

PUBLIC NOTICES

**SUMMONS
IN DISTRICT COURT
NORTHWEST
JUDICIAL DISTRICT
STATE OF NORTH DAKOTA
COUNTY OF WARD**

Jose Hernandez,
Plaintiff,
vs.
Tracy Mazawasicuna,
Defendant.

**THE STATE OF NORTH
DAKOTA TO THE ABOVE-
NAMED DEFENDANT:**

**YOU ARE HEREBY SUM-
MONED** and required to ap-
pear and defend against the
Complaint in this action, which
is herewith served upon you,
by serving the undersigned an
Answer or other proper re-
sponse within twenty (20) days
after the date of service of this
Summons upon you, exclusive
of the date of service. If you fail
to do so, judgment by default
will be taken against you for the
relief demanded in the Com-
plaint.

Dated this 26th day of June,
2008.

s/ Paul M. Probst
Paul M. Probst (ID 05373)
Attorney for Plaintiff
600 22nd Ave. NW
Minot, North Dakota 58703
(701) 837-4929

(October 30;
November 6-13, 2008)

**Minutes of the Ward Board
of Commissioners
October 7, 2008**

The regular meeting of the
Ward County Commission was
called to order by Chairman Er-
ickson at 9:00 a.m. with
Comms. Fjeldahl, Gruenberg,
Watne and Lee present. Also
present were Auditor/Treasurer
Devra Smestad; State's Attorney
John Van Grinsven; and
County Engineer Dana Larsen.

Smestad presented addi-
tions to the agenda. It was then
moved by Comm. Watne, seconded
by Comm. Lee to ap-
prove the agenda as amended.
Roll call vote: all voted yes;
motion carried.

Moved by Comm. Watne,
seconded by Comm. Fjeldahl
to approve the minutes of the
September 16 regular and
September 30 special meet-
ings. Roll call vote: all voted
yes; motion carried.

It was then moved by Comm.
Fjeldahl, seconded by Comm.
Watne that effective October
15, 2008 the motion adopted
by the Ward County Social Ser-
vice Board regarding mileage
(set at 50.5 cents per mile, as
long as gas is above \$3.50 and
reducing to 45 cents per mile
once gas went below \$3.50) be
adopted for all county depart-
ments; and review the price of
gas in two weeks. Roll call
vote: all voted yes; motion car-
ried.

Smestad then presented the
bills. With Larsen, Van
Grinsven and Sheriff Vern Erck
appearing for comment it was
moved by Comm. Watne, seconded
by Comm. Gruenberg to
approve the Social Service bills
totaling \$26,189.00 and the
regular bills totaling
\$325,229.49. Roll call vote: all
voted yes; motion carried.

With Director of Tax Equal-
ization Mike Vendsel appearing
it was moved by Comm.
Watne, seconded by Comm.
Lee to approve: 1) 13 applica-
tions for abatement and/or
corrections of errors of assess-
ments; 2) six applications for
two year new construction ex-
emption; 3) two applications for
wheel chair exemption; 4) four
applications for veteran's ex-
emption; and 5) three applica-
tions for homestead credit. Roll
call vote: all voted yes; motion
carried.

Building Services Supervisor
Ron Overly then appeared. It
was moved by Comm. Lee,
seconded by Comm. Gruen-
berg to authorize Overly to pre-
pare bid specifications, with the
help of Engineer Lon Drevecky,
and call for bids for replace-
ment of a boiler located in the
Jail. Roll call vote: all voted
yes; motion carried.

At 9:30 a.m., the time set for
the opening of bids on the
demolition of a tax foreclosed
house located in Donnybrook,
Smestad informed the Board
that no bids had been received.
With Larsen and Vendsel ap-
pearing for comment it was
moved by Comm. Lee, seconded
by Comm. Fjeldahl to au-
thorize the Highway Depart-
ment to schedule demolition of
the house. Roll call vote: all
voted yes; motion carried.

packer/roller; Heinrich & Co.
insurance adjustment to library
roof; Don Longmuir Minot Ag
complex; ND Oil & Gas Divi-
sion permit; ND Oil & Gas
Producing Counties uniform
truck permit fall meeting; ND
DOT Local Road Coordina-
tors' Conference; Bart Leath,
Minot Daily News building;
Coldwell Banker 1st Minot
Management available prop-
erties; Capitol Solutions Ban-
corp - "Fund Your Growth"
business roundtable; and Mark
Johnson, NDACO - County
Employers Group premium divi-
dend credits. Roll call vote: all
voted yes; motion carried.

Moved by Comm. Watne,
seconded by Comm. Fjeldahl
to approve the 2009 tax fore-
closure schedule. Roll call
vote: all voted yes; motion car-
ried.

With Van Grinsven appear-
ing for comment, the Board
briefly discussed the City Prose-
cution contract.

It was then moved by Comm.
Gruenberg, seconded by
Comm. Watne to approve a
gaming site authorization for
MSU Beaver Boosters, Inc. for
NDSF TJ's restaurant. Roll
call vote: all voted yes, except
Comm. Lee who voted no; mo-
tion carried.

With Recorder Sheila Dalen
appearing, it was moved by
Comm. Watne, seconded by
Comm. Lee to approve a budg-
et amendment totaling
\$16,156.59 for the following ac-
counts in the Recorder's budg-
et: Salaries - \$10,587.18;
PERS - \$965.55; Social Security
- \$656.41; Health Insurance -
\$438.00; Life Insurance -
\$2.00; Medicare - \$153.52; and
Office equipment - \$3,353.93.
Roll call vote: all voted yes;
motion carried.

With Dalen still present the
Board discussed the NDACO
Convention delegate packet. It
was moved by Comm. Lee,
seconded by Comm. Watne to
draft a resolution to the NDACO
and ND County Commission-
ers Associations to address the
unfunded mandates passed
down by the State to the Counties.
Roll call vote: all voted
yes; motion carried.

It was then moved by Comm.
Lee, seconded by Comm. Fjeldahl
to draft a resolution to the
NDACO and ND County Com-
missioners Association that
each taxing authority has the
veto power over tax exemp-
tions and abatements on their
respective portion of taxes. Roll
call vote: Comms. Lee, Fjeldahl,
and Gruenberg voted
yes, Comms. Watne and Erickson
voted no; motion carried.

It was then moved by Comm.
Gruenberg, seconded by
Comm. Watne to approve the
resolutions as presented for
the 2008 NDACO Convention.
An amended motion was
moved by Comm. Lee, seconded
by Comm. Fjeldahl to take
no position on amendment #11
regarding Ballot Measure #2.
Roll call vote on the amend-
ment: Comms. Lee and Fjeldahl
voted yes, Comms. Gruen-
berg, Watne and Erickson
voted no; motion to amend
failed. Roll call vote on the origi-
nal motion: Comms. Gruen-
berg, Watne and Erickson
voted yes, Comms. Lee and
Fjeldahl voted no; motion car-
ried.

Chairman Erickson then ap-
pointed Comm. Lee and him-
self to a committee to draft the
two proposed resolutions for
the NDACO Convention.

The Board then discussed
the various boards with terms
expiring in December. It was
moved by Comm. Lee, seconded
by Comm. Fjeldahl that effec-
tive January 1, 2009 the
Ward County Social Service
Board consist of a 5 member
board with a minimum of 4
Commissioners and one at-
large appointee. Roll call vote:
all voted yes; motion carried.

Moved by Comm. Watne,
seconded by Comm. Erickson
to receive and approve tax
foreclosure appraisals made
October 7, 2008 and direct the
Director of Tax Equalization,
with the assistance of the Sher-
iff's Office, to evict persons liv-
ing in the residences; post no
trespassing notices; and to se-
cure the buildings as needed.
Roll call: all voted yes; motion
carried.

With Van Grinsven appear-
ing briefly for comment it was
moved by Comm. Watne, seconded
by Comm. Erickson to
approve the following applica-

County Buildings, Repair & Im-
provements by \$291,500 and
the Interim Fund by \$291,500
with each department being
decreased equally. Roll call
vote: Comms. Lee, Watne and
Fjeldahl voted yes; Comms.
Gruenberg and Erickson voted
no; motion carried.

It was then moved by
Comm. Fjeldahl, seconded by
Comm. Lee to adopt the follow-
ing amended budget for calen-
dar year 2009. Roll call vote:
all voted yes; motion carried.

Moved by Comm. Lee, seconded
by Comm. Watne to adopt the
resolution, reflecting the
changes made to the
County Buildings, Repair & Im-
provements and Interim Fund
line items, setting the following
levies. Roll call vote: all voted
yes; motion carried.

Moved by Comm. Watne,
seconded by Comm. Fjeldahl
to adopt the motion setting the
2009 budgets and spread tax
levies. Roll call vote: all voted
yes; motion carried.

At 10:42 a.m. Comm. Lee
left the meeting.

At 10:43 a.m. the Board re-
cessed.

At 10:50 a.m. the Board re-
convened with all members
present.

It was then moved by
Comm. Watne, seconded by
Comm. Gruenberg to adopt the
following Memorandum of Un-
derstanding for the purchase
and maintenance of the elec-
tronic poll books. Roll call vote:
all voted yes; motion carried.

Larsen then appeared with
items for information and ac-
tion.

It was moved by Comm.
Gruenberg, seconded by
Comm. Watne to accept and
approve the preliminary 55th
Street Overpass concert re-
port, and addendum, and sub-
mit it to the ND DOT and Fed-
eral Highway for approval.

Roll call vote: all voted yes;
motion carried.

With Road Superintendent
Rick Melchert appearing for
comment it was moved by
Comm. Watne, seconded by
Comm. Lee to authorize the
Highway Engineer to accept
the low bid from West River
Striping, in the amount of
\$19,916.16, for the white edge
line pavement striping on
County Roads 9, 13 & 20. Roll
call vote: all voted yes; motion
carried.

It was moved by Comm.
Lee, seconded by Comm. Fjeldahl
to authorize the Highway
Engineer to advertise for three
motor graders and one skid
steer loader, with bids to be
opened in November. Roll call
vote: all voted yes; motion car-
ried.

Larsen then presented items
of information.

The Board then discussed
building space needs. It was
moved by Comm. Lee, seconded
by Comm. Fjeldahl to
request a representative of the
District Court meet with the
Building Committee regarding
requested changes to the third
floor. Roll call vote: all voted
yes; motion carried.

It was then moved by
Comm. Lee, seconded by
Comm. Fjeldahl to move the
regularly scheduled November
4 meeting to November 6 due
to the election. Roll call vote:
all voted yes; motion carried.

Van Grinsven appeared
briefly with information for the
Board.

At 11:53 a.m. with no further
business, it was moved by
Comm. Lee, seconded by
Comm. Gruenberg to adjourn.
Motion carried and meeting
was adjourned.

**ACCEPTED AND AP-
PROVED THIS 21st DAY OF
OCTOBER, 2008.**

s/ Carroll W Erickson, Chair-
man
Ward County Board of Com-
missioners

ATTEST:
s/ Devra Smestad,
Auditor/Treasurer
Ward County
(October 30, 2008)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE
COMMISSION**

Midcontinent Communications/Consolidated Telcom Interconnection Agreement Application

Case No. PU-08-815
NOTICE OF OPPORTUNI-
TY TO FILE WRITTEN COM-
MENTS

October 22, 2008
On October 8, 2008, Mid-

Richardton, Scranton, and
South Heart exchanges.

This agreement was filed
under Section 252(e) of the
Telecommunications Act of
1996 (Act). The Act requires
that any agreement adopted by
negotiation or arbitration be
submitted for approval to the
Commission. Under 47 U.S.C.
§ 252(e)(2)(A), the Commis-
sion may only reject an agree-
ment adopted by negotiation
(or a portion of the agreement)
if it finds that:

1. the agreement discrimi-
nates against a telecommuni-
cations carrier that was not a
party to the agreement; or
2. implementation of the
agreement is not consistent
with the public interest, con-
venience, and necessity.

In addition, under 47 U.S.C.
Section 253 the Commission
may include in its review state
requirements that do not con-
stitute barriers to entry.

The Commission will receive
written comments on these
agreements until November
26, 2008.

For more information contact
the Public Service Commis-
sion, State Capitol, Bismarck,
North Dakota 58505, 701-328-
2400; or Relay North Dakota 1-
800-366-6888 TTY. If you re-
quire any auxiliary aids or ser-
vices, such as readers, signers,
or Braille materials please notify
Darrell Nitschke, Executive
Secretary.

**PUBLIC SERVICE COMMISS-
SION**
Tony Clark, Commissioner
Susan E. Wefald, President
Kevin Cramer, Commissioner
(October 30, 2008)

**NOTICE TO CREDITORS
STATE OF NORTH DAKOTA
COUNTY OF WARD
IN DISTRICT COURT
NORTHWEST JUDICIAL
DISTRICT**

In the Matter of the Estate of
Beulah C. Francis, Deceased
NOTICE IS HEREBY GIVEN
that the undersigned has been
appointed Personal Represen-
tative of the above Estate. All
persons having claims against
the said deceased are required
to present their claims within
three months after the date of
the first publication of this No-
tice or said claims will be fore-
ver barred. Claims must either
be presented to Millicent Francis
LaPierre, Personal Represen-
tative of the Estate of Beu-
lah C. Francis, c/o Olson &
Burns P.C., P.O. Box 1180,
Minot, ND 58702-1180, or filed
with the Court.

Dated this 7th day of Octo-
ber, 2008.

s/Millicent Francis LaPierre
Millicent Francis LaPierre
Personal Representative
William E. Bergman
OLSON & BURNS P.C.
P.O. Box 1180
Minot, ND 58702-1180
Attorneys for Personal Repre-
sentative
(October 16-23-30, 2008)

**NOTICE TO CREDITORS
Probate No. 51-08-P-187
IN DISTRICT COURT, WARD
COUNTY, NORTH DAKOTA**

In the Matter of the Estate of
Gladys Irene Olson, deceased.
NOTICE IS HEREBY GIVEN
that the undersigned has been
appointed Personal Represen-
tative of the above Estate. All
persons having claims against
the said deceased are required
to present their claims within
three months after the date of
the first publication of this No-
tice or said claims will be fore-
ver barred. Claims must either
be presented to Ardella Holte,
Personal Representative of the
Estate Gladys Irene Olson, c/o
Olson & Burns P.C., P.O. Box
1180, Minot, ND 58702-1180,
or filed with the Court.

Dated this 6th day of Octo-
ber, 2008.

s/ Ardella Holte
Ardella Holte
William E. Bergman (ND ID
#03869)
OLSON & BURNS P.C.
P.O. Box 1180
Minot, North Dakota 58702-
1180
Attorneys for Personal Repre-
sentative
(October 16-23-30, 2008)

**NOTICE OF SALE
Case No. 08-C-1451
IN DISTRICT COURT
NORTHWEST
JUDICIAL DISTRICT
STATE OF NORTH DAKOTA
COUNTY OF WARD**

tered and docketed in the
of the Clerk of the
Court, in and for said
on the 11th day of Septe-
2008, in an action where
Western Bank & Trust
Plaintiff, and Lynn E. P.
and A. R. Audit Services
Defendants, in favor of
Plaintiff and against the
defendants for the sum of One
Thousand, Five Hundred
Seventy-Seven, 55/100ths,
which Judgment and decree,
among other things, directs the
sale of real estate hereinafter
described, and by virtue of
issued to me by the Court,
said Court, in and for
County, and under the
said Court, directing me
said real property, pursuant
said Judgment and decree,
Vern Erck, Sheriff of
County will sell the here-
described real estate to the
highest bidder for cash, at
lic auction at the front of
the courthouse in the
Minot, Ward County,

**STATE
PUBLIC
ENBRIDGE PI
Stanley**

Siting Application
Case No. PU-08-815
**NOTICE OF FILING
FOR HEARING**

October 22, 2008

On October 13, 2008,
LLC (Enbridge) filed an
route permits. Enbr-

Stanley Station in Mou-

The Commission fin-

Enbridge asserts th-

minimal adverse effect-

waive provisions of law

applications, separate

(2) not hold a public he-

portunity for hearing; (3)

such design, location &

adverse effects; and (4)

for certificates and am-

The issues to be co-

posed pipeline facilities

the environment and u-

Dakota?

1. Will the location,

posed pipeline facilities

the environment and u-

Dakota?

2. Are the proposed

environmental preserv-

3. Will the proposed

verse human and envi-

using system reliability

needs are met and full

4. Are the proposed

tion, or purpose that t-

so that procedures are

5. Does a demonst-

immediate construction

time schedules would.

6. Is it appropriate f-

dures and time sched-

Those interested ar-

in writing. Persons de-

quest identifying their

sons for requesting a

hearings must be rec-

appropriate, the Comm-

a hearing.

For more informati-

sion, State Capitol, B-

2400; or Relay North

quire any auxiliary aid

or Braille material pl-

Secretary, at least 24

PUBLIC SERVICE CO

Tony Clark, Commissi-

Susan E. Wefald, Pre-

Kevin Cramer, Comm-

