

# Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of: **Public Service Commission – Coyote Creek Mining, Case No. RC-15-495; 2 time(s)** as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

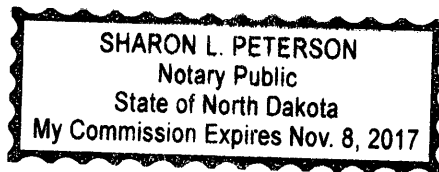
Signed: Colleen Park

State of North Dakota

County of Burleigh

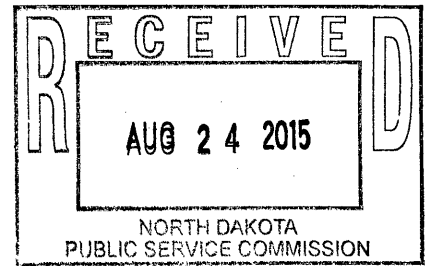
Subscribed and sworn to before me this 18 day of August, 20 15.

Sharon L. Peterson



# North Dakota Newspaper Association

1435 Interstate Loop  
 Bismarck, North Dakota 58503  
 Phone: 1-701-223-6397 Fax: 1-701-223-8185



## INVOICE

August 20, 2015

Order: 15082PP2

Invoice# 4644

Attn: Darrell Nitschke  
 Public Service Commission  
 600 E. Boulevard Ave., State Capitol  
 Bismarck, North Dakota 58505

Advertiser: Public Service Commission  
 P.O.#: RC-15-495  
 Brand: Reclamation & AML Division  
 Campaign:  
 Amount Due: \$124.74

Voice: 1-701-328-4076 Fax:

Please detach and return this portion with your payment

Public Service Commission Invoice# 4644 P.O.#: RC-15-495

Run Date	Ad Size	Rate Type	Rate	Color Rate	Total	Discount	(%)	Amount after Discount	Page
<b>Beulah Beacon (Beulah, North Dakota)</b>									
08/06/2015	40.00	Notice A Line	\$0.75		\$30.00	\$0.00	(0.00%)	\$30.00	
	Caption: Coyote Creek Mining; Case No. RC-15-495								
08/13/2015	40.00	Notice A Line	\$0.75		\$30.00	\$0.00	(0.00%)	\$30.00	
	Caption: Coyote Creek Mining; Case No. RC-15-495								
<b>Subtotal:</b>	<b>80.00</b>		<b>\$1.50</b>	<b>\$0.00</b>	<b>\$60.00</b>	<b>\$0.00</b>		<b>\$60.00</b>	
<b>Bismarck Tribune (Bismarck, North Dakota)</b>									
08/06/2015	39.00	Notice A Line	\$0.83		\$32.37	\$0.00	(0.00%)	\$32.37	
	Caption: Coyote Creek Mining; Case No. RC-15-495								
08/13/2015	39.00	Notice A Line	\$0.83		\$32.37	\$0.00	(0.00%)	\$32.37	
	Caption: Coyote Creek Mining; Case No. RC-15-495								
<b>Subtotal:</b>	<b>78.00</b>		<b>\$1.66</b>	<b>\$0.00</b>	<b>\$64.74</b>	<b>\$0.00</b>		<b>\$64.74</b>	

Gross Advertising	\$124.74	Total Misc	\$0.00	Amount Paid	\$0.00
Agency Discount	\$0.00	Tax	\$0.00	Adjustments	\$0.00
Other Discount	\$0.00	Total Billed	\$124.74	Payment Date	
Service Charge	\$0.00	Unbilled	\$0.00	Balance Due	\$124.74

If you would like to pay your invoice with a credit card, please call Rhonda at 701-595-7311 or email rhondaw@ndna.com. We accept Visa, Mastercard, Discover, and AMEX. Or you can pay your bill online at [www.ndna.com/billpay](http://www.ndna.com/billpay). Thank you!

# PUBLIC NOTICES

## NOTICE OF PUBLIC HEARING ON A PROPOSED CONDITIONAL USE WITHIN THE MERCER COUNTY AGRICULTURAL ZONING DISTRICT ZONING CASE 15-08-03

PLEASE TAKE NOTICE that the Mercer County Planning Commission will conduct a public hearing on Thursday evening, August 20th 2015 beginning at 7:00 p.m., Central Time, in the Civic Center at Beulah. The Planning Commission will review and give consideration to an application from Michael & Maria Grimm for approval of a Conditional Use for a Non-Farm Residence within the Agricultural Zone of the Mercer County Zoning District Map.

The subject parcel is located approximately 2 1/2 miles north of Stanton. The parcel is 2 acres in size and described as Lot 4 of Tract E within the W 1/2 W 1/2 of Section 27 T145N R84W of the 5th Principle Meridian, Mercer County ND.

TAKE FURTHER NOTICE that the public is hereby invited to comment on the proposed Conditional Use application at this public hearing or forward written comments prior to this hearing to: Mercer County Auditor - Box 39 - Stanton, ND 58571. A copy of the application, location map and other documents is available to the public for inspection and copying in the Office of the County Auditor on Monday through Friday during regular office hours.

GARY EMTER, MERCER COUNTY  
LAND USE ADMINISTRATOR  
(8-6-15) (8-13-15)

## STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Coyote Creek Mining Company, L.L.C. Case No. RC-15-495 Notice of Violation No. 1502 Violation

### NOTICE OF FORMAL HEARING July 31, 2015 Public Service Commission

Coyote Creek Mining Company, L.L.C. was issued Notice of Violation (NOV) 1502 by the Reclamation Division on July 7, 2015 for failure to provide erosion protection at the outlet of a culvert in an access road that crosses Coyote Creek within Surface Coal Mining Permit NACC-1302. On July 27, 2015, Coyote Creek Mining Company, L.L.C. requested a formal hearing with the Commission on this matter and requests that the NOV be vacated.

Notice of Formal Hearing  
Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at 8:30 a.m. CDT, on August 27, 2015, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota. The issue to be considered is whether the NOV should be vacated.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION  
Randy Christmann Commissioner  
JULIE FEDORCHAK, CHAIRMAN  
BRIAN P. KALK, COMMISSIONER  
(8-6-15) (8-13-15)

## NOTICE OF PUBLIC HEARING ON A PROPOSED CONDITIONAL USE WITHIN THE MERCER COUNTY AGRICULTURAL ZONING DISTRICT ZONING CASE NO 15-08-01

PLEASE TAKE NOTICE that the Mercer County Planning Commission will conduct a public hearing on Thursday evening, August 20th 2015 beginning at 7:00 p.m., Central Time, in the Civic Center at Beulah. The Planning Commission will review and give consideration to an application from Blake Dschaak for approval of a Conditional Use for a Non-Farm Residence within the Agricultural Zone of the Mercer County Zoning District Map.

The subject parcel is located approximately 3 miles north of Beulah. The parcel is 2.50 acres in size and designated as Tract B, it is within Government Lot 4 of Section 1 T144N R88W of the 5th Principle Meridian, Mercer County ND.

TAKE FURTHER NOTICE that the public is hereby invited to comment on the proposed Conditional Use application at this public hearing or forward written comments prior to this hearing to: Mercer County Auditor - Box 39 - Stanton, ND 58571. A copy of the application, location map and other documents is available to the public for inspection and copying in the Office of the County Auditor on Monday through Friday during regular office hours.

GARY EMTER, MERCER COUNTY  
LAND USE ADMINISTRATOR  
(8-6-15) (8-13-15)

## PUBLIC NOTICE

The North Dakota Game and Fish Department is offering for sale to the highest bidder 300 to 1500 chinook salmon weighing 2 to 20 pounds each. These fish are to be taken during spawning operations at Lake Sakakawea from approximately October 1 to November 1, 2015 and 2016. Written bids only will be accepted on a price per pound basis (live weight). Bidder must take the entire quantity of fish offered. The fish must be picked up when available (typically 3-4 days per week) at the Garrison Dam National Fish Hatchery. Bidder must post a \$10,000 bond or provide acceptable job performance capabilities in handling and distributing chinook salmon.

If interested, please submit written bid before September 15, 2015 to:  
Greg Power, Fisheries Division  
North Dakota Game and Fish Department

100 N Bismarck Expressway  
Bismarck, ND 58501-5095

If you have questions about this offering, contact Greg Power at (701) 328-6323. The Department reserves the right to terminate the contract to the successful bidder if the terms of agreement are not met.

(8-6-15) (8-13-15)

## NOTICE OF PUBLIC HEARING THE PRELIMINARY PLAT OF NORTHVIEW SUBDIVISION ZONING CASE 15-08-02

PLEASE TAKE NOTICE that the Mercer County Planning Commission will conduct a public hearing on Thursday evening August 20th 2015 beginning at 7:00 p.m. C.T. in the Beulah Civic Center for the purpose of considering an application from Shawn & Heather Stromme for approval of the preliminary plat for Northview Subdivision. The subdivision as proposed contains 3 lots. It is located approximately 7 miles east of Hazen and north of State Highway #200. The proposed subdivision is located within the East 1/2 of the SE 1/4 of Section 8 T144N R85W of the 5th Principle Meridian, Mercer County ND.

TAKE FURTHER NOTICE that the public is hereby invited to comment on the proposed preliminary plat at this public hearing or forward written comments prior to this hearing to: Mercer County Auditor - PO Box 39 - Stanton, ND 58571. A copy of the information submitted and the general layout of Northview Subdivision is available to the public for inspection and copying in the Office of the County Auditor on Monday through Friday during regular office hours.

GARY EMTER, MERCER COUNTY  
LAND USE ADMINISTRATOR  
(8-6-15) (8-13-15)

## MERCER COUNTY COMMISSION MINUTES JULY 15, 2015

The meeting was called to order at 9:00 AM CT by Chairman Murray, also present was Commissioner Scheurer, Commissioner Entze, Commissioner Gunsch, Auditor Brost, Wanda Knutson, Darbie Berger, and Sarah Bauer. Absent was Commissioner Tveit.

Motion made by Commissioner Scheurer, second by Commissioner Entze to approve the agenda with additions. All members voted "Aye", motion carried.

Motion made by Commissioner Gunsch, second by Commissioner Scheurer to approve the minutes of the July 1st regular meeting. All members voted "Aye", motion carried.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve the minutes of the July 2nd special meeting. All members voted "Aye", motion carried.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve the payment of bills as follows, but withhold the portion of Commissioner Tveit's mileage from Dakota Central Social Services and approve the Martin Construction Estimates 1 & 2: Craig Askim, \$50.00; Barbot-Seibel, \$1,350.00; Beulah Lumber, \$1.99; Beulah Lumber, \$5.97; Beulah Rural Fire Protection, \$1,312.16; Café Dumond, \$239.76; Corner Express, \$60.33; Dent Master, \$100.00; Flash Printing, \$676.37; Hazen Fire Department, \$997.64; Hewlett-Packard Company, \$1,060.00; HR Collaborative, \$40.00; Implementation Specialists, \$4,878.75; Interstate Engineering, \$120.00; Dena Kemmet, \$50.00; Kermit Schaefer Consulting, \$1,500.00; Menards, \$57.42; Ken Miller, \$100.00; NAPA, \$81.56; NAPA, \$169.00; PFC Products Inc., \$170.94; Pecher City Fire Department, \$270.00; SBM, \$68.86; SBM, \$74.22; Verizon Wireless, \$87.95; AFLAC, \$2,352.61; Annuity Program Plan 2, \$610.18; Annuity Program Plan 2 Deferred Comp., \$1,331.99; Cuna Mutual Life ins., \$1,047.41; Cuna Mu-

tual Plan 1 Deferred Comp., \$315.76; Guardian Life Ins., \$0.20; Guardian Life Ins., \$10.90; Guardian Life Ins., \$239.94; Mercer County Auditor BCBS Ins., \$65,429.46; Mercer County Treasurer, \$1,387.40; Mercer County Treasurer, \$7,445.69; Mercer County Treasurer Federal, \$32,733.07; Mercer County Treasurer FICA, \$19,749.10; Mercer County Treasurer FICA/Medicare, \$2,963.11; Mercer County Treasurer Medicare, \$4,618.73; Mercer County Treasure State Tax, \$3,063.58; Montana CSED, \$84.00; Nationwide Retirement Solutions, \$1,827.30; Nationwide Retirement Solutions, \$12,337.48; NDPERS, \$26,400.50; NDPERS, \$13,886.68; Payroll, \$227,111.61; Recovery Resources, \$143.40; United States Treasury, \$369.35; Acme Tools, \$115.98; Acme Tools, \$109.99; Advanced Business Methods, \$5.28; Advanced Business Methods, \$49.74; Amara-Chem Inc, \$46.95; Americ inn, \$240.00; Ameripride, \$17.20; Baymont Inn & Suites, \$74.70; Darbie Berger, \$120.22; Jessica Binder, \$322.60; BCBS, \$50,505.62; Bronson's Market Place, \$33.43; Butler Machinery Co., \$2,450.05; Card Member Services, \$667.92; Coal Country CHC., \$153.00; Colonial Research, \$352.29; Colonial Research, \$166.68; Brenda Cook, \$90.58; Corner Express of Center, \$7.58; Corner Express of Center, \$22.05; Custer Health, \$270.00; D & E Supply, \$1,025.00; Dean Danzeisen, \$150.00; Electronic communications, \$1,024.00; Gary Emter, \$871.16; Wayne Entze, \$272.60; Farmers Union Oil Co., \$69.76; Fastenal Co., \$1.85; Filter Care of Grafton, \$64.04; Hazen Hardware Hank, \$5.99; Hazen Motor Co. Farm Equipment, \$140.00; Hiway Express, \$150.52; Implementation Specialists, \$1,871.25; Interstate Battery System, \$417.90; J & M Hardware, \$156.42; Nancy Kamps, \$300.00; Kermit Schaefer Consulting, \$1,000.00; Klein Mc Carthy, \$29,343.15; Krauses, \$78.68; Mercer County Shop, \$324.00; Mercer County Treasurer's Office, \$81.59; Midwest Doors, \$210.40; Montana Dakota, \$51.84; NDACS% Linda Schlitter, \$75.00; Neuberger Oil Co., \$3,294.60; Northern Safety & Industrial, \$88.93; Office of State Auditor, \$165.00; OK Automotive, \$102.82; Doug & Julie Olander, \$90.00; Pretty Petals, \$45.00; Reliance Telephone Inc., \$1,500.00; Sailer Septic Service, \$120.00; SBM, \$327.37; Star Business Forms, \$1,398.15; T & G Enterprise, \$700.00; Terracon Consultants Inc., \$504.00; The Bismarck Tribune, \$286.00; True North Steel, \$3,250.76; Tyco Simplex/Grinnell, \$1,957.00; Verizon Wireless, \$1,975.79. All members voted "Aye", motion carried.

The board discussed the appointment for the Planning & Zoning board, and with no recommendations tabled it until the next meeting. No further action was taken.

Auditor Brost discussed with the board the information she has gathered on a salary survey. Brost stated she had been in contact with Dunn County Human Resources and is looking into a company that would complete the salary survey, make job classifications, write job descriptions, and would also be able to provide a web-based tool that would allow the county to keep up in the future. Auditor Brost stated she would bring back more information as she received it. No further action was taken.

Jim Albers, Maintenance Engineer, presented the board with three quotes for an air conditioning unit in the dispatch center. Legend Air, LLC submitted a quote in the amount of \$4,970.00 to install one 3-Ton carrier mini-split cooling only system in the dispatch control room, not to include electrical and roofing costs. Maas Electric Inc. submitted a quote in the amount of \$1,550.00 to run piping to roof mounting, a safety switch, and to run wiring to the cooling unit. Twin City Roofing submitted a quote not to exceed \$1,000.00 to furnish and install manufacturer's pre-fab penetration pocket into existing roof system, install manufacturer's pourable sealer material into the new pocket, and furnish one manufacturers walkway pad for the new unit to rest on. Albers stated the air conditioner split unit will also be able to run off of generator power. Motion made by Commissioner Gunsch, second by Commissioner Entze to approve the air conditioning unit quotes from Legend Air, LLC, Maas Electric Inc, and Twin City Roofing in the amount of \$7,520.00. Roll call vote; Gunsch, "Aye", Entze, "Aye", Scheurer, "Aye", Murray, "Aye", motion carried.

Albers stated he did not have any quotes on the Air Intake System and would like to be added to the August 5th agenda. No further action was taken.

Scott Wegner, Bond Counsel from

Arntson Stewart Wegner PC, discussed with the board the option to levy up to 10 mills for jail expansions in the Capital Projects Levy that is to be paid back over a 20 year period. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to adopt the following resolution: "INITIAL RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS.

WHEREAS, Mercer County, North Dakota (the "County"), a North Dakota political subdivision organized pursuant to and existing under the provisions of North Dakota Century Code (the "NDCC") Title 11 COUNTIES, now determines that it is in the best interest of the County to issue and sell its General Obligation Bonds, Series 2015 in the amount of not to exceed \$3,800,000 (the "Bonds") for the purpose of financing the cost of the improvements hereinafter described and to pledge the County Capital Projects Levy to the payment of the principle and interest on the Bonds; and WHEREAS, the County is authorized to levy an annual tax for county capital projects of 10 mills.

BE IT RESOLVED, as follows:  
SECTION 1—FINDINGS AND AUTHORIZATION

Findings. In order to issue the Bonds pursuant to NDCC Chapter 21-03 to finance the cost of the hereinafter described Project, the following findings are made:

The maximum amount of the Bonds proposed to be issued is \$3,800,000.

The purpose for which the Bonds are proposed to be issued is to construct, equip, and furnish a county courthouse and jail expansion and to pay costs incidental to such work and bond issuance (the "Project").

The assessed valuation of all taxable property in the County, as defined in NDCC Section 57-02-01, is \$389,068,643.

The total amount of bonded indebtedness of the County is \$0.

The amount of outstanding bonds of the County issued for a similar purpose is \$0.

Authorization. General obligation bonds of the County to be designated as "Mercer County, North Dakota General Obligation Bonds, Series 2015" are hereby established and authorized to be issued in the aggregate principle amount of not to exceed \$3,800,000.

### SECTION 2—DEDICATION OF CAPITAL PROJECTS TAX LEVY

2.01. Dedication. The County hereby dedicates such an amount as is necessary to provide for the payment of the principle at maturity and the interest when due on the Bonds on a parity with any other bonds issued or to be issued in accordance with and pursuant to the authority granted to the County by NDCC Section 21-03-07(6), from the County Capital Projects Levy established and levied pursuant to the provisions of NDCC Section 57-15-06.6, which dedication shall continue in effect and may not be discontinued by the County until the principle and any accrued interest on the Bonds have been paid in full or defeased in accordance with the provisions of the resolution authorizing the issuance of Bonds.

### SECTION 3—PUBLICATION OF RESOLUTION; OPPORTUNITY FOR PROTEST

3.01. Publication. The County Auditor is hereby directed to cause a copy of this Resolution to be published in the official newspaper of the County, the Beulah Beacon.

3.02. Opportunity for Protest. Any owner of taxable property within the County may, within sixty (60) days after publication of this Resolution, file with the County Auditor of the County a protest against the adoption of this Resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the Board finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent (5%) or more of the assessed valuation of all taxable property within the County, as theretofore last finally equalized, all further proceedings under this Resolution are barred.

DATED: July 15, 2015  
MERCER COUNTY, NORTH DAKOTA  
/s/Gary Murray, Chairman  
ATTEST

/s/Shana L. Brost, County Auditor  
The governing body of the County acted on the foregoing resolution at a properly noticed meeting held in Stanton, North Dakota, on July 15, 2015, with the motion for adoption made by Commissioner Gunsch, second by Commissioner Scheurer, and the roll call vote on the motion was as follows:

Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Murray, "Aye". Chairman Murray declared the resolution adopted.

Motion made by Commissioner Scheurer, second by Commissioner Entze to appoint Public Financial Management as the Financial Advisor and Arntson Stewart Wegner PC as the Bond Counsel. Roll call vote; Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

The board reviewed the Monthly Financial Statement. No further action was taken.

The board recessed at 9:45 AM.

The board reconvened at 9:57 AM. Elroy Opp, Assistant Road Superintendent, discussed road issues with the board. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to release Carstensen Contracting, Inc. stating all permits were followed and all concerns with permits on county roads were completed. Roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Murray, "Aye", motion carried.

The board reviewed the Outstanding Road Accounts. No further action was taken.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve Utility Occupancy Application and Permit #1568 to Delon Bauman to excavate for a waterline for water to his cattle in Sections 21 & 22 T145N R90W; with the condition that any future repairs that need to be done due to the trenching, the county would bill back Delon Bauman. Roll call vote; Entze, "Aye", Gunsch, "Aye", Scheurer, "Aye", Murray, "Aye", motion carried.

Opp discussed with the board the purchase of a Hydraulic 15' Flex Wing Diamond Mower from Titan Machinery, stating a brand new one costs \$36,000 or they could purchase the demo model for \$20,500. Opp stated with this new mower they would be able to just take one pass, and hoped with the two mowers they currently have they could make one good mower. Motion made by Commissioner Scheurer, second by Commissioner Gunsch to approve the Hydraulic 15' Flex Wing Diamond Mower in the amount of \$20,500. Roll call vote; Scheurer, "Aye", Gunsch, "Aye", Entze, "Aye", Murray, "Aye", motion carried.

In other road business, Commissioner Gunsch stated Coyote Creek is not keeping up on the watering as agreed to on County 25. Opp stated they have been in contact with them, and Coyote Creek was out five times yesterday and cannot keep up. Opp stated on County 16, east of ND Hwy 49 a quarter-mile, there is a need for pylons to hold the dirt from sluffing. Opp stated this is a project that may need to get taken care of in 2015. Commissioner Gunsch asked Opp about the torn up section lines from Great Southwestern. Opp stated they are keeping on top of them to clean up. Commissioner Gunsch also stated he has had numerous complaints about the safety and condition of ND Hwy 49. Chairman Murray stated the NDDOT does not have the funds to complete that highway right now. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to send a letter of concern to the NDDOT about the safety and condition of ND Hwy 49. All members voted "Aye", motion carried.

The board reviewed the Landfill Tonnage report. No further action was taken.

The board reviewed the NDSU Extension Highlights. No further action was taken.

Motion made by Commissioner Scheurer, second by Commissioner Entze to approve the June Sheriff's Fees in the amount of \$17,633. All members voted "Aye", motion carried.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve the June Recorder's Fees in the amount of \$9,867.10. All members voted "Aye", motion carried.

The board recessed at 10:40 AM.

The board reconvened at 11:53 AM. Jacob Norloch, Valley Med Flight, asked the board for a countywide membership to Valley Med Flight in the amount of \$35,000 for a one year contract. Norloch explained to the board if they were members, there would be zero out of pocket expense to any resident of Mercer County who needed the service. Norloch stated recently Dunn County, Divide County, Billings County, and Golden Valley County have all signed on; Hettinger County would be signing after the first of the year. Norloch added the helicopter would respond from Dickinson, Williston, or Sydney, MT. The board thanked Norloch for his time. No further action was taken.

There being no further business,

# PUBLIC NOTICES

in North Dakota and nationwide. He stated basically if there is sewer backup, it's the homeowner's responsibility. The only mistake the governing body might have made is not formulating a policy. Gazur commented on the timeline of basement flooding to Wagner's home. In 2001, Wagner installed sump pumps to prevent basement flooding from ground water. In 2009 and 2014 there was flooding in the basement from high water in the intersection. The homeowner has no control over this issue and Gazur feels the City should come up with a solution to correct it.

Gazur commented on the acceptance of SRF Task 3, Chapters 3 & 4. Gazur made a motion seconded by Schulz to approve accepting Chapters 3 & 4. Roll call vote found Lenzen, Schulz, Frey, Kok, Keller and Gazur in favor. Gazur discussed permitted uses in SRF Chapter 2. Gazur commented on the Drought Management Plan. He does not believe the City should sign anything that is of no benefit to the City. Gazur made a motion seconded by Frey to cease any further consideration of a drought management plan until such time it is a benefit or a requirement to the City. Discussion followed. Roll call vote found Lenzen, Schulz, Frey, Kok, Keller and Gazur in favor. Gazur commented on the Flood Plain Ordinance and the zoning impact in it. The proper location for the wording would be in the Planning and Zoning Ordinance. He stated when we send this in it should be stated we are sending it in as required, but we will include the final version of the ordinance in our P&Z Ordinance. Duppong commented they have been contacted and he will send a formal letter to them so it is documented. Gazur commented Employee Relations Committee Meetings will be July 27, 28, 29 and annual employee appraisals should be in by this Wednesday. Gazur questioned why the pool was closed over the 4th of July. Schulz commented they were unable to get help that day. He stated Hazen was also closed.

Frey commented that due to the fire at the city storage building, equipment is needed for mowing. Insurance will cover the tractors that were lost so we will move forward with what is needed. Frey stated there is an Equipment Committee meeting tomorrow at 4:30 pm. Discussion followed on types of mowers.

Schulz commented the Pool Board meets tomorrow night. He is also working with the Assessment Board members to find out if they will fill another term. Bjerke commented West River Transit is moving into more areas to provide transit. Schulz commented the Tanberg alley has two corral gates and it's not a decorated gate. Bjerke stated the Water Salesman is up and running. Daede commented Sletton finished replacing a valve on the North Lagoon. He commented on progress at Barton Estates and that the concrete crews will be coming in. The sewer is staked on 3rd Avenue.

Solem commented on the Joint Powers Agreements on behalf on the Mercer County Historical Society and the Cities of Stanton and Zap. This will allow the Cities to make contributions to the Historical Society. Schulz made a motion seconded by Keller to approve the Joint Powers Agreement with the City of Stanton and the Joint Powers Agreement with the City of Zap. Roll call vote found Lenzen, Schulz, Frey, Kok, Keller and Gazur in favor.

Solem stated he placed City Coordinator as the title appointed as the flood plain manager in the Flood Plain Ordinance #415. Gazur made a motion seconded by Frey to have the first reading of Ordinance #415. Roll call vote found Lenzen, Schulz, Frey, Kok, Keller and Gazur in favor.

Yeager commented they have been mowing, sweeping, painting curbs the old fashion way, cleaning drains, moving back into the shop after the fair, making a list of items lost in the fire, and they took down the snow fence at the bike path and the building on Main Street. In the next weeks, they will be mowing, sweeping, taking recycle to Minot, and they will clean a culvert in Murray Addition.

Duppong commented Jerry Reichenberg was nominated as Chairman of Planning and Zoning and Vice Chairman is Marvin Bauer. He stated the storage building metal removal is being worked on.

Ferebee presented a Peddler's Permit for Southwestern Advantage Educational Books for July 27 to July 29, 2015. Gazur made a motion seconded by Kok to approve the permit as presented. Roll call vote found Lenzen, Schulz, Frey, Kok, Keller and Gazur in favor.

Ferebee presented a Special Event Permit for Fanatics at the Beulah Civic

Center for the Dakota Walleye Tournament Registration on July 23, 2015. Schulz made a motion seconded by Lenzen to approve the permit as presented. Roll call vote found Lenzen, Schulz, Frey, Kok, Keller and Gazur in favor.

Ferebee presented the following raffle permits:

Beulah Little People Preschool on July 23, 2015 at the Beulah Civic Center - Moved from the Grandview.

Beulah Little People Preschool on September 19, 2015 at the Beulah Airport for the Fly-In.

Beulah Park District on August 8, 2015 at Riverside Park for a fundraiser.

Beulah Education Foundation 50/50 raffle permits:

1. Football at Riverside Park 9-4-15 to 10-30-15
2. Volleyball at the Beulah High School Gym 8-25-15 to 11-10-15
3. Boys Basketball at the Beulah High School Gym 12-15-15 to 2-29-16
4. Girls Basketball at the Beulah High School Gym 12-3-15 to 2-10-16

Schulz made a motion seconded by Gazur to approve the raffle permits as presented. Roll call vote found Lenzen, Schulz, Frey, Kok, Keller and Gazur in favor.

Phillips commented on the special assessments of Barton Estates and the difference in taking out the bond for 10 years or 15 years. Schulz questioned if the Assessment Board or Council decides the term. Phillips stated it is a Council decision to go with 10 or 15 years. Discussion followed. Phillips stated the developer is responsible for the lots until they are sold. Phillips commented on the ND Housing Incentive Fund (HIF) contribution that was approved. A plat on the property will be ready soon for approval. Phillips stated there is a need for workforce housing and they will have a meeting Friday to look at opportunities. Cobblestone Hotel is looking at an August 15 opening date.

Senn commented they were awarded a \$2,500 grant for Lidar Radar.

Bjerke commented on the Childcare facility.

Meeting adjourned at 9:30 pm  
DARRELL R. BJERKE, MAYOR  
HEATHER FEREBEE, AUDITOR  
(8-6-15)

**ORDINANCE NO. 415  
AN ORDINANCE ESTABLISHING  
FLOOD PLAIN MANAGEMENT  
REGULATIONS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF  
BEULAH, MERCER COUNTY, NORTH  
DAKOTA.**

**6.1 PENALTIES FOR VIOLATIONS**

(1) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$1,500 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(2) Nothing herein contained shall prevent the Beulah City Council from taking such other lawful action as necessary to prevent or remedy any violation.

The title and penalty section of the above Ordinance is published in accordance with the Laws of the State of North Dakota.

Dated this 3rd day of August, 2015.  
HEATHER FEREBEE, CITY AUDITOR  
CITY OF BEULAH  
(8-6-15)

**You've got it.**



**Somebody wants it.**

**Sell it in the  
Common classifieds.**

**873-4381 • 748-2255**

**NOTICE OF PUBLIC HEARING  
ON A PROPOSED CONDITIONAL  
USE WITHIN THE  
MERCER COUNTY AGRICULTURAL  
ZONING DISTRICT  
ZONING CASE 15-08-03**

PLEASE TAKE NOTICE that the Mercer County Planning Commission will conduct a public hearing on Thursday evening, August 20th 2015 beginning at 7:00 p.m., Central Time, in the Civic Center at Beulah. The Planning Commission will review and give consideration to an application from Michael & Maria Grimm for approval of a Conditional Use for a Non-Farm Residence within the Agricultural Zone of the Mercer County Zoning District Map.

The subject parcel is located approximately 2 1/2 miles north of Stanton. The parcel is 2 acres in size and described as Lot 4 of Tract E within the W 1/2 W 1/2 of Section 27 T145N R84W of the 5th Principle Meridian, Mercer County ND.

TAKE FURTHER NOTICE that the public is hereby invited to comment on the proposed Conditional Use application at this public hearing or forward written comments prior to this hearing to: Mercer County Auditor - Box 39 - Stanton, ND 58571. A copy of the application, location map and other documents is available to the public for inspection and copying in the Office of the County Auditor on Monday through Friday during regular office hours.

GARY EMTER, MERCER COUNTY  
LAND USE ADMINISTRATOR  
(8-6-15) (8-13-15)

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
Coyote Creek Mining Company, L.L.C.  
Case No. RC-15-495**

Notice of Violation No. 1502  
Violation

**NOTICE OF FORMAL HEARING  
July 31, 2015  
Preliminary Statement**

Coyote Creek Mining Company, L.L.C. was issued Notice of Violation (NOV) 1502 by the Reclamation Division on July 7, 2015 for failure to provide erosion protection at the outlet of a culvert in an access road that crosses Coyote Creek within Surface Coal Mining Permit NACC-1302. On July 27, 2015, Coyote Creek Mining Company, L.L.C. requested a formal hearing with the Commission on this matter and requests that the NOV be vacated.

Notice of Formal Hearing  
Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at 8:30 a.m. CDT, on August 27, 2015, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota. The issue to be considered is whether the NOV should be vacated.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.  
PUBLIC SERVICE COMMISSION  
Randy Christmann, Commissioner  
JULIE FEDORCHAK, CHAIRMAN  
BRIAN P. KALK, COMMISSIONER  
(8-6-15) (8-13-15)

**ABBREVIATED  
NOTICE OF INTENT TO  
ADOPT AND AMEND  
ADMINISTRATIVE RULES**

relating to aerial applicator licensing, runway approach hazards, and airport grant allocations.

**North Dakota  
Aeronautics  
Commission**  
will hold a public hearing to address proposed changes to the N.D. Admin. Code.  
**North Dakota  
Aeronautics  
Commission Office  
2301 University Drive  
Building 22  
Bismarck, ND  
Thurs., Sept. 17, 2015  
9:00 a.m.**

A copy of the proposed rules may be requested by calling 701-328-9650. Also, written comments may be submitted to P.O. Box 5020, Bismarck, ND 58502 until September 28th, 2015. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Aeronautics Commission at the above telephone number or address at least one day prior to the public hearing.  
Dated this 27th day of July, 2015.  
Kyle Wannier, North Dakota  
Aeronautics Commission Director

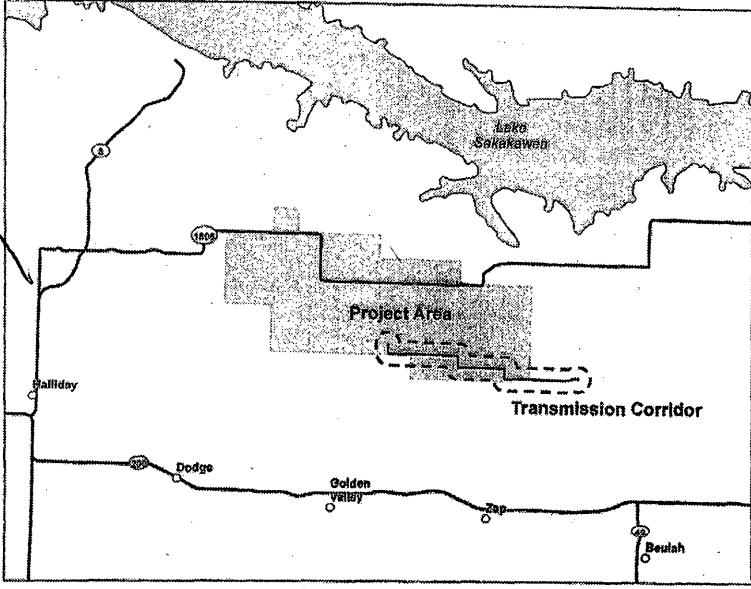
**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
Antelope Hills Wind Project, LLC  
Wind Energy Conversion Facility -  
Mercer County  
Siting Application**

**Case No. PU-14-679  
NOTICE OF HEARING  
JULY 29, 2015**

On December 17, 2014, the Commission issued Certificate of Site Compatibility No. 41 to Antelope Hills Wind Project, LLC designating a site for construction of a 172 MW Antelope Hills Wind Energy Project consisting of up to 85 wind turbine generators and associated facilities in Mercer County, North Dakota.

On July 23, 2015, Antelope Hills filed an amendment application requesting modifications to the approved turbine site plan within the designated project area shown on the attached map. The Commission finds the amendment application complete.

A Public Hearing on the amendment application is scheduled to begin September 4, 2015 at 9:00 a.m. CDT at the Council Chambers, 120 N Central Avenue, Beulah, North Dakota 58523.



(8-6-15) (8-27-15)

The issues to be considered are:

1. Will the location, construction, and operation of the proposed amended facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed amended facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed amended facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission.

**PUBLIC SERVICE COMMISSION  
RANDY CHRISTMANN,  
COMMISSIONER  
JULIE FEDORCHAK, CHAIRMAN  
BRIAN P. KALK, COMMISSIONER**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
Basin Electric Power Cooperative  
345 kV Trans. Line - Mercer, Dunn,  
McKenzie, Williams  
Siting Application**

**Case No. PU-11-696  
NOTICE OF OPPORTUNITY  
FOR HEARING  
JULY 29, 2015**

On April 23, 2014, the Commission issued Corridor Certificate No. 152 and Route Permit No. 164 to Basin Electric Power Cooperative authorizing approximately 197 miles of 345 kV and 230 kV electric transmission line and associated facilities extending from the Antelope Valley Station (AVS) near Beulah to the Neset Substation near Tioga, North Dakota.

On July 22, 2015, Basin Electric filed an amendment requesting minor corridor and route modifications in T153N, R101W, Sections 21 & 28 in McKenzie County as indicated on the attached map. The Commission finds Basin Electric's amendment complete. The issues to be considered in this matter are:

1. Will the location, construction, and operation of the proposed amended facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

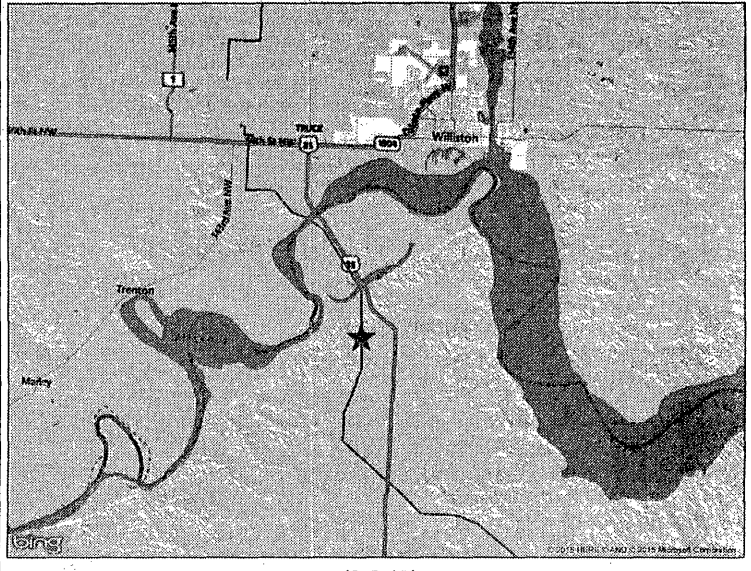
2. Are the proposed amended facilities compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed amended facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

Those interested are invited to comment in writing. Persons desiring a hearing must file a written request identifying their interest in the proceedings and the reasons for requesting a hearing. Comments and requests for hearing must be received by September 1, 2015. If deemed appropriate, the Commission can determine the matter without a hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission.

**PUBLIC SERVICE COMMISSION  
RANDY CHRISTMANN,  
COMMISSIONER  
JULIE FEDORCHAK, CHAIRMAN  
BRIAN P. KALK, COMMISSIONER**



(8-6-15)

8/6 Beulah

*8/6 Bismarck*

STATE OF NORTH DAKOTA  
IN DISTRICT COURT  
COUNTY OF BURLEIGH  
SOUTH CENTRAL JUDICIAL DISTRICT  
IN THE MATTER OF THE ESTATE OF  
LYLA P. HUBER, DECEASED

Civil No. 08-2015-PR-00140

**NOTICE TO CREDITORS**

NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above Estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of this notice or said claims will be forever barred. Claims must either be presented to Sheila Herman, Personal Representative of the Estate, and his attorney, Mary Maichel Guler, at PO Box 2196, Bismarck, ND 58502-2196 or filed with the Court. Dated this 21st day of July, 2015.

/s/ Sheila Herman  
SHEILA HERMAN  
Personal Representative

Mary Maichel Guler (ID 04393)  
GEIERMANN BERGESON  
& GULER LAW OFFICES, P.C.  
425 North 5th St., Box 2196  
Bismarck, ND 58502-2196  
(701) 223-1986  
Attorney for Personal Representative -  
7/23, 30 & 8/6 - 20799426

STATE OF SOUTH DAKOTA  
IN CIRCUIT COURT  
COUNTY OF WALWORTH  
FIFTH JUDICIAL CIRCUIT  
ESTATE OF ASIAJAE MARQUESHA  
SPOTTED HORSE, Deceased.

File No. PRO 15-19

**ORDER FOR HEARING ON  
PETITION FOR APPOINTMENT  
OF SPECIAL ADMINISTRATRIX**

Barb Mayer, duly appointed Guardian and Conservator of Asiajae Marquesha Spotted Horse, has presented to this Court a Petition for Appointment of Special Administratrix to act on behalf of the Estate of Asiajae Marquesha Spotted Horse, deceased, in the investigation and pursuit of a wrongful death action arising from the death of Asiajae Marquesha Spotted Horse in a motor vehicle collision on April 3, 2015. The Court does hereby

**ORDER** that a hearing on the Petition for Appointment of Special Administratrix shall be held before The Honorable Scott P. Myren, Presiding Circuit Court Judge for Walworth County, on **Monday, September 14, 2015, at 10:00 A.M.** Said hearing shall take place at the Walworth County Courthouse, 4304 4th Avenue in Selby, South Dakota.

Dated this 19th day of July, 2015.

BY THE COURT:  
/s/ Scott P. Myren  
SCOTT P. MYREN  
Circuit Court Judge -  
Fifth Judicial Circuit  
8/6, 13, 20 & 27 - 20802137

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
BNI Coal, Ltd.**

Case No. RC-15-138

Revision No. 38,  
Permit No. BNCR-9702  
Approval

**NOTICE OF PERMIT  
REVISION APPROVAL  
July 29, 2015**

**Preliminary Statement**

On April 2, 2015, BNI Coal, Ltd. filed the application for Revision No. 38 to Surface Coal Mining Permit No. BNCR-9702 to identify the next five-year coal removal subareas and to update the legal and financial, operation, and reclamation sections for the next permit term.

**PUBLIC NOTICE  
Public Notification of USDA-  
Rural Development's Finding of No  
Significant Environmental Impact**

USDA-Rural Development has received an application for financial assistance from Hazen Memorial Hospital Association DBA Sakakawea Medical Center. The specific elements of the proposed action are to build a replacement critical access hospital facility in Hazen, ND.

USDA-Rural Development has assessed the potential environmental impacts of this proposed action and has determined that it will not significantly affect the quality of the human environment. Therefore, USDA-Rural Development will not prepare an environmental impact statement for this proposed action.

Any written comments regarding this determination should be provided within fifteen (15) days of this publication to Mark Wax, Community Programs Director, USDA-Rural Development PO Box 1737 Bismarck, ND 58502. USDA-Rural Development will make no further decisions regarding this proposed action during this fifteen-day period. Requests to receive a copy of, or to review the USDA-Rural Development Environmental Assessment upon which this determination is based should be directed to Mark J. Wax, Community Programs Director, USDA-Rural Development PO Box 1737 Bismarck, ND 58502.

8/4, 5 & 6 - 20801519

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
Coyote Creek Mining Company,  
L.L.C.**

Case No. RC-15-495

Notice of Violation No. 1502

**NOTICE OF FORMAL HEARING  
July 31, 2015**

**Preliminary Statement**

Coyote Creek Mining Company, L.L.C. was issued Notice of Violation (NOV) 1502 by the Reclamation Division on July 7, 2015 for failure to provide erosion protection at the outlet of a culvert in an access road that crosses Coyote Creek within Surface Coal Mining Permit NACC-1302. On July 27, 2015, Coyote Creek Mining Company, L.L.C. requested a formal hearing with the Commission on this matter and requests that the NOV be vacated.

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If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing. **PUBLIC SERVICE COMMISSION**  
Randy Christmann, Commissioner  
Julie Fedorchak, Chairman  
Brian P. Kalk, Commissioner  
8/6 & 13 - 20802135

**NOTICE OF SALE**

Civil No. 08-2012-CV-01203

Notice is hereby given that by virtue of a judgment of foreclosure by the District Court of the South Central Judicial District in and for the County of Burleigh and State of North Dakota, and entered and docketed in the Office of the Clerk

The bid documents are to be mailed Street, Bismarck, North Dakota 58503. Improvements for On-Site Wetland M Yegen Road and Miscellaneous Items, shall indicate the type and number of. The proposed work includes the follow: Division 1 - clearing and grubbing, ear fabric, drain tile, storm sewer, concrete erosion control measures.

Division 2 - clearing and grubbing, ear fabric, drain tile, storm sewer, traffic cc Plans and specifications are on file and office, Bismarck, North Dakota and at North Dakota.

Copies of the plans and specification obtained by payment of Eighty dollars ( \$80.00 ) Street, Bismarck, ND, 58503 for each : project bidding documents are available at [www.questcdn.com](http://www.questcdn.com). You may download Quest project # 4022910 on the QuestCDN.com at 952-233-1632 or in registration, downloading, and working

Each bid shall be accompanied by a seal to five percent (5%) of the maximum bid amount. A surety company authorized to do business in the City of Bismarck, conditioned that if the bid is not accepted, the Bidder shall be bound to him, he, within fifteen (15) days after the award of a contract in accordance with the requirements of law and regulations and the City of Bismarck. The two lowest bidders will be required to provide a bid bond of not less than sixty (60) days. The successful Bidder will be required to provide a bid bond of not less than sixty (60) days. The Contractor shall also enclose with the bid a copy of the Contractor's License or the Secretary of State as per North Dakota law. The successful Bidder will be required to provide a bid bond of not less than sixty (60) days. The Contractor shall also enclose with the bid a copy of the Contractor's License or the Secretary of State as per North Dakota law. The successful Bidder will be required to provide a bid bond of not less than sixty (60) days.

The proposed contract is subject to the terms and conditions of the contract. The successful Bidder hereby agrees to provide a bid bond of not less than sixty (60) days. The Contractor shall also enclose with the bid a copy of the Contractor's License or the Secretary of State as per North Dakota law. The successful Bidder will be required to provide a bid bond of not less than sixty (60) days.

Unless approved by the Engineer, the Contractor shall be required to provide a bid bond of not less than sixty (60) days. The Contractor shall be required to provide a bid bond of not less than sixty (60) days. The Contractor shall be required to provide a bid bond of not less than sixty (60) days. The Contractor shall be required to provide a bid bond of not less than sixty (60) days.

The City of Bismarck, Bismarck, North Dakota, reserves the right to reject the bid in the performance of any former contract. The successful Bidder will have to obtain a bid bond of not less than sixty (60) days before the contract can be executed.

A full listing of the Federal Provisions by reference and contained within the bid documents. The Overall goal for Disadvantaged Business Enterprises (DBE) is 1.4 percent (Race Conscious). A pre-bid meeting for all pre-qualified bidders will be held at the Bismarck Airport Administration Building on August 6, 2015.

Publication Dates: July 23, 2015  
July 30, 2015  
August 6, 2015

7/23, 30

**ADVERTISING  
MISCELLANEOUS AIR  
STANDING ROOM  
AIP No. 3  
FORTYATE**

Notice is hereby given, that sealed bids for Miscellaneous Airport Improvements at North Dakota. Bids will be received, by the Director of Transportation Planning and Construction, until 2:30 P.M. (CT), Tuesday, August 4, 2015. Bids will be publicly open and read aloud at 2:30 P.M. (CT), Tuesday, August 4, 2015. Digital copies of the Bidding Documents are available at [www.questcdn.com](http://www.questcdn.com) for a fee of \$20.00. This project from the "Bid Documents" page contact QuestCDN at (952) 233-1632 or