

OLIVER COUNTY COMMISSION MEETING MINUTES

January 13, 2026
 OLIVER COUNTY COMMISSION PROCEEDINGS were called to order at 1:00 PM with all members present.

The Pledge of Allegiance was recited.

Jaden Schmidt, Auditor, took over as temporary chair.

Nominations were opened for Chair.

Lee Husfloen nominated Rob Schmidt for Chair. No further nominations were given. Dave Berger moved and Lee Husfloen seconded the motion to cast a unanimous ballot for Rob Schmidt as Chair. All in favor, none opposed; motion carried.

Rob Schmidt opened nominations for Vice Chair. Lee Husfloen nominated Dave Berger for Vice Chair. No further nominations were given. Lee Husfloen moved and Rob Schmidt seconded the motion to cast a unanimous ballot for Dave Berger as Vice Chair. All in favor, none opposed; motion carried.

Lee Husfloen moved and Dave Berger seconded the motion to approve the agenda. All in favor, none opposed; motion carried.

Dave Berger moved and Lee Husfloen seconded the motion to approve the minutes of the December 8th, 2025 Joint City/County meeting and December 30th, 2025 meetings. All in favor, none opposed; motion carried.

Dave Berger moved and Lee Husfloen seconded the motion to approve the following bills for payment and approve the following bills previously paid. A roll call vote was held, with Dave Berger, aye, Lee Husfloen, aye, Rob Schmidt, aye; motion carried.

Beulah Beacon-110.00

Center Republican-25.50

Coal Conversion Counties-1477.00

Eide Chevrolet-1157.04

IAAO-255.00

ITD-1180.00

K&M Repair-1260.96

LCRDC-2028.38

Menards-126.98

Mercer Co. Sheriff's Dept-75.00

Mid-States Organized Crime Inf. CE-100.00

NACO-450.00

NASASP-39.00

ND County Auditor/Treasurer Assn-400.00

ND County Commissioner Assn-1085.00

NDAAEA-75.00

NDACO-5497.00

NDAE4-HYW-100.00

Office of the Adjutant General-740.48

Parkland USA-3664.98

Rud Oil & Gas-1662.81

Software Innovations-750.00

Steins Inc-30.77

The Sidwell Company-17860.00

Vision West ND-200.00

NDACO-14068.43

Center Machine-1320.06

Denny's Electric-5202.53

ND Recorder's Assn-500.00

Midwest Doors-473.77

Mandate Automotive Tire-230.88

Capital Trophy-41.25

SRF Consulting-3094.97

Centre Inc-960.00

NDSU-8761.39

The following bills previously paid were approved:

AT&T Mobility-491.79

Center Park District-325.59
 Center-Stanton School-4203.28
 City of Center-3042.57
 Empower Electric-4592.00
 Cale Ferderer-300.00
 Don Haag-85654.87
 Kyle Holwagner-88.72
 Jim Jenness-10.00
 Mercer County Ambulance-52.87
 Morton County Auditor-41.11
 Morton County Council on Aging-63.31
 Robert Mosbrucker-15.76
 Nationwide Retirement-1000.50
 ND State Treasurer-31.65
 NDSU Extension Pesticide Program-290.00
 Oliver County Ambulance-214.63
 Oliver County Fair Association-500.00
 Oliver County Recorder-150.00
 Oliver County Rural Fire-158.19
 Oliver County Soil Conservation-79.14
 Oliver County Treasurer-4083.80
 Oliver County Water Resource Dist.-19.61
 Tommy Olzweisky-39.93
 James Pazdernik-200.00
 Quality Title-1360.08
 Security First Bank of ND-71079.58
 SW Water Authority-72.87
 The Title Team-20.00
 TransTrash-420.00
 Union State Bank-5.00
 Verizon Wireless-84.14
 Washburn Rural Ambulance-40.20
 WRT-693.33
 Western Plains Public Health-108.93
 Payroll-46066.35
 Matt Foucault, T-Mobile, made a presentation to the Commission.
 Portfolio and Board assignments were discussed. Lee Husfloen moved and Dave Berger seconded the motion to approve the assigned boards and portfolios as follows. All in favor, none opposed; motion carried.
 Portfolios
 Dave
 Auditor
 P&Z
 Tax/EQ
 Risk Manager
 County Roads
 Courthouse (Building)
 Lee
 Supt of Schools
 Treasurer
 Extension
 Janitor
 Human Services
 Rob
 Clerk of Court
 Human Resources
 Emergency Services
 Veterans Services
 States Attorney
 Sheriff
 Recorder
 Weed Control
 Boards
 Dave
 LEPC
 Coal Conversion Counties
 JDA
 Lewis & Clark Regional Development
 Lee

West Dakota Human Services
 Solid Waste Management
 Land Reclamation
 Dakota Prairie RCND
 Dakota Central Human Services
 Rob
 Emergency Services

Lee Husfloen moved and Dave Berger seconded the motion to approve Security First Bank of ND as the County Depository. All in favor, none opposed; motion carried. The Pledge Analysis was handed out to the Commissioners.

Lee Husfloen moved and Dave Berger seconded the motion to approve Resolution 2026-1; BE IT HEREBY RESOLVED that the Oliver County Commission requests that the North Dakota Highway Patrol monitors Oliver County roads. All in favor, none opposed; motion carried.

Discussion was held on the quote for Westlaw for the State's Attorney office. Dave Berger moved and Lee Husfloen seconded the motion to approve the quote with Westlaw for \$543.96 per month for a one-year term.

All in favor, none opposed; motion carried.

Discussion was held on work being done by Denny's Electric on the Courthouse Generator. The company will come on January 19-20 to do the work.

Sheriff's Department updates were given. Bid opening for the Sheriff's boat took place. Bids received were from Lane Dahl for \$1527 and from Bill Van Oosting for \$1400. Dave Berger moved and Lee Husfloen seconded the motion to accept the bid from Lane Dahl for the Sheriff's Boat, a 20' Boston Whaler w/ 150 Mercury Outboard Engine as well as the spare boat in the Sheriff's lot for parts.

All in favor, none opposed; motion carried. Discussion was held on the weights and scales in Kidder County. Jim Wenning, Chief Deputy, was informed that the scales Kidder County had for sale dropped to \$20,000. Discussion was held on options of purchasing the scales and hiring a weights and scales officer.

A new officer would need training, but there is option to hire someone who is already trained. Lee Husfloen, Commissioner, stated that it is the job of the Commission to manage the county budget and control spending. A fifth officer would add approximately \$200,000 and possibly only make \$40,000. Husfloen believes the decision should be placed on hold until the county hears information on the COPS grant and not to spend money. LoadPass permitting is in place and has worked well, however, it still has some issues with companies not obtaining permits.

Updates were given by Sheriff Hilliard on the

2025 Task Force.

Discussion was held on the Written Findings from OverPass Approval for BNI. BNI provided suggested findings for the County to consider, but if the County does not make any, the PSC will.

Brian Dresser, landowner, read a letter from his attorney and requested the Commission rescind the motion from the August 2025 meeting approving the Overpass project from BNI.

Patrick Waters, States Attorney, provided his opinion to the Commission, advising the county remove themselves from the issue, as it could amount to a constitutional taking of land and recommended the Commission rescind the motion from the August 12th meeting.

Lee Husfloen moved and Dave Berger seconded the motion to rescind the motion as was passed from the August 12th, 2025 meeting, with the rescinded motion as follows;

WHEREAS, BNI Coal, LTD. desires to build a haul road between its coal mine expansion and the existing coal facilities which requires the crossing of Oliver County Road No. 37; WHEREAS, BNI Coal, LTD has worked with the County Engineer and has held multiple meetings with stakeholders to consider the safest and most efficient means of construction such crossing and has developed a proposal for the construction of an overpass on County Road No. 37 over the haul road to be constructed;

WHEREAS, the County has reviewed proposed plans and specifications for the construction of an overpass on County Road 37; and

WHEREAS, the County Engineer has submitted these plans to the Commission and may recommend minor revisions to ensure the project meets all safety, design, and regulatory standards; and

WHEREAS, the proposed Overpass Development Agreement have been prepared to set forth the responsibilities of all parties during the construction and use of the overpass; and

WHEREAS, N.D.C.C. Sections 38-01-07.1 and 38-14.1-07 require the approval of the County Commission to temporarily close or relocate a county road and conduct coal mining operations within 100 feet of the outside right-of-way line of any public road;

and construction of the overpass will include a temporary bypass road, the installation of the overpass and haul road, and various other coal mining operations, including the installation of water retention ponds within 100 feet of the right-of-way;

WHEREAS, BNI Coal, LTD. has submitted a Petition permitting surface coal mining operations within 100 feet of the outside right-of-way of certain public roads;

WHEREAS, the Commission finds that the overpass project will improve public safety, traffic flow, and transportation infrastructure for the County while permitting BNI Coal LTD to continue its coal mining activities;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Oliver County that:

1. The construction plans for the County

Road 37 overpass are approved, together with any minor revisions as recommended by the County Engineer.

2. The Overpass Development Agreement as presented, is approved, with any minor modifications as may be necessary to carry out the intent of the agreements.

3. The Petition submitted by BNI Coal, LTD is approved and BNI Coal, LTD is authorized to temporarily close or relocate such portions of the county road therein described and to conduct coal mining operations within 100 feet of the outside right-of-way line of the public roads therein described.

4. The Chair of the County Commission, is authorized to sign all documents and take any actions needed to carry out this project. All in favor, none opposed; the above motion from the August 12th, 2025 meeting was rescinded as worded.

Jim Jackson, Moore Engineering, was presented to provide an update on grants. The Flex Fund grant for the 36th Ave SW road project was submitted and is awaiting final decision. The county-wide chip seal project was discussed. The contract has been sent to the DOT after obtaining signatures from the county. Moore Engineering would like to work on completing a Capital Improvement Plan (CIP) for the county, with options and ideas for future road project. The CIP would be beneficial for future grant programs as the DOT wants to see high dollar future needs and projects.

Kenny Rude, Road Superintendent, provided road department updates. Discussion was held on unused vacation for Marvin Pfliger. Due to miscommunication, Marvin had some carryover hours at the end of the year and needs approval for an extension to use them into the new year. Discussion was held and it was decided to contact HR Alice Grinstein and final approval will take place at the February 10th meeting.

An equipment list was presented of items that are unused or not usable. Discussion was held on option, such as putting out on bids or trading in. Kenny Rude will compile a list of suggestions for the next meeting.

Discussion was held on the Road Superintendent bonus policy. Dave Berger moved and Lee Husfloen approved the change of wording for approval from the direct supervisor to the portfolio holder and to approve payment of the December overtime hours for Kenny Rude. All in favor, none opposed; motion carried.

The Joint Powers Agreements for Oliver County and Mercer County Emergency Manager and Human Resources. Lee Husfloen moved and Dave Berger seconded the motion to approve the JPAs for Emergency Manager and Human Resources as presented.

All in favor, none opposed; motion carried. The meeting was adjourned at 2:55 pm.

The next meeting of the Oliver County Commission will be at 1:00 PM, February 10th, 2026 at the Oliver County Courthouse meeting room.

Jaden Schmidt, Oliver County Auditor

Lee Husfloen, Chairman of the Board

(02-19-2026) (02-26-2026)

CENTER CITY COUNCIL MEETING MINUTES

February 9th, 2026

Meeting called to order by Mayor John Lee at 6:00 p.m.

Council members present: Lisa Gusewelle, Eric Casson, Troy Hatzenbihler, Jennifer Gooss City Attorney and RaShell Simenson City Auditor.

Auditor Simenson provided a sincere public apology to the residents Richard and Sarah Fricke, and Ryan and Brooke Boeshans for the comments in the January meeting.

Gusewelle moved to approve the agenda, seconded by Hatzenbihler; all voting aye, motion carried.

Gusewelle moved to approve previous meeting minutes seconded by Casson; all voting aye, motion carried.

Treasurer Report

Gusewelle moved to approve the claims on hand except for 14 Oranges Software Inc. Ingroove Annual Subscription Silver Package, seconded by Casson; all voting aye, motion carried.

Security first Bank \$1,541.11, Oliver County Sheriff Dept \$27,654.20, All pest \$141, AT&T \$92.10, Marco \$317.33, Donovan & Kaffar \$1668.60, CB Accounting \$4,100, Capital Trophy \$25.31, C-Ram INC \$180, Runnings \$26.87, Menards \$284.82, Vestis \$413.51, Menards \$27.28, Rud Oil & Gas \$1,080.85, Roughrider Industries \$25.94, Center Republican \$384.98, Roto-Rooter \$315, ND Dept of Health \$27, Bank of North Dakota \$29,573.45.

Gusewelle moved to approve check register from January, seconded by Hatzenbihler; all voting aye, motion carried.

Gusewelle moved to approve the financial report for January, seconded by Hatzenbihler, all voting aye, motion carried.

CB Accounting Report- Tray Brownlee presented the water report, explaining that at the beginning of 2025 the city's water usage appeared low due to malfunctioning water meters. Since the implementation of the new water meters in September, water consumption has increased and now aligns with the amounts billed by Southwest Water. However, the revenue the city is receiving from water customers differs from the amount being billed by Southwest Water. Casson noted that Southwest Water's meter reading dates differ by five to six days from the City's meter reading schedule. He mentioned that the city may need to amend its ordinance to coincide with Southwest Water's reading dates. Discussion ended with the idea of looking at a process to overlook water rates for the city.

Personal Appearance

Patty Koepke, Tax Equalizer, appeared for New Home Exemption.

Hatzenbihler moved to approve the tax exemption for parcel 25645000, seconded by Gusewelle, all voting aye, motion carried.

Hatzenbihler moved to approve the tax exemption for parcel 25610000, seconded by Gusewelle, all voting aye, motion carried.

Jayar Kindsvogel appeared on behalf of his new business, "Rupture Duck Water Depot", building permit.

Gusewelle moved the motion to approve building permit 01262026, seconded by Casson, all voting aye, motion carried.

Janet Erhardt appeared before the council to provide an update and discuss the damaged curb stop discovered under her driveway in the fall of 2025. She expressed that her new driveway has developed a crack at the bottom as a result of the damage. Erhardt

informed the council of the issue and expressed her hope that the city would honor its commitment to repair the damage. The council agreed to add this repair to the city maintenance list.

Moore Engineering- Council scheduled the Special Meeting with Moore Engineering for Wednesday February 18th @ 3pm, via Zoom. Link will be provided on the city Facebook page.

Sheriff's Department Report- Gusewelle stated that Keri Brown, administrative assistant, has retired from her role and they are currently seeking a candidate.

Public Works Maintenance Report- Reuther updated the council that the new propane