

PHONE (701) 794-8734



FAX (701) 794-3125

33571

AN ALLETE COMPANY

2360 35TH AVENUE SW CENTER, ND 58530-9499
MINING LIGNITE AT THE CENTER MINE SINCE 1970

February 6, 2013

Mr. Jim Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Affidavits of Publication

Dear Mr. Deutsch,

Enclosed with this letter are copies of the "Affidavit of Publication" notices from the Bismarck Tribune and the Center Republican for the application of Permit BNCR-1101.

If you have any questions, please contact me at the Center office.

Sincerely,

A handwritten signature in black ink that reads "Karene M. Hall". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Karene M. Hall
Permit Coordinator



Classified Advertising Invoice

Bismarck Tribune
 PO BOX 4001
 LaCrosse, WI 54602-4001
 In State 701-250-8218
 Toll free 800-472-2273

BNI COAL LTD
 2360 NW 35TH AV
 CENTER ND 58530

Customer: 60001119
 Phone: (701) 794-8734
 Date: 12/27/2012

CREDIT CARD PAYMENT (circle one)



Card #: _____
 Exp Date: _____
 Signature: _____
 Credit card users: Fax to 701-223-6584

Date	Order #	Type	Order Amt
12/27/12	20632380	INV	6,792.00

Amount Paid: _____ CK # _____

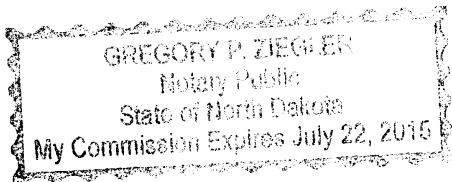
CashAmt

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
12/06/12	12/27/12	4	PO124872/BNCR-1101/608806 Bismarck Tribune	024.00	Legals	6,792.00	6,792.00

CK

*Bismarck Tribune
 12/10, 11, 20, 27
 Colson, Kuntz*

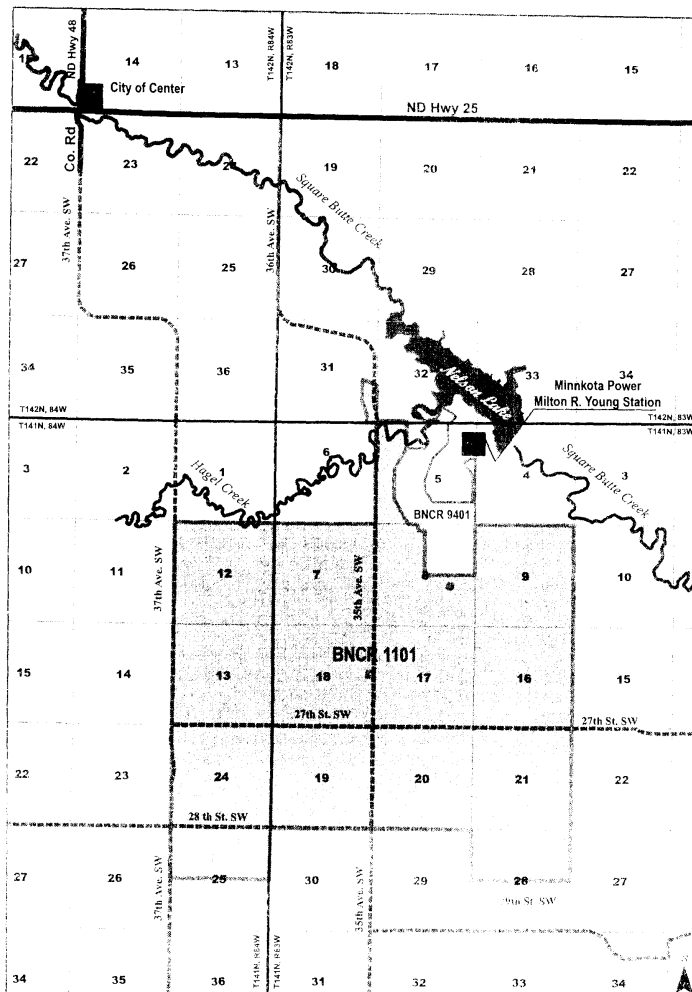


Please return invoice or put order number on check. Thank You.

Remarks	Total Due
	6,792.00

Bismarck Tribune
www.bismarcktribune.com
 PO BOX 4001
 LaCrosse, WI 54602-4001

PUBLIC NOTICES



NOTICE OF FILING OF APPLICATION FOR A PERMIT TO CONDUCT SURFACE COAL MINING OPERATIONS.

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, North Dakota 58530-9499 has submitted an application to the North Dakota Public Service Commission for Surface Coal Mining Permit BNCR-1101. The area for which a permit application is sought includes 8,359.72 acres in parts of Sections 5, 8, and 28 and all of Sections 7, 9, 16, 17, 18, 19, 20, and 21 T141N R83W, all of Sections 12, 13, and 24 and part of Section 25 T141N R84W and parts of Section 31 and 32 T142N R83W. This new permit area is located southeast of Center, south of the BNI Coal Offices and Minnkota Power Cooperative power plant in Oliver County, North Dakota and is shown on the accompanying map. Any person with an interest which is or may be adversely affected may file a petition with the Public Service Commission to designate any of these lands as unsuitable for mining. A petition to designate an area unsuitable for surface mining operations must be filed within thirty (30) days of the last publication of notice.

Any person whose interests are or may be adversely affected by the proposed action has the right to file written comments, objections or request an informal conference with the North Dakota Public Service Commission. Written comments, objections, requests for informal conferences and petitions should be sent to the Public Service Commission, 600 East Boulevard, Bismarck, ND 58505-0480 within 30 days after the final date of publication of this notice. A copy of the permit application is available for inspection at the Office of the Auditor, Oliver County Courthouse, Center, ND 58530 and the Office of the Director of the Reclamation Division, Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480.

The legal description and names of the apparent surface and mineral (coal) owners of the land in the permit area are as follows:

LEGAL DESCRIPTION
SECTION 5 T141N R83W
NW1/4, SW1/4
SURFACE OWNER(S)
Minnkota Power Cooperative
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 7 T141N R83W
W1/2
SURFACE OWNER(S)
Allen E. Opp
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 8 T141N R83W
NW1/4
SURFACE OWNER(S)
Gary Lenius
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 9 T141N R83W
ALL
SURFACE OWNER(S)
Minnkota Power Cooperative
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 16 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 17 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 18 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 19 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 20 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 21 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 22 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 23 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 24 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 25 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 26 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 27 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 28 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 29 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Great Northern Properties
LEGAL DESCRIPTION
SECTION 30 T141N R83W
NW1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS

Betty Lou Titsworth
Lucille Gardner
PEC Minerals, LP
BNI Coal, Ltd.
Clay Hedrick, Jr.
Charles Hamilton, Jr.
Ellen M. Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Mary McGarity
Alexis Bochko
Dean Stucky
Jean Cliff
Susan Koehn
Julie & Donald Gregory
Patsy McGehee
Jack Horn
Donald R. Posey
LEGAL DESCRIPTION
E1/2
SURFACE OWNER(S)
Danita Deichert
Doretta Bornemann
David Erhardt
Dean Erhardt
Delphine Vetter
COAL OWNERS
Danita Deichert
Doretta Bornemann
David Erhardt
Dean Erhardt
Delphine Vetter
LEGAL DESCRIPTION
SW1/4
SURFACE OWNER(S)
Wayne Reuther
Jerry Reuther
COAL OWNERS
State of ND
BNI Coal, Ltd.
Florence Porsborg
Wayne Reuther
Jerry Reuther
LEGAL DESCRIPTION
SECTION 18 T141N R83W
NE1/4NW1/4, Lots 1 and 2
SURFACE OWNER(S)
Allen E. Opp
Fern O. Opp
COAL OWNERS
Allen E. Opp
Fern O. Opp
State of ND
LEGAL DESCRIPTION
SW1/4, SE1/4NW1/4
SURFACE OWNER(S)
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
COAL OWNERS
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
LEGAL DESCRIPTION
NE1/4 less 2 acres
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS
BNA
LEGAL DESCRIPTION
N1/2SE1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS
Larry & Virginia Schmidt
Loretta Labor
Linda Borlaug
John Kautzman
Donna Barnhardt
Betty Lou Titsworth
Lucille Gardner
PEC Minerals, LP
BNI Coal, Ltd.
Clay Hedrick, Jr.
Charles Hamilton, Jr.
Ellen M. Emley
Barbara Endres
Richard Files
Robert Files
Erika Hilliard
Penelope Files
Carolyn Files
Blackstone Minerals
Walter Duncan, Inc.
Kurt Files
Georgianne Hedrick Mercer
John Hedrick
Barbara Hager
Donald Hager
Joyce Hager Giles
James Hager
Mary McGarity
Alexis Bochko
Dean Stucky
Jean Cliff
Susan Koehn

Julie & Donald Gregory
Patsy McGehee
Jack Horn
Donald R. Posey
LEGAL DESCRIPTION
S1/2SE1/4
SURFACE OWNER(S)
Larry & Virginia Schmidt
COAL OWNERS
Larry & Virginia Schmidt
Anton & Helen Pfleger
Margaret Pfleger
Matt Pfleger
Duane Siegel
Donald Borogotsky
Gary Borogotsky
Lisa Pulse
LEGAL DESCRIPTION
SECTION 19 T141N R83W
NW1/4 less Lot A
SURFACE OWNER(S)
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
COAL OWNERS
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
LEGAL DESCRIPTION
NW 1/4 Lot A
SURFACE OWNER(S)
Keith Reuther
COAL OWNERS
Wayne Reuther
Karen Schulz
Jerry Reuther
Kent Reuther
Keith Reuther
LEGAL DESCRIPTION
NE1/4
SURFACE OWNER(S)
Winfrid Keller
COAL OWNERS
Winfrid Keller
Robert Mosbrucker
LEGAL DESCRIPTION
E1/2SE1/4
SURFACE OWNER(S)
Charles & Doris Kuelther
COAL OWNERS
Charles & Doris Kuelther
Florence Porsborg
BNI Coal, Ltd.
LEGAL DESCRIPTION
SW1/4, W1/2SE1/4
SURFACE OWNER(S)
Charles & Doris Kuelther
COAL OWNERS
Charles & Doris Kuelther
Fryhling Family Trust
Lois Hohimer
Madelyn Kraft
Lila Wilson
LEGAL DESCRIPTION
SECTION 20 T141N R83W
NW1/4
SURFACE OWNER(S)
Thomas Pfleger
Dale Pfleger
COAL OWNERS
Thomas Pfleger
Dale Pfleger
LEGAL DESCRIPTION
NE1/4
SURFACE OWNER(S)
Douglas D. Doll/James D. Pazzo
COAL OWNERS
Douglas D. Doll/James D. Pazzo
UNREGISTERED

LEGAL DESCRIPTION
N1/2SW1/4
SURFACE OWNER(S)
Robert Mosbrucker
COAL OWNERS
Robert Mosbrucker
LEGAL DESCRIPTION
S1/2SW1/4
SURFACE OWNER(S)
Douglas D. Doll/James D. Pazzo
COAL OWNERS
Douglas D. Doll/James D. Pazzo
UNREGISTERED

LEGAL DESCRIPTION
N1/2SW1/4
SURFACE OWNER(S)
Robert Mosbrucker
COAL OWNERS
Robert Mosbrucker
LEGAL DESCRIPTION
S1/2SW1/4
SURFACE OWNER(S)
Douglas D. Doll/James D. Pazzo
COAL OWNERS
Douglas D. Doll/James D. Pazzo
UNREGISTERED

LEGAL DESCRIPTION
N1/2SW1/4
SURFACE OWNER(S)
Robert Mosbrucker
COAL OWNERS
Robert Mosbrucker
LEGAL DESCRIPTION
S1/2SW1/4
SURFACE OWNER(S)
Douglas D. Doll/James D. Pazzo
COAL OWNERS
Douglas D. Doll/James D. Pazzo
UNREGISTERED

LEGAL DESCRIPTION
N1/2SW1/4
SURFACE OWNER(S)
Robert Mosbrucker
COAL OWNERS
Robert Mosbrucker
LEGAL DESCRIPTION
S1/2SW1/4
SURFACE OWNER(S)
Douglas D. Doll/James D. Pazzo
COAL OWNERS
Douglas D. Doll/James D. Pazzo
UNREGISTERED

LEGAL DESCRIPTION
N1/2SW1/4
SURFACE OWNER(S)
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COAL OWNERS
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COAL OWNERS
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Douglas D. Doll/James D. Pazzo
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Robert Mosbrucker
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Douglas D. Doll/James D. Pazzo
UNREGISTERED

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Robert Mosbrucker
COAL OWNERS
Robert Mosbrucker
LEGAL DESCRIPTION
S1/2SW1/4
SURFACE OWNER(S)
Douglas D. Doll/James D. Pazzo
COAL OWNERS
Douglas D. Doll/James D. Pazzo
UNREGISTERED

PUBLIC NOTICES

Matt Pfleger
LEGAL DESCRIPTION
 SE1/4
SURFACE OWNER(S)
 Douglas D. Dool/James D. Pazdernik
COAL OWNERS
 Ralph & Irene Kautzman
 Douglas D. Dool/James D. Pazdernik
 Anton Landeis
LEGAL DESCRIPTION
 SECTION 28 T141N R83W NE1/4
SURFACE OWNER(S)
 Anton Friesz, Life Estate
 Remaindermen:
 Sandra K. Orggaard
 Roger A. Friesz
 Duane M. Friesz
 Karen M. Porsborg
 Michael J. Friesz
 Audrey A. Peterson
COAL OWNERS
 Anton Friesz Life Estate
 Remaindermen:
 Sandra K. Orggaard
 Roger A. Friesz
 Duane M. Friesz
 Karen M. Porsborg
 Michael J. Friesz
 Audrey A. Peterson
 Marshall & Winston, Inc.
 Fortin Enterprises, Inc.
 Hancock Enterprises
LEGAL DESCRIPTION
 West 528 of NW1/4
SURFACE OWNER(S)
 Thomas Pfleger
 Dale Pfleger
COAL OWNERS
 Thomas Pfleger
 Dale Pfleger
 Matt Pfleger
LEGAL DESCRIPTION
 NW1/4 less West 528
SURFACE OWNER(S)
 Anton & Helen Pfleger
COAL OWNERS
 Anton & Helen Pfleger
 Matt Pfleger
LEGAL DESCRIPTION
 SECTION 12 T141N R84W
 NW1/2NW1/4
SURFACE OWNER(S)
 Frances Fuchs
 Remaindermen:
 Rosalie Dingus
 Mark R. Fuchs
 Jack B. Fuchs
COAL OWNERS
 Frances Fuchs
 Remaindermen:
 Rosalie Dingus
 Mark R. Fuchs
 Jack B. Fuchs
 Estate of Elizabeth Hagel
 Katharine Kautzman
LEGAL DESCRIPTION
 S1/2NW1/4
SURFACE OWNER(S)
 Frances Fuchs
 Remaindermen:
 Rosalie Dingus
 Mark R. Fuchs
 Jack B. Fuchs
COAL OWNERS
 Frances Fuchs
 Remaindermen:
 Rosalie Dingus
 Mark R. Fuchs
 Jack B. Fuchs
LEGAL DESCRIPTION
 N1/2NE1/4
SURFACE OWNER(S)
 Jolene Berger
COAL OWNERS
 Jolene Berger
LEGAL DESCRIPTION
 S1/2NE1/4
SURFACE OWNER(S)
 Jolene Berger
COAL OWNERS
 USA
LEGAL DESCRIPTION
 SECTION 32 T142N R83W 1.41
 acres in the SW1/4
SURFACE OWNER(S)
 BNI Coal, Ltd.
COAL OWNERS
 Minnkota Power Cooperative
LEGAL DESCRIPTION
 4.5 acres in the SW 1/4
SURFACE OWNER(S)
 Minnkota Power Cooperative
COAL OWNERS
 Minnkota Power Cooperative
 Operations within 100 feet of the outside rights-of-way for the following public roads or section lines will be necessary for this permit area. Prior to any operations being conducted, BNI will obtain approval from the Oliver County Board of Commissioners subject to public notice and hearing for the following:
 The south side of the section line between the NE 1/4 of Section 12 T141N R84W and the SE 1/4 of Section 1, T141N, R84W;
 The south side of the section line between the NW 1/4 of Section 7 T141N R83W and the SW 1/4 of Section 6 T141N R83W;
 The south side of the entire section line between Section 4 and Section 9 T141N R83W;
 The west side of the entire section line between Section 9 and Section 10 T141N R83W;
 The west side of the entire section

SURFACE OWNER(S)
 Margaret Erhardt
COAL OWNERS
 Margaret Erhardt
 Kathryn Erhardt
 Gloria Olivarelli
 Wallace Erhardt
LEGAL DESCRIPTION
 N1/2S1/2
SURFACE OWNER(S)
 Margaret Erhardt
COAL OWNERS
 Margaret Erhardt
 Kathryn Erhardt
 Rhoda P. Erhardt
 Anita Erhardt
 Rose Erhardt
LEGAL DESCRIPTION
 SECTION 24 T141N R84W NW1/4
SURFACE OWNER(S)
 David & Karen Porsborg
COAL OWNERS
 David & Karen Porsborg
 Jeanette Bonnet
 Robert Porsborg
 Darlene Sorge
 Dorothy Willems
LEGAL DESCRIPTION
 SW1/4
SURFACE OWNER(S)
 David & Karen Porsborg
COAL OWNERS
 USA
LEGAL DESCRIPTION
 E1/2 less Lot A
SURFACE OWNER(S)
 Wayne Reuther
 Kent Reuther
 Keith Reuther
COAL OWNERS
 Wayne Reuther
 Karen Shulz
 Jerry Reuther
 Kent Reuther
 Keith Reuther
LEGAL DESCRIPTION
 E1/2 Lot A
SURFACE OWNER(S)
 Kent Reuther
COAL OWNERS
 Wayne Reuther
 Karen Shulz
 Jerry Reuther
 Kent Reuther
 Keith Reuther
LEGAL DESCRIPTION
 SECTION 25 T141N R84W NW1/4
SURFACE OWNER(S)
 Anne Pfleger
COAL OWNERS
 Anne Pfleger
LEGAL DESCRIPTION
 NE1/4
SURFACE OWNER(S)
 David & Karen Porsborg
COAL OWNERS
 David & Karen Porsborg
 Jeanette Bonnet
 Robert Porsborg
 Darlene Sorge
 Dorothy Willems
LEGAL DESCRIPTION
 SECTION 31 T142N R83W SE1/4
 less Haul Road Corridor
SURFACE OWNER(S)
 Robert Reinke
COAL OWNERS
 Robert Reinke
LEGAL DESCRIPTION
 SECTION 32 T142N R83W 1.41
 acres in the SW1/4
SURFACE OWNER(S)
 BNI Coal, Ltd.
COAL OWNERS
 Minnkota Power Cooperative
LEGAL DESCRIPTION
 4.5 acres in the SW 1/4
SURFACE OWNER(S)
 Minnkota Power Cooperative
COAL OWNERS
 Minnkota Power Cooperative
 Operations within 100 feet of the outside rights-of-way for the following public roads or section lines will be necessary for this permit area. Prior to any operations being conducted, BNI will obtain approval from the Oliver County Board of Commissioners subject to public notice and hearing for the following:
 The south side of the section line between the NE 1/4 of Section 12 T141N R84W and the SE 1/4 of Section 1, T141N, R84W;
 The south side of the section line between the NW 1/4 of Section 7 T141N R83W and the SW 1/4 of Section 6 T141N R83W;
 The south side of the entire section line between Section 4 and Section 9 T141N R83W;
 The west side of the entire section line between Section 9 and Section 10 T141N R83W;
 The west side of the entire section

line between Section 15 and Section 16 T141N R83W.
 The west side of the entire section line between Section 21 and Section 22 T141N R83W.
 Beginning in the first quarter of 2013, mining, construction, mining and reclamation activities will need to be located within certain section lines. BNI will obtain approval from the Oliver County Board of Commissioners to temporarily close the following section lines during the term of mining and reclamation:
 24th Street SW, the east-west section line between Section 6 T141N R83W and Section 31 T142N R83W;
 25th Street SW, the east-west section line between the SE 1/4 of Section 6 T141N R83W and the NE 1/4 of Section 7 T141N R83W;
 26th Avenue SW, the north-south section line between Section 7 T141N R83W and Section 12 T141N R84W;
 26th Street SW, the east-west section line between Section 12 T141N R84W and Section 13 T141N R84W;
 26th Street SW, the east-west section line between Section 7 T141N R83W and Section 18 T141N R83W;
 26th Street SW, the east-west section line between Section 6 T141N R83W and Section 17 T141N R83W;
 26th Street SW, the east-west section line between Section 9 T141N R83W and Section 16 T141N R83W;
 34th Avenue SW, the north-south section line between Section 8 T141N R83W and Section 9 T141N R83W;
 34th Avenue SW, the north-south section line between Section 16 T141N R83W and Section 17 T141N R83W;
 34th Avenue SW, the north-south section line between Section 20 T141N R83W and Section 21 T141N R83W;
 3.5 miles of County Road 35th Avenue SW is going to be closed south of the BNI Mine Office complex and that traffic will be routed to 31st Avenue SW and 32nd Avenue SW. 27th Street SW is going to be closed between Sections 16 and 21 and 17 and 20 of T141N, R83W and that traffic will be routed two miles south to County Road 29th Street SW for approximately 30 years. Beginning in the first quarter of 2013, BNI will obtain approval from the Oliver County Board of Commissioners to temporarily relocate the following county roads:
 35th Avenue SW, starting with the north-south section of the county road between the SE 1/4 of Section 31 T142N R83W and the SW 1/4 of Section 32 T142N R83W;
 35th Avenue SW, the north-south section of the county road between Section 5 T141N R83W and Section 6 T141N R83W;
 35th Avenue SW, the north-south section of the county road between Section 7 T141N R83W and Section 8 T141N R83W;
 35th Avenue SW, the north-south section of the county road between Section 17 T141N R83W and Section 18 T141N R83W;
 29th Street SW, starting with the east-west section of the county road between Section 17 T141N R83W and Section 20 T141N R83W;
 27th Street SW, the east-west section of the county road between Section 16 T141N R83W and Section 21 T141N R83W.
 The temporary relocation of the county road will begin in the first quarter of 2013 and will be as follows:
 31st Avenue SW, starting with the north-south section of the county road between Section 23 T141N R83W and Section 24 T141N R83W;
 31st Avenue SW, the north-south section of the county road between Section 25 T141N R83W and Section 26 T141N R83W;
 29th Street SW, starting with the east-west section of the county road between Section 26 T141N R83W and Section 35 T141N R83W;
 29th Street SW, the east-west section of the county road between Section 27 T141N R83W and Section 34 T141N R83W;
 29th Street SW, the east-west section of the county road between Section 28 T141N R83W and Section 33 T141N R83W;
 29th Street SW, the east-west section of the county road between Section 29 T141N R83W and Section 32 T141N R83W.
 From this point the relocation will follow the existing County Road 35th Avenue SW north to the continuing west relocation on 27th Street SW.
 27th Street SW, starting with the east-west section of the county road between Section 13 T141N R84W and Section 24 T141N R84W;
 27th Street SW, the east-west section of the county road between Section 18 T141N R83W and Section 19 T141N R83W;
 35th Avenue SW, starting with the north-south section of the county road

between Section 19 T141N R83W and Section 20 T141N R83W.
 35th Avenue SW, the north-south section of the county road between Section 29 T141N R83W and Section 30 T141N R83W;
 27th Avenue SW, starting with the north-south section of the county road between the SE 1/4 of Section 35 T142N R84W and the SW 1/4 of Section 35 T142N R84W;
 27th Avenue SW, the north-south section of the county road between Section 1 T141N R84W and Section 2 T141N R84W;
 27th Avenue SW, the north-south section of the county road between Section 11 T141N R84W and Section 12 T141N R84W;
 27th Avenue SW, the north-south section of the county road between Section 13 T141N R84W and Section 14 T141N R84W.
 The sections of county road that will be used as the temporary relocation will be improved to handle the increased traffic flow. Beginning sometime in 2027, BNI may be mining through the following section lines and will obtain approval from the Oliver County Board of Commissioners before operating within 100 feet of the outside rights-of-ways of:
 37th Avenue SW, the north-south section line between Section 23 T141N R84W and Section 24 T141N R84W;
 36th Avenue SW, the north-south section line between Section 13 T141N R84W and Section 13 T141N R83W;
 36th Avenue SW, the north-south section line between Section 19 T141N R83W and Section 24 T141N R84W;
 36th Avenue SW, the north-south section line between Section 25 T141N R84W and Section 30 T141N R83W;
 28th Street SW, the east-west section line between Section 24 T141N R84W and Section 25 T141N R84W;
 28th Street SW, the east-west section line between Section 19 T141N R83W and Section 24 T141N R84W;
 28th Street SW, the east-west section line between Section 25 T141N R84W and Section 30 T141N R83W;
 28th Street SW, the east-west section line between Section 20 T141N R83W and Section 29 T141N R83W;
 28th Street SW, the east-west section line between Section 21 T141N R83W and Section 28 T141N R83W.
 Minnkota Power Cooperative has approval from the Oliver County Board of Commissioners to temporarily close the following:
 The north-south section line between Sections 4 and 5 T141N R83W;
 The east-west section line between Sections 5 and 3 T141N R83W.
 Corresponding with a request in the Revision 12 application for BNCR-9401, BNI will obtain approval from the Oliver County Board of Commissioners to permanently close the following section line:
 The east-west section line between Section 5 T141N R83W and Section 8 T141N R83W.
 No surface coal mining operations will be located within 100 feet of the outside rights-of-way of any of these county and section line roads until they are closed by the Oliver County Board of Commissioners. Before the rights-of-way and associated setback corridors are disturbed, approval from the Oliver County Board of Commissioners will be obtained. Notice and opportunity for a hearing will be provided as required by the ND Century Code.
 (12-06-12-13-12-12-20-12-12-27-12-01-03-12)

sewer system. Henry Maertens joined the Commission Board the tentative no longer living there. John Wicklund noted Henry Maertens will need to be in compliance with Custer Health Dept. Planning and Zoning code approval permit.
 Curt Pierce, Center-Station District Superintendent, talked about the library and asked if the county could help with the funding for the library building. Darrell Berger moved and Blake Wilkens seconded the motion to approve \$1,750.00 to help pay with the acceptable expense.
 Curt Pierce, Center-Station District Superintendent, asked what the status was as to the road situation with BNI moving farther south of Center for mining. At this time, there was no information to provide.
 Vern Christmann asked the board if he could get the stop sign changed to a yield sign at the end of his road. The commissioners agreed to change the stop sign to a yield sign. He mentioned Wayne Schaner had the county in to do some work and he used to have three approaches into his field and now he has none. Bruce Nelson, Road Superintendent, noted they didn't realize Vern Christmann didn't own all the land so they will go and change it so he has an approach into his field. He also discussed the speed limit on the Henster Road. He felt 45mph for trucks should be changed to 55 mph so the speed limit is the same as it is for cars. Jim Jackson, KJL Engineer, will check with the state to see what their recommendations are.
 Bruce Nelson, Road Superintendent, discussed gravel and putting in a bed or two of gravel.
 Darrell Berger moved and Blake Wilkens seconded the motion to appoint Ray Schmidt to the Planning & Zoning Board to finish the term of Wayne Schaner. All in favor, none opposed, motion carried.
 Lee Hueston moved and Darrell Berger seconded the motion to approve the following board appointments for the rest of 2012 and the year of 2013: Darrell Berger - Emergency Services representative, Region 5, JDA/Job Development, and Solid Waste Management; Land Reclamation Board: Blake Wilkens - Coal Conversion Counties, and Linda Clark Regional Development District; Lee Hueston - Dakota Prunes, LLC & Board, Dakota Central Social Services Board, and West Central Human Center; Center Regional Advisory Council: Earl Albers will remain on the Dakota Central Social Services Board as a citizen of the county. Roll call vote was as follows: Lee Hueston - aye, Darrell Berger - aye, Blake Wilkens - aye, Motion carried.
 The following bills were approved for payment:
 Ameriprise Liner & Apparel 269.34
 Beery JoAnn 346.32, BHO, Inc. 85-25
 Butler Machinery 2,325.54, Capital Property 36.57, Carrot-Top Industries 44.10
 Center Machine 418.96, City of Center 45.54
 Coal County OHC 32.00, Comb Express 1,808.43, Crestex Concrete Products 212.00, D & E Supply 50.00
 Davis Sales & Service 3,028.94, Don Brandon 10.00, Electronic Systems & Software 2,784.78, Electronic Communications 180.00, Fastenal Corporation 182.43, Gerving, Glen 4,216.30, Gillham Enterprises 231.78, Hadani's 29.74, Hintz, Judith 49.95, Hoffman, LaVerne 49.95, Inland Truck Parts 308.11, Jake's Auto Sales 146.57, Kadmas, Lee & Jackson 4,645.58, Kaspari, Thomas 600.00, Menard's 301.84, Mercer County Sheriff 1,850.00, Midwest Business Systems 1,095.00, NASASP 39.00, NDACO Resources Group 43.00, NDPEPS 17,330.40, NDSU 79.00, New Salem Journal 69.20, North County Trucks & Parts 130.21, ND Newspaper Assoc. 175.26, Olson & Olson Consultation 5,910.00, Pfeifer, Dean 19.05, Powerplan 15.84, Reliance Telephone 4.02, Roberts Floral 86.92, Rud Oil Co. 18,014.18, Runnings Supply 684.90, Ryan's Paint & Auto Body 100.00, SRM 1,572.29, Schmidt, Richard 593.60, Sletten Excavating 14,470.00, Statewide Services 11,745.00, Team Lactoratory Chem Corp. 784.50, Uniform Center 655.98, US Postal Service 56.00
 Wilkens, Kim 39.96.
 It was decided the courthouse should remain open for New Year's Eve for 2012 as it has been in the past. Employees may use vacation if they would like the day off.
 Darrell Berger moved and Blake Wilkens seconded the motion to change the payroll date to every other Friday instead of the 2nd and 4th Friday as it is now beginning in 2013. The county will be paid 26 times per year. If Security 1st Bank of North Dakota is closed on payroll Friday then the county will be paid on Thursday. If the courthouse is closed but Security 1st Bank of North Dakota is open, the county will be paid

DECEMBER 6, 2012 OLIVER COUNTY COMMISSION PROCEEDINGS

were called to order at 8:00 A.M. with all members present. The County Auditor was appointed temporary chairman during reorganization of the Board. Darrell Berger moved and Blake Wilkens seconded the motion to nominate Lee Hueston as Chairman of the Board. On roll call vote the following voted "Aye": Darrell Berger, Blake Wilkens, and Lee Hueston. None voted "Nay". Motion carried. Blake Wilkens moved and Lee Hueston seconded the motion to nominate Darrell Berger as Vice-Chairman of the Board. On roll call vote the following voted "Aye": Blake Wilkens, Lee Hueston, and Darrell Berger. None voted "Nay". Motion carried.
 Minutes were read and Blake Wilkens moved and Darrell Berger seconded the motion to approve the minutes from the November 9, 2012 meeting. All in favor, none opposed; motion carried.
 John Wicklund, Land Use Administrator, discussed what was presented at the last Planning and Zoning Board meeting. The conditional use permit for Henry Maertens for multiple residential homes on Tracts 2 & 3, in the NW1/4 of Section 23-142-85 in Hannover was discussed with Henry Maertens. He will need to get a new conditional use permit for a single dwelling. He had until December 6th, 2012 to disconnect the