



# Public Notice

STATE OF NORTH DAKOTA  
COUNTY OF MCLEAN  
IN DISTRICT COURT  
SOUTH CENTRAL JUDICIAL  
DISTRICT

NORTH DAKOTA DEPARTMENT OF  
HEALTH PUBLIC NOTICE  
Reissued an NDDPDES Permit  
Public Notice Date: 1/23/2013  
Notice Number: ND-2013-001

CIVIL NO. 28-2012-CV-176  
NOTICE OF APPOINTMENT AS  
TRUSTEE AND NOTICE TO FILE  
CLAIMS  
PUBLIC SERVICE COMMISSION  
PETITIONER,  
VS.  
FALKIRK FARMERS ELEVATOR CO.  
RESPONDENT.

Purpose of Public Notice  
The Department intends to reissue  
the following North Dakota Pollutant Dis-  
charge Elimination System (NDPDES) Dis-  
charge Permit under the authority of  
Section 61-28-04 of the North Dakota  
Century Code.

PSC CASE NO. GE-17-769  
PLEASE TAKE NOTICE that on  
December 31, 2012, the SOUTH CEN-  
TRAL JUDICIAL DISTRICT executed an  
Order that was duly filed in the above  
proceeding on November 30, 2012, ap-  
pointing the Public Service Commission  
to act as trustee of a trust fund to be  
established and administered in accord-  
ance with North Dakota Century Code  
Chapter 60-04 and establishing the date  
of insolvency as October 10, 2012.

Permit Information  
Application Date: 8/22/2012 Applica-  
tion Number: ND0024996  
Applicant Name: Otter Tail Power Co  
Mailing Address: PO Box 496, Fer-  
gus Falls, MN 56538-0496  
Telephone Number: 218.739.8526  
Proposed Permit Expiration Date:  
3/31/2018

FURTHER, PLEASE TAKE NOTICE  
THAT:

Facility Description  
The reapplication is for a 427 mega-  
watt, lignite coal-fired steam electric  
power generating plant located in Sec-  
tion 10, Township 143 North, Range  
88 West. Discharges would consist of  
surface runoff, cooling tower blowdown,  
and screen washings, and would be to  
the Missouri River, a Class I stream, or  
unnamed tributaries of the Knife River,  
a Class II stream.

1. Any person having a claim against  
Falkirk Farmers Elevator Co., for the  
non-payment of grain purchased or mar-  
keted by Falkirk Farmers Elevator Co. in  
North Dakota, shall file the claim with the  
Public Service Commission, 600 East  
Boulevard Avenue, Department 408,  
Bismarck, North Dakota 58505-0480.

Tentative Determinations  
Proposed effluent limitations and  
other permit conditions have been  
made by the Department. They assure  
that State Water Quality Standards and  
applicable provisions of the FWPCA

2. Claims must be filed within forty-  
five (45) days after the last publication  
of this notice.

SNOW NOTICE  
The Mercer County Highway  
Department and Mercer County  
Commission respectfully request  
landowners not push snow into, or  
across, rights-of-way and ditches on  
the county road system. This practice  
only multiplies the drifting problems  
which can create obstructions for  
motorists.

3. Any person filing a claim with  
the Public Service Commission shall  
include receipts or other sufficient docu-  
mentation to enable the Commission to  
determine the validity of the claim. This  
could include unsatisfied grain ware-  
house receipts, scale tickets, checks,  
or other memoranda given by the public  
warehouseman for, or evidence of, the  
receipt, storage, or sale of grain, or any  
related contracts.

State law prohibits a person  
from obstructing, or causing to be  
obstructed, any public highway or  
right-of-way and is prosecutable as  
a Class B Misdemeanor, punishable  
up to thirty (30) days in jail and/or a  
\$1000 fine.

4. Unless a claim is filed with the  
Public Service Commission within the  
time specified, the claimant may be  
barred from participation in the trust  
fund.

The commission asks that land-  
owners not push snow within the limits  
of, or across, the right-of-way, which  
includes the roadway, ditch bottom  
and back slope of the roadway.  
(1-24-13-1-31-13)

Bismarck, North Dakota, this 17th  
day of January 2013.  
By: Ilona A. Jeffcoat-Sacco  
(ID No. 03315)  
Special Assistant Attorney General  
State Bar ID No. 03315  
Public Service Commission  
600 East Boulevard Ave - Dept 408  
Bismarck, North Dakota 58505-0480  
Telephone (701) 328-2400  
Facsimile (701) 328-2410  
Attorney for the Public Service  
Commission  
(1-24-13-1-31-13)

NOTICE OF APPLICATION  
ON PETITION FOR  
APPROPRIATION OF WATER  
FROM AN UNNAMED CREEK  
TRIBUTARY TO COAL CREEK  
KNIFE/MISSOURI RIVER BASIN

NOTICE TO BIDDERS  
The Mercer County Board of Commissioners will accept bids on the below  
listed equipment, supplies and products until 10:30 AM CT on February 20th,  
2013 at the Courthouse in Stanton, North Dakota. At that time bids for the below  
listed equipment, supplies and products will be opened in the order listed. All  
equipment, supplies and products are to be delivered to any point designated  
within Mercer County between April 1, 2013 and March 31, 2014 unless noted  
otherwise.

TAKE NOTICE that Jerald Sommer,  
Beulah, North Dakota, has submitted  
water permit application No. 6434 to  
the North Dakota Office of the State  
Engineer for a permit to divert and ap-  
propriate water from an unnamed creek,  
tributary to Coal Creek (Knife/Missouri  
River Basin).

1. PROPANE FUEL-Delivered to the following locations: Mercer County  
Golden Valley Highway Shop (1) 1,000 gallon tank; Mercer County Crossroads  
Highway Shop (1) 1,000 gallon tank; Mercer County Beulah Highway Shop (3)  
1,000 gallon tanks; Mercer County Landfill (1) 1,000 gallon tank; Court House  
Stanton (2) 1,000 gallon tanks; Maintenance Shop Stanton (1) 1,000 gallon tank;  
Social Services Stanton (1) 1,000 gallon tank; Law Enforcement Center Stanton  
(2) 1,000 gallon tanks (To be maintained at a level of not less than 40% in each  
tank); Buffalo Hill Tower Site (1) 500 gallon tank. If Mercer County acquires any  
propane tanks-they will be filled at contract price. No bid bond required. Bids  
must be marked "PROPANE FUEL" on the outside of the envelope.

The application requests a permit  
to appropriate water from an unnamed  
creek, utilizing point(s) of diversion  
located in the SW1/4 of Section 29,  
Township 145 North, Range 85 West,  
in Mercer county as shown on the map  
accompanying the application, with an  
annual appropriation of 27.8 acre-feet  
of water for storage, out of which 13.0  
acre-feet will be used to offset evapo-  
rative losses, for fish and wildlife, and  
livestock uses.

2. DIESEL FUEL & UNLEADED GASOLINE-product to conform to specifica-  
tions on bid documents. No bid bond required. Bids must be marked "DIESEL  
& GASOLINE" on the outside of the envelope.

TAKE NOTICE that written com-  
ments regarding the proposed appro-  
priation must be filed in the North Dakota  
Office of the State Engineer, 900 East  
Boulevard Avenue, Bismarck, North  
Dakota 58505-0850, by 5:00 o'clock  
p.m., on the 25th day of February, 2013.  
The State Engineer shall consider all  
written comments received and prepare a  
recommended decision which will be  
provided to the applicant and any per-  
son who filed written comments. Those  
persons may file additional comments  
with the State Engineer, request an  
adjudicative proceeding on the applica-  
tion, or both.

3. OIL & GREASE-will be to conform to specifications on bid document.  
No bid bond required. Bids must be marked "OIL & GREASE" on the outside  
of the envelope.

Dated at Bismarck, North Dakota, on  
January 16, 2013.

4. COMMON EXCAVATION-type "C" and pipe installation for building roads,  
bridges and necessary work on County projects throughout the County. Com-  
mon excavation to be bid on a cubic yard basis. Pipe installation to be bid on  
a lineal foot basis. Rip rap to be bid by the cubic yard. No bid bond required.  
Bids must be marked "COMMON EXCAVATION" on the outside of the envelope.

Todd Sando, P.E. North Dakota State  
Engineer 900 East Boulevard Avenue Bi-  
smarck, ND 58505-0850

5. RENTAL OF EQUIPMENT- including experienced operator for building  
roads, bridges, and necessary work on County projects throughout the County.  
Bids to be submitted on an hourly basis. No bid bond required. Bids must be  
marked "RENTAL OF EQUIPMENT" on the outside of the envelope.

Notice of Application mailed to the  
Mercer County WRD Chair/Office, Dept.  
of Health, G&F, F&WS, and NRCS on  
January 16, 2013  
(1-24-13-1-31-13)

6. TIRES & ACCESSORIES-supplies to conform to or exceed specifications  
on bid documents. No bid bond required. Bids must be marked "TIRES & AC-  
CESSORIES" on the outside of the envelope.

(1-24-13-1-31-13)

7. GRAVEL CRUSHING-including stripping and covering of pits in various  
parts of the County. A thirty thousand dollar (\$30,000.00) performance bond  
will be required from the successful bidder prior to awarding the contract. Bids  
must be marked "GRAVEL CRUSHING" on the outside of the envelope.

will be protected.  
Information Requests and Public  
Comments

Copies of the application, draft per-  
mit, and related documents are available  
for review. Comments or requests should  
be directed to the ND Dept of Health, Div  
of Water Quality, 918 East Divide Ave,  
Bismarck ND 58501-1947 or by calling  
701.328.5210.

All comments received by March 02,  
2013 will be considered prior to finalizing  
the permit. If there is significant inter-  
est, a public hearing will be scheduled.  
Otherwise, the Department will issue the  
final permit within sixty (60) days of this  
notice. If you require special facilities or  
assistance relating to a disability, call  
TDD at 1.800.366.6868. North Dakota  
(1-31-13)

## STANTON CITY MINUTES JANUARY 14, 2013

Mayor Boyko called the meeting to  
order at 6:30 p.m. at City Hall with the  
following members present. Saylor,  
Ballensky, Vigesaa Absent Hill. Also  
present was Miller.

Moved by Saylor seconded by Bal-  
lensky approving the minutes of the Dec  
10 meeting. Roll call vote: All members  
voted aye, carried.

Moved by Ballensky seconded by  
Vigesaa approving the November  
Financial Report as submitted by the  
Auditor. Roll Call Vote. All members  
voted aye, carried.

Moved by Saylor seconded by Vige-  
saa approving the 2013 benefit and pay  
structure for the city employees. Roll call  
vote: All members voted aye, carried.

Mayor Boyko will write a letter to the  
NDDOT about temporary truck parking  
on the west side of Hwy 31 so they can  
use the gas station and café.

Michael Harrison and Lloyd Derrin-  
ger were present to inform the council  
that Harrison has purchased the Sand  
Dune Trailer court portion owned by  
Derringer. The council and Harrison  
discussed his plans for the court. Har-  
rison will present more information for  
the next meeting.

Hubert Sailer and the council dis-  
cussed hiring a new park employee.  
Tabled until next meeting. No action  
taken.

Legal fees for the property Dakota  
Transload purchased from the city were  
tabled until next meeting.

Mayor Boyko appointed Marvin Bal-  
lensky to the Mercer County Planning  
and Zoning board to replace Jason Hill.

Moved by Saylor seconded by Vigesaa  
ratifying this appointment. Roll call vote:  
All members voted aye, carried.

Ballensky informed Miller that he  
needs to order crack sealer earlier this  
year so we can start earlier.

Trailer house ordinance and truck  
ordinance will be on agenda for next  
meeting.

Moved by Saylor seconded by Bal-  
lensky approving a 2013 Sunday open-  
ing request by the River Run. Roll call  
vote: All members voted aye, carried.

Moved by Ballensky seconded by  
Saylor approving paying 50% of the  
Dickinson Pump bill. Roll call vote: All  
members voted aye, carried.

Moved by Saylor seconded by  
Vigesaa to purchase new lights for the  
shop. Roll call vote: All members voted  
aye, carried.

Moved by Saylor seconded by  
Vigesaa approving the payment of  
the following bills submitted: Olson  
Electric \$9000.00, City of Stanton  
\$75.00, BHG Inc. \$180.33, Krause's  
Super Valu \$17.28, Hazen Hardware  
Hank \$35.10, WRT \$402.67, Butler  
Machinery \$3366.47, NAPA \$60.40,  
Solem Law Office \$1301.00, Border  
States Electric \$775.85, City of Stanton  
\$2538.06, Mercer Co. Sheriffs Dept.  
\$985.55, Rud Propane \$403.30, Circle  
Sanitation \$3383.15, Beulah Lumber  
Co. \$12.99, ND Public Health Lab  
\$16.00, Visa Cardmember Service  
\$813.54, NDPERS \$2204.16, Center  
Coal Co. \$49.50, WAPA \$4596.51, KR  
Indian Heritage Foundation \$200.00,  
Roughrider Electric \$23,454.93, Corner  
Express \$115.10, One Call Concepts  
\$2.50, Prairie Rose Floral \$56.45, US  
Treasury \$4268.17, Southwest Water  
Authority \$1892.13, Franklin Templeton  
\$1116.18, Wages \$4942.10, KR Indian  
Heritage Foundation \$400.00, Dustin  
Emerson \$75.00, Southwest Busi-  
ness Machines \$118.84, Rud Propane  
\$283.40, Nancy Miller \$69.37, One Call  
Concepts \$6.25, Dental Service Corp.  
\$190.60, Wages \$4597.12, Pump Sys-  
tems Inc. \$10,398.43. Roll call vote: All  
members voted aye, carried.

Being no further business the meet-  
ing was adjourned.

Mayor: Ronald J Boyko  
Auditor: Richard Honeyman  
(1-31-13)

## HAZEN CITY COMMISSION REGULAR MEETING JANUARY 7, 2013 HAZEN CITY HALL

Present: President Nygard, Commis-  
sioner Brunmeier, Commissioner Stern  
and Commissioner Wolf.

Absent: Vice-President Obenauer  
Others Present: Attorney Donovan,  
Editor Baumgarten, Darold Bertsch  
(SMC), Linda Oestreich (MMCCOA),  
and Auditor Erhardt.

Meeting Called to order at 5:30  
PM CT.

Minutes: Commissioner Wolf moved  
to dispense with the reading of the  
minutes of the December 17th meeting  
and approve them as presented, second  
by Commissioner Stern. Motion unani-  
mously carried.

Agenda: Commissioner Brunmeier  
moved to approve the agenda, second  
by Commissioner Stern. Motion unani-  
mously carried.

CONSULTATION WITH ATTORNEY:  
The first reading of Proposed Ordinance  
adding a new provision to Chapter 1,  
Article 2; Procurement of goods or ser-  
vices for the City: "Purchases of goods  
or services totaling less than or equal to  
\$1,000 may be made without obtaining  
competitive quotes or advance approval  
of the Commission. However, all such  
purchases shall be approved, in writing,  
by the appropriate City department head  
or supervisor and by the Commission  
before payment is made." Commissioner  
Stern questioned the personal liability if  
a person spends this amount or more  
over multiple items. Attorney Donovan  
indicated the person making such pur-  
chases may always be personally liable  
if the Commission does not approve  
the purchase. Commissioner Brunmeier  
moved to approve the first reading of the  
proposed ordinance, second by Com-  
missioner Stern. Upon roll call vote;  
Brunmeier, "Aye", Stern, "Aye", Wolf,  
"Aye", Nygard, "Aye", motion carried.

REQUEST OF CITIZENS: Darold  
Bertsch, CEO Sakakawea Medical  
Center and Coal Country CHC, met  
with the commission to update them on  
issues facing local health care providers.  
Mr. Bertsch discussed the fiscal cliff and  
the effect national and local legislation  
could have if funding or reimburse-  
ment levels for healthcare are cut. Mr.  
Bertsch indicated there are also many  
questions still to be answered relating  
to the federal healthcare reform that  
could actually increase the number of  
people on Medicaid. Locally, Mr. Bertsch  
indicated there have been many cases of

influenza and the clinics and emergen-  
rooms have been very busy, but we a  
not seeing the wait times that many  
the clinics and hospitals in western No  
Dakota are seeing. The hospital is se  
ing an increased amount of uninsured  
underinsured patients which has led  
an increase in the amount of bad de  
the hospital must write off. Mr. Berts  
indicated this amount of write-off can  
as much as \$60,000/month. Mr. Berts  
advised that the hospital is working  
adopt the no-smoking changes on  
hospital property, the hospital has be  
awarded a \$25,000 Wellness Grant fr  
BC/BS to be used assist employees a  
their families, and Mr. Bertsch thank  
the newspaper for their coverage  
the Community Health Needs Asses  
ment. Mr. Bertsch has done a financ  
analysis of 36 critical access hospiti  
which shows that only 11 have a po  
sitive margin and that the hospitals we  
of Highway 83 have seen an increa  
of 46% in bad debt. President Nyga  
asked if there has been a change in E  
services and Mr. Bertsch indicated th  
ER visits have gone up significant  
President Nygard asked about the abil  
to recruit trained staff and Mr. Berts  
indicated it is becoming more diffic  
getting nurses and support staff. Co  
missioner Brunmeier asked how th  
affordable care act will affect us loca  
and Mr. Bertsch indicated he is mo  
concerned with deficit discussions a  
what costs may be cut to reduce th  
deficit and the need for more preventi  
care. Commissioner Stern asked wh  
future plans there are for the faciliti  
facing large debt and Mr. Bertsch in  
cated they will work with the commun  
to increase tax revenue, if possible, a  
to do fundraising. Mr. Bertsch indicat  
that many of the western hospitals ne  
to look at physical structures as mc  
were built in the early 1960's and a  
need of updating. President Nyga  
asked if a hospital receives a large don  
tion or increased tax revenue if it affec  
the amount of federal funding they ca  
receive and Mr. Bertsch indicated it do  
not as federal funds are reimburseme  
based on procedures performed.

APPROVAL OF APPLICATIONS  
PERMITS: Commissioner Brunmei  
moved to approve raffle permit #201  
01 as requested by the Hazen Figu  
Skating Club, second by Commission  
Stern. Upon roll call vote; Brunmei  
"Aye", Stern, "Aye", Wolf, "Aye", Nygar  
"Aye", motion carried.

## REPORTS

President: President Nygard hi  
scheduled an employee meeting for th  
afternoon of January 24th to discu  
safety and policy issues; if anyone h  
something to be discussed they sho  
let him know. President Nygard al  
mentioned the Annabelle Homes mix  
to be held at the Hazen Golf Club o  
January 16th from 6:00 to 8:00 PM.

Water/Sewer/Garbage: Commi  
sioner Brunmeier provided cost inf  
mation relating to repair (\$4,200)  
replacement (\$10,000) of a pump at  
station #3, indicating PW Director Qu  
recommended repairing the pump. Co  
missioner Brunmeier moved to appro  
repairs of the pump for lift station #  
second by Commissioner Stern. Up  
discussion it was unclear if both pum  
are currently working and that if a  
ditional costs for parts, as indicated  
the quote, are needed they would l  
dealt with. On roll call vote; Brunmei  
"Aye", Stern, "Aye", Wolf, "Aye", Nyga  
"Aye", motion carried. Commission  
Brunmeier also indicated there ha  
been 3 water breaks in the past we  
with one repaired today.

Street/Cemetery/Buildings: Comm  
sioner Stern - Nothing to report.

Finance/Busing: Commissioner W  
- nothing to report.

Police/Fire Commissioner: Comm  
sioner Obenauer - no report.

## OLD BUSINESS

Bus Purchase: The bus order has r  
been placed due to the higher cost,  
bid, compared to grant funds availab  
Commissioner Wolf suggested waiti  
to determine if additional funds can  
received and to address the hiring  
additional staff to operate the buses.

Employee/Commissioner Equipme  
Use: The commission will follow c  
policy as to use of equipment by c  
staff or commissioners only and th  
equipment will not be rented or used  
non-employees.

City Representative to HCD Boa  
President Nygard indicated there h  
been a lack of city representation to t  
HCD Board and he would like someo  
to step up and attend these meetin  
in the future. Commissioner Wolf v  
unteered to attend the meetings, wh  
possible, with Commissioner Stern se  
ing as a back-up when Commissio  
Wolf cannot attend. President Nyga  
will get information as to meeting dat  
times and get Commissioner(s) Wolf a