-09.1.



## Election Day

### Poll Opening and Closing

Polls must be opened at 9:00 a.m. but can be open as early as 7:00 a.m. The polls must remain continuously open until 7:00 p.m. but can be open until 9:00 p.m. The times are to be designated by resolution of the governing body.

All electors standing in line to vote at the time the poll is set to close must be allowed to vote; however, electors arriving after closing time may not be allowed to vote.<sup>86</sup>

### Election Day Procedures

Conducting voting and keeping poll lists are governed as nearly as possible under the laws applicable to the election of county officers.<sup>87</sup> The North Dakota Secretary of State has compiled a Manual for election officials to follow for election day. It is available at

<https://vip.sos.nd.gov/pdfs/Portals/2022%20Election%20Officials%20Manual.pdf>.

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<sup>86</sup> NDCC 16.1-01-03.

<sup>87</sup> NDCC 40-21-13.

## Post-Election Day

### Canvassing Board

Canvassing votes at city elections is governed as closely as possible by the laws that apply to the election of county officers.<sup>88</sup> The canvassing board meets on the 13<sup>th</sup> day following the election.<sup>89</sup>

For elections held in conjunction with the county, typically cities have an agreement with the county to share canvassing boards. For a city election not held in conjunction with a county election, the canvassing board must be composed of the city auditor, city attorney, mayor or commission president, and two members of the city council or city commission or appointed replacements of any of these officials. An individual who served on the election board may not also serve on the canvassing board for the election. The city canvassing board must be comprised of at least five members.<sup>90</sup>

### Canvassing Board Meeting

The purpose of the canvassing board meeting is to certify the election results. At the meeting the members of the committee will be sworn in, review the ballot certifications from each precinct, review absentee ballots and review and process set aside ballots. Once all those steps are complete the final vote totals are prepared and signed. See Appendix E for an example canvassing board meeting agenda, an example oath, and an example election certification.

Reminder: This meeting needs to comply with North Dakota open meeting laws, meaning notice of meeting must be provided and minutes of the meeting must be kept.

### Recounts

After the Canvassing Board issues its report, a determination must be made on whether a vote recount is required or whether a candidate may demand a recount. An automatic recount occurs when an individual fails to be elected by a 0.5% or less of the vote cast for the candidate receiving the most votes for the office. A candidate can demand a recount if an individual fails to be elected by more than 0.5% but less than 2% of the vote cast for the candidate receiving the most votes for the office sought. A candidate must demand a recount within three days of the canvassing board meeting.

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<sup>88</sup> NDCC 40-21-13.

<sup>89</sup> NDCC 16.1-15-17.

<sup>90</sup> NDCC 40-21-16.1.

For ballot questions, measures or bond issues, an automatic recount will occur if the issue was decided by a margin equal to or less than 0.25% of the total votes cast for and against the question.<sup>91</sup> There is no demand recount.

If recount questions arise, the North Dakota Secretary of State Recount Guidelines should be reviewed on the North Dakota Secretary of State's webpage.

### Tie Votes

If a vote recount results in a tie vote, the winner must be determined by a drawing of names in the presence of the governing body of the city in a manner that the city council or city commission directs. A candidate involved in a tie vote may withdraw the candidate's name by signing a statement to that effect in the presence of and witnessed by the filing officer of the election.<sup>92</sup>

### Notification of Candidates Elected

Within five days after the canvassing report has been issued declaring the result of the election, the city auditor must notify candidates elected. The best practice is to notify candidates in writing of their election and to enclose an oath of office. See Appendix D for an example notice letter.

Additionally, the city auditor shall notify the North Dakota Supreme Court of the election of any municipal judge.<sup>93</sup>

If the candidate won based on write-in votes, the person elected shall file a statement of interest with the city auditor, along with the written oath of office.<sup>94</sup> A copy of the statement of interest form could be included with the notification for those candidates who won based on write-in votes.

For regular city elections, newly elected officials take office on July 1.<sup>95</sup> City auditors should make sure that city elected officials have filed their oaths of office by July 1. For special elections, newly elected officials take office once they have been elected and qualified. That means the canvassing board has issued its report and the newly elected official has taken and filed the oath of office with the city auditor.<sup>96</sup>

### Organization Meeting

In city council cities, the organization meeting takes place at the first meeting in July. The mayor, with the approval of the city council, shall appoint the following officers:

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<sup>91</sup> NDCC 16.1-16-01.

<sup>92</sup> NDCC 40-21-17.

<sup>93</sup> NDCC 40-21-14.

<sup>94</sup> NDCC 16.1-09-02.

<sup>95</sup> NDCC 40-14-03, 40-15-03

<sup>96</sup> NDCC 40-04.1-01, 40-08-06, 40-08-14; 40-09-04.

city auditor, city attorney, city engineer, and such other officers as the city council deems necessary. The city council, by a majority vote, may dispense with any appointive office and provide that the duties of that office be performed by others.<sup>97</sup> At the organization meeting, the members of the city council shall elect a president and a vice president who shall hold their respective offices until their successors are elected at the organization meeting following the next biennial election.<sup>98</sup>

In city commission cities, the organization meeting occurs at the first meeting after the newly elected city commissioners take office. At the meeting, the board of city commissioners shall appoint the following officers: a treasurer, an auditor, an attorney, one or more assessors, a city health officer who shall be a physician, a street commissioner, a chief of the fire department, a chief of police, one or more policemen, a city engineer, a board of public works, and such other officers or boards as the board of city commissioner may deem necessary. The board of city commissioners, by a majority vote, may dispense with any appointive office and provide that the duties of that office be performed by other officers, boards, or committees.<sup>99</sup> At the organization meeting, the commission shall elect a vice president who shall perform the duties of the president in the absence or disability of the president.<sup>100</sup>

Other than the requirements outlined above, the Century Code is silent about what needs to happen at the organization meeting. Many cities do a public swearing in of council/commission members at the meeting. Some of those cities ask their municipal judge to administer the oath. There are also cities that have the former council or commission meet and open the meeting to pass the responsibility to the new council or commission. It is up to the city to decide if ceremonial aspects should be added to the organization meeting.

### Oath of Office

All newly elected/reelected and newly appointed/reappointed officials need to take the oath of office available on the North Dakota Secretary of State's webpage at <http://www.nd.gov/eforms/Doc/sfn11501.pdf>. The oaths of offices for all elected and appointed city officials, except the city auditor, are filed in the city auditor's office. The city auditor's oath of office is filed with the county auditor.<sup>101</sup>

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<sup>97</sup> NDCC 40-14-04.

<sup>98</sup> NDCC 40-08-10, 40-08-11.

<sup>99</sup> NDCC 40-15-05.

<sup>100</sup> NDCC 40-09-09.

<sup>101</sup> NDCC 40-13-03.

Appendix A  
JOINT POWERS AGREEMENT  
MCKENZIE COUNTY AND THE CITY OF WATFORD CITY  
JOINT ELECTION AGREEMENT

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between the County of McKenzie, hereinafter referred to as "County" and City of Watford City, hereinafter referred to as "City".

1. PURPOSE OF THE AGREEMENT: The purpose of this agreement is to provide the terms by which the County and the City shall coordinate the holding of City General Elections with County Primary Elections. It is further understood that if Special Elections may be held jointly in a timely manner, that such elections should be held within the terms of this agreement. It is the intent of the parties in entering this agreement to provide for the procedures to be followed relative to the scheduling and administration of such elections and to provide for the division of costs for election officials and any other monetary disbursements relative to such elections.
  
2. AUTHORITY: This agreement is authorized by Article VII, Section 10 of the Constitution of the State of North Dakota and North Dakota Century Code (NDCC) Title 16.1, §40-21-02(3) and Chapter 54-40.
  
3. PLAN: The parties agree to the following plan of implementation:
  - (a) Each entity shall be responsible for enforcement of its policies, laws and ordinances relative to the distribution and review of petitions of

candidates and for the filing of said petitions in their respective offices.

- (b) The County shall provide to the City Auditor an election calendar at the time the County receives said calendar from the Secretary of the State of North Dakota.
- (c) No later than 7 days before the publication date of the notice provided for in (d) next below, the City shall provide to the County Auditor a listing of the positions to appear on the ballot and any issues to be decided.
- (d) In accordance with the requirements of NDCC §40-21-02(1), the County shall publish a consolidated notice of election and time of filing in the McKenzie County Farmer on or before the 30<sup>th</sup> day before the filing deadline. The publication requirement of NDCC §40-21-02(2) shall be included by the County Auditor in the publication required under §16.1-11-21.
- (e) No later than 55 days before the joint election, the City Auditor shall certify to the County Auditor a list of the offices and issues to be included on the ballot together with the names of those candidates who have filed for each office. If more than one candidate files for a position, the certification shall specify the order in which the names are to be listed under the office designation.
- (f) It shall be the responsibility of the County to provide all necessary supplies for the conduct of the election. In preparing the optical scan ballots for the Primary Election, the County Auditor shall

include the candidates and issues as certified by the City on the ballots for the appropriate precincts.

- (g) The County shall be responsible for naming the election board, including inspectors, for the joint elections in accordance with NDCC Title 16.1.
- (h) The County shall provide and maintain the necessary poll books as required by law. The County shall provide the City with a listing of the voters in the City election within 45 days following a joint election.
- (i) The Canvassing Board required for City elections shall be the County Canvassing Board in accordance with NDCC Title 16.1.
- (j) Within 3 days after the results of an election are declared by the Canvassing Board, the County shall certify the official results to the City. The City shall be responsible for issuing a Certificate of Election to each person elected to a City Board position.
- (k) The County shall administer absentee balloting in accordance with NDCC Title 16.1. Absentee voter applications shall be available from both the County Auditor and the City Auditor for all joint elections. All absentee ballots shall be processed and counted by the County.
- (l) In the event a recount is properly demanded or is required by law according to NDCC '16.1-16-01 and §40-21-17 for a City election which has been combined with the County according to the law and this agreement, the County Auditor shall conduct the recount according to NDCC '16.1-16-01 and certify the new results of the

election to the City Auditor who shall be responsible for issuing new certificates of election if applicable. In the event a tie vote is certified, it shall be the responsibility of the City to determine the winner of the contest in accordance with NDCC §40-21-17. In the event a recount is properly demanded or is required by law according to NDCC '16.1-16-01 §40-21-17 for a special City election which has not been combined with the County according to the law and this agreement, the City Auditor, to the extent applicable, shall conduct the recount and perform all duties of the County Auditor. The expenses incurred in a recount of a City election, whether or not the election was combined with the County, must be paid by the City on a warrant by the City Auditor.

(m) It is understood by all parties that a joint Primary/City Election may, at the option of the Board of County Commissioners, be conducted by mail ballot. It is further understood that the above provisions are consistent with the conduct of election by either mail ballot or the usual means of polling locations in the several precincts.

4. COSTS: The County and the City shall share in the savings provided by holding joint elections. The County shall pay all cost associated with the elections and the Canvassing Board. The City shall reimburse the County the actual cost of scanner and voter-assist-terminal programming for each contest/issue and for each candidate/response for the City races and issues included on the county ballot. In addition, the City will be billed \$0.35 (thirty five cents) per vote cast as a share of the other election related expenses incurred by the County. The reimbursement arrangement will be reviewed prior to each election cycle by the County Auditor, one City Auditor and one Business Manager. If it is determined that an increase is needed, the same percentage increase will be applied to all contracts in force. The



County will bill the City within 14 (fourteen) days after the meeting of the County Canvassing Board.

5. DURATION: This agreement shall take effect on the day first above written and continue until December 31, 2008. Thereafter, this agreement automatically renews for an annual term commencing on January 1 and ending on December 31, unless any of the parties notify the other parties in writing of its intention to withdraw from this agreement. Such written notice must be provided on or before October 1 of the year of withdrawal.

6. AMENDMENTS: Any amendments to this agreement must be in writing and signed by an authorized representative of each party.

Attest:

\_\_\_\_\_  
Watford City Auditor

City of Watford City

By: \_\_\_\_\_  
Mayor of Watford City

Dated at Watford City, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 2008

Attest:

\_\_\_\_\_  
McKenzie County Auditor

County of McKenzie

By: \_\_\_\_\_  
Board Chairman

Dated at Watford City, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 2008

## Appendix B

### NOTICE OF FILING DEADLINE

Notice is hereby given that the deadline for filing to have a candidate's name printed on the ballot for the City of \_\_\_\_[City]\_\_\_\_ April 8, 2024, by 4:00 P.M. The following city offices are up for election:

[List offices]

A candidate for a city office must turn in a completed SFN 2074 Petition/Certificate of Nomination and completed SFN 10172 Statement of Interests to the City Auditor by the above deadline date and time. All forms are available from either the City Auditor or can be obtained online at <http://www.nd.gov/sos/electvote/elections/forms.html>

## Appendix C

### ELECTION NOTICE

Notice is given that on [Day of week], [Month] [Date], [Year], at the [polling location[s]] in the City of [City] North Dakota, an election will be held for the election of [positions on ballot and/or description of ballot question], which election will be opened [opening time] and will continue open until [closing time] of that day.

## Appendix D

### Notice of Election of Member

To: [Name]

You are hereby notified that at the city election held on [election date], you were elected to the office of [mayor, commission president, commissioner, council member, municipal judge], of the city of [city] for a the [term/unexpired term] ending in June [year]. You are required to take and subscribe to the enclosed oath and file it with the city auditor prior to the day you begin discharge of the duties of your office and within ten days after notice of election has been given. Refusal to take the oath of office shall be deemed a refusal to serve and your office will be considered vacant.

[Date]

\_\_\_\_\_ City Auditor

## Appendix E

### Sample Canvassing Board Documents

[City] Canvassing Board Agenda

[Time]

[Date]

[Location]

- 1) Roll Call
- 2) Oaths of Office
- 3) Designate chairman and recorder
- 4) Review ballot certification sheet for each precinct
- 5) Process Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Ballots
- 6) Process absentee ballots
- 7) Process set-aside ballots
- 8) Add accepted ballots to abstract
- 9) Verify final vote totals and sign voting abstract
- 10) Adjourn

Canvassing Board Oath of Office

I, [Canvassing Board Member Name] solemnly swear that I will support the Constitution of the United States and the Constitution of the State of North Dakota and that I will faithfully discharge the duties of the office of [City] Canvass Board in the County of \_\_\_\_\_ and State of North Dakota according to the best of my ability. So help me God.

\_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_

Notary Public

## Certification of Results

Date

[Mayor/Commission President's Name]

City of [City Name]

Address

[City], ND [Zip Code]

Dear [Mayor/Commission President]:

Please accept this as the official vote for the City of [City Name] for the [Election Date] Special Election as Officially Certified by the [City Name] Canvass Board:

City of [City Name] City Measure No. 1

Yes [Number of Votes]

No [Number of Votes]

Witness my hand and seal this [date] day of [Month], 2022

---

[City Auditor Name]  
[City Name] Auditor

**LIST OF BILLS FOR THE CITY OF DEVILS LAKE**  
**2-Feb-26**

<b>VENDOR</b>	<b>AMOUNT DUE</b>
---------------	-------------------

**AIRPORT**

Gessner Ironworks	\$115.36
Interstate Billing Service-Ironhide Equipment	\$301.04
Lake Region Sheet Metal	\$612.96
Lee Smith	\$50.00
Mead & Hunt	\$27,580.00
Sara Plemel	\$50.00
Strata Corporation	\$285,335.19
Stryker	\$361.92
United Rotary Brush Corporation	\$1,854.00
Wade Halvorson	\$50.00

**CITY**

Advanced Business Methods	\$97.29
Alken Glass Unlimited	\$30.00
Amazon Capital Services	\$1,067.57
Association of Minnesota Building Officials	\$400.00
AT & T	\$2,069.62
Corporate Technologies	\$4,215.00
Creative Impressions	\$1,798.00
Dakota Business Solutions	\$388.99
Demco	\$481.82
Devils Lake Park Board	\$61,352.08
DL Chamber of Commerce/Tourism	\$38,031.78
EAPC	\$5,238.50
EastWest Books	\$276.35
Eddy County Treasurer	\$788.39
Grey House Publishing	\$163.00
Hawkins	\$583.55



***LIST OF BILLS FOR THE CITY OF DEVILS LAKE***  
***2-Feb-26***

<b>VENDOR</b>	<b>AMOUNT DUE</b>
Ingram Library Services	\$158.29
JB Vending	\$21.62
Johnson Controls Fire Protection	\$673.68
Jones Law Office	\$3,000.00
Just Get It Done	\$570.00
Keller's Briteway	\$26.00
KLJ Engineering	\$9,250.00
Lake Chevrolet Buick GMC	\$3,017.23
Lake Region Corporation	\$4,166.67
Lake Region Heritage Center	\$13,232.75
Laser Ammo Training Technologies	\$2,488.82
Leon's Building Center	\$254.67
Minnie H Express Car Wash	\$225.00
Modern Marketing	\$501.33
Nelson County Treasurer	\$908.27
Network Domains	\$287.00
Nodak Electric	\$13,534.45
ND Building Officials Association	\$265.00
North Dakota League of Cities	\$25.00
NDTC	\$1,501.48
Northland Securities	\$1,750.00
Powerplan-RDO Equipment	\$5,619.18
Quill	\$69.99
Radisson Hotel of Bismarck	\$227.00
Razor Tracking	\$75.00
Service Tire	\$4,626.66
Sue Schwab	\$28.00
Tanya Weiler	\$1,250.00
Tractor Supply	\$357.92
USPS	\$3,600.00
Usable Life	\$411.36

***LIST OF BILLS FOR THE CITY OF DEVILS LAKE***  
***2-Feb-26***

<b>VENDOR</b>	<b>AMOUNT DUE</b>
Visa-Bravera Credit Card	\$11,611.22
 <b>PREPAID EXPENSES</b>	
Samantha Rodriguez-Flores	\$103.62
 <b>TOTAL LIST OF BILLS</b>	 <b>\$517,129.62</b>