

MERCER COUNTY COMMISSION MINUTES

July 1, 2026

The meeting was called to order at 9:00 a.m. by Vice Chairman Jamee Folk.

Present were Commissioners Steve Guenther, Gene Wolf, Casey Voigt, Auditor Carmen Reed, and Dan Arens of the Hazen Star. Rick Bauman was absent. Others present during the meeting were States Attorney Todd Schwarz, Tax Director/Land Use Administrator Jennifer Neumiller, Treasurer Dawn Grannis, Moore Engineer Tom Weigel, Building Maintenance Supervisor Jim Albers, Western Plains Public Health Administrator Erin Ourada, Lewis & Clark Development Group Executive Director Brent Ekstrom, ONEOK Natural Gas Pipeline Director Danette Welsh, NextEra Energy Representatives Chase Dauenhauer, Ben Sand, Kristy Smith, Melissa Hochmuth, Kay LaCoe, Basin Electric Power Cooperative representatives John (Jack) Schuh, Erin Laverdure, Andy Buntrock, District 33 Representatives Signe Snortland, Kimball Banks, United Association Local 300 Business Agent Jacob DeWall, Planning & Zoning Chairman Michael Eslinger, Dakota Westmoreland Representative Rylan Sundsbak, SRF Consulting Senior Director Scott Harmstead, ND Building Trades Unions Representative Jason Ehlert, Lori Hammer, Michael Berg, Weston Berg, Kevin Hafner, Wes Klein, Linette Irwin, Kevin Irwin, Tara Dukart, Joshua Dukart, Dallas Maas, Wayne Windhorst, Lucinda Johnson, Nancy Evanoff, Judy Knoell, Peggy Wolf, Brandon Windhorst, Joe Grannis, Jackie Johnson, Buster Langowski, Esther Grannis, Andy Thomas, Renee Carlson, Cody Didier, Mark Hafner, Robert Harper, Arlo Bakker, Marcia Jurgen, Granville Brinkman, and Marie Johnson.

Pledge of allegiance was said.

Wolf moved to approve the amended agenda. Voigt seconded. Wolf, Voigt, and Folk voted aye. Guenther voted nay. Motion carried.

Voigt moved to approve the June 17, 2026 regular meeting minutes as presented. Guenther seconded. All voted aye. Motion carried.

Lewis & Clark Development Group Executive Director Brent Ekstrom presented an overview and update of the Lewis & Clark Development Group program.

Western Plains Public Health Administrator

Erin Ourada presented the Western Plains Public Health 2027 Budget.

Wolf moved to approve the June Recorder Fees of \$5,689.20. Voigt seconded. All voted aye. Motion carried.

Wolf moved to approve the Lucky Goose Grill & Bar, LLC Liquor License daily event application for the Dakota Walleye Tournament. Guenther seconded. Wolf, Guenther, and Folk voted aye. Voigt voted nay. Motion carried.

Wolf moved to approve the Sheriff's Office Policy & Procedures as presented. Voigt seconded. All voted aye. Motion carried.

Board discussed the hiring of the Compliance Officer and updates to the Planning and Zoning Comprehensive Plan.

Building Maintenance Supervisor Jim Albers reported on incurred storm damages at the Beulah Building located north of Beulah. Guenther moved to approve the hiring of the Arrow Services Team for restoration services. Wolf seconded. All voted aye. Motion carried. Board discussed the Beulah Building 2027 Budget costs with Albers.

States Attorney Todd Schwarz discussed the MOU Agreement between Mercer

County and Bureau of Land Management for their environmental impact statement and resource management plan revision. Wolf moved to approve the MOU Agreement as presented. Voigt seconded. Wolf, Voigt, Guenther voted aye. Folk voted nay. Motion carried.

Recessed at 9:53 a.m.

Reconvened at 10:05 a.m.

ONEOK Natural Gas Pipeline Director Danette Welsh presented an overview of the ONEOK Natural Gas Pipeline Company's pipeline network, and natural gas processing and storage capabilities. They are in the process of purchasing the basin CO2 pipeline. Guenther moved to approve the updated Public Comment Policy as presented. Voigt seconded. All voted aye. Motion carried.

Basin Electric Vice President of Strategic Planning and Communications Andy Buntrock presented information regarding the River Run Energy Center. NextEra Energy Project Director Chase Dauenhauer presented information regarding the data center project.

Moore Engineer Tom Weigel presented Amendment No. 1 to Task Order No. 3, PCN 24809 County Wide- 2026 Chip Seal (30.74 Miles) for approval. Guenther moved to approve the Amendment as presented. Wolf seconded. All voted aye. Motion carried.

Recessed at 10:47 a.m.

Reconvened at 10:59 a.m.

Tax Director/Land Use Administrator Jennifer Neumiller presented the 1st Reading to amend Mercer County Zoning Ordinance for the following:

- Chapter 3 Zoning Districts, Section IV - Industrial District. Voigt moved to approve the 1st Reading of Chapter 3 Zoning Districts, Section IV - Industrial District as presented with the following minor changes of; Page 1, B. 2. a. at end of line add "and ore processing," on Page 4, in Development Standards table add "J. Dust Control/Required/Required," "K. Social Economic Impact/Not Required/Required," and "L. Setback Waiver/Refer to Chapter 4." Guenther seconded. All voted aye. Motion carried.

- Chapter 4 Special Provisions, New Section - Industrial Use Standards. Wolf moved to approve the 1st Reading of Chapter 4 Special Provisions, New Section - Industrial Use Standards as presented with the following minor changes of; Page 1, A.1. At end of paragraph add "or any residence," Page 5, 5. a. strike "Highway Superintendent," Page 6, strike item "e.", Page 9, d. 1st sentence-change "shall" to "may," change "annual inspection" to "an annual study," 2nd sentence-change "inspections shall" to "annual study shall," 3rd sentence-change "Inspections" to "Study noise measurements," Add the following sentence "As an alternative, the County may require 24-hour noise monitoring, with monitoring information to be made available to the County upon request." Item e. change "ninety" to "90." Item f. change "fourteen" to "14." Item 7. -strike the 1st sentence. On page 12, Add: "J. Dust Control, All uses in the Industrial District shall implement dust control measures on site access roads in coordination with the County Highway Department and County Engineer. K. Socio-economic Impact, The applicant shall provide an evaluation of potential socio-economic impacts of the proposal, including temporary and permanent employment impacts. indirect and induced economic impacts to the County. County

tax revenue impacts. County service costs, and associated housing needs. L. Setback Waiver, any setback required for an industrial use as part of this Ordinance may be waived by the affected landowner(s) and the project applicant/developer. The County shall be provided a copy of each agreement." Voigt seconded. All vote aye. Motion carried.

Recessed at 12:24 p.m.

Reconvened at 12:35 p.m.

• Chapter 4 Special Provisions, New Section – Data Center. Wolf moved to approve the 1st Reading of Chapter 4 Special Provisions, New Section – Data Center as presented with the following minor changes of; Page 2, C. Strike Item "2." Page 3, 6. Strike "public and private." Page 6, E. 1. Last sentence, change "two weeks" to "30 days." Page 7, Strike G. 1st Sentence, add "property line of the closest" and strike "building exterior wall." At end of paragraph add "Any setback required may be waived by the affected landowner(s) in a written agreement between the landowner(s) and the project applicant/developer. The County shall be provided a copy of the agreement." 2. Strike "private and public." 3. At end of paragraph add "Payment for improvements shall be addressed in a Road Improvement Agreement between the County and the project owner." Page 10, b. 2nd sentence, strike "Southwest Power Pool ("SPP") or any successor or replacement" and add "(RTO)" after regional transmission organization. Item b. i. strike "SPP(or successor)." Item 23. strike "SPP(or any successor)." Item 24. Strike "to extent practicable." Page 11, i. 3. Strike "application" Add "applicant shall provide a decommissioning plan which." Item 4. Strike "letter of credit." Folk seconded. Wolf, Folk, and Voigt voted aye. Guenther voted nay. Motion carried.

• Chapter 4 Special Provisions, New Section – Sand and Gravel Mining. Guenther moved to reject the Chapter 4 Special Provisions, New Section – Sand and Gravel Mining as presented per advisement of States Attorney. Voigt seconded. All vote aye. Motion carried.

• Chapter 4 Special Provisions, New Section – Solar Energy. Wolf moved to approve the 1st Reading of Chapter 4 Special Provisions, New Section – Solar Energy as presented with the following minor changes of; Page 7, Add "m. Archeological resource survey. The applicant shall work with the State

Historic Preservation Office (SHPO) at the State Historical Society of North Dakota at the beginning of the planning process for the solar farm to determine whether an archaeological survey is recommended for any part of

the proposed project. If recommended, the applicant shall contract with a qualified archaeologist to complete such surveys and shall submit the results to the County and the SHPO. The SHPO will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by the County in consultation with the SHPO. All information provided or submitted under this provision is subject to North Dakota Century Code Section 55-02-07.1." Guenther seconded. All voted aye. Motion carried.

• Chapter 4 Special Provisions, New Section – Wind Energy. Voigt moved to approve the 1st Reading of Chapter 4 Special Provisions, New Section – Wind Energy as presented. Guenther seconded. All voted aye. Motion carried.

Voigt moved to appoint Chris Renner to the Planning & Zoning Board. Guenther seconded. All voted aye. Motion carried. The following people spoke during public comment: Linette Irwin, Michael Berg, Lucinda Johnson, Joe Grannis, Chase Dauenhauer, Arlo Bakker, Josh Dukart, Wes Klein, Marcia Jurgens, and Tara Dukart.

Portfolio Updates were given

Voigt moved to approve the bills as presented. Guenther seconded. All voted aye. Motion carried. The following bills were approved for payment: ACME TOOLS \$239.77; ADVANCED BUSINESS METHODS \$2,666.41; AICHELE TIMOTHY \$36.25; ARMOR INTERACTIVE \$1,440.71; ASTECH CORP \$42,457.97; AUTO VALUE BEULAH \$15.97; BADLANDS HYDRO-VAC SERVICES, LLC \$2,250.00; BANK OF AMERICA \$2,500.00; BENITA KNELL \$47.85; BEULAH JOB DEVELOPMENT AUTHORITY \$1,196.67; BEULAH LUMBER CO \$43.45; BEULAH ND HARDWARE \$91.15; CAPITAL I INDUSTRIES INC. \$45,802.34; CHARBONNEAU CAR CENTER \$234.34; CHARM-TEX, INC. \$612.10; COLONIAL RESEARCH CHEMICAL CORP. \$853.37; D & E SUPPLY CO INC \$135.38; DAVE A. PFLIGER \$62.25; DIRECT MED

\$505.87; EIDE FORD MANDAN \$1,614.11; ELECTRONIC COMMUNICATIONS INC \$43,890.00; ERIC STENSON \$65.25; FARMERS UNION OIL CO \$3,834.61; FIRE EXTINGUISHING SYSTEMS INC. \$360.90; FIRESIDE OFFICE SOLUTIONS \$444.40; FRED STERN \$108.75; GRIMM, RACHEL \$17.40; HANSON, DONNA \$52.20; KARGES, CATHERINE \$49.32; KRAUSE SUPER VALU \$24.86; LINDE GAS & EQUIPMENT, INC. \$324.52; MARY ROBSON \$39.15; MCLAUGHLIN, JENETTE \$37.70; MERCER COUNTY LANDFILL \$20.00; MIDCONTINENT COMMUNICATIONS \$180.20; MINDY STENSON \$65.25; MONTANA DAKOTA UTILITIES \$69.90; MOORE ENGINEERING \$20,929.50; NAPA \$1,092.02; NDACS \$50.00; NDSU AG COMMUNICATION \$91.50; NEUBERGER OIL COMPANY \$3,150.60; North Central International, LLC \$483.66; NORTHWEST TIRE AUTO SERVICE INC. \$1,320.00; OLSON ELECTRIC \$12,985.74; PFLIGER, METTA \$341.93; PHARMCHEM, INC. \$1,177.84; RENEE M. CARLSON \$36.25; ROUGHRIDER ELECTRIC COOPERATIVE, INC \$175.00; S & M LAWN SERVICE \$440.00; SAKAKAWEA MEDICAL CENTER \$240.00; T-MOBILE USA, INC \$87.34; TROTTER CONSTRUCTION INC. \$23,005.34; VANGUARD APPRAISALS INC. \$3,485.00; VERIZON WIRELESS \$576.77; WAY POINT ONE \$538.86; WESTERN STEEL BUILDERS \$14,870.75; BIEBER, GERALD \$38.43; ES-LINGER, MIKE \$31.18; GABERT, AMBER \$17.40; GRINSTEINER, ALICE \$706.88; HAFNER, KEVIN \$47.13; RENNERT, CHRIS \$33.35; SCHUTT, KRISTY \$32.77; THOMAS, ANDY \$8.70. (Total: \$238,384.31)

There being no further business the meeting was adjourned at 3:02 p.m. The next regular meeting is scheduled for Wednesday, July 15, 2026, at 9:00 a.m. in the boardroom of the Mercer County Government Center in Stanton, North Dakota. Meetings can be viewed live at <https://www.youtube.com/@MercerCo>

Approved: Jamee Folk, Vice-Chairman

Attest: Carmen Reed, Auditor

(08-06-2026)