

MERCER COUNTY COMMISSION MINUTES

August 19, 2026

The meeting was called to order at 9:00 a.m. by Chairman Rick Bauman.

Present were Commissioners Jamee Folk, Steve Guenther, Gene Wolf, Casey Voigt (via phone), Auditor Carmen Reed, and Dan Arens of the Hazen Star. Others present during the meeting were States Attorney Todd Schwarz, Sheriff Terry Ternes, Tax Director/Land Use Administrator Jennifer Neumiller, Treasurer Dawn Grannis, Deputy Auditor Mark Erhardt, NextEra Energy Representatives Chase Dauenhauer, Ben Sand, Wayne Bertsch, Highway Assistant Supervisor Dennis Olheiser, Lori Hammer, Michael Berg, Weston Berg, Wes Klein, Linette Irwin, Judy Knoell, Nancy Evanoff, Stefanie Dillingham, Jasmine Kober, Darlys Roth, Joe Grannis, and Elizabeth Lundstrom. Pledge of allegiance was said.

Wolf moved to approve the amended agenda with the following: add "Corrective Deeds" to "Other Business," delete "Mercer County Resident Concerns - Darwin Knutson" as per his request, move "Public Comment" and "Moratorium Petition - Stefanie Dillingham" to 9:05 a.m. Folk seconded. All voted nay. Motion failed.

Wolf moved to approve the amended agenda with the following: add "Corrective Deeds" to "Other Business," delete "Mercer County Resident Concerns - Darwin Knutson" as per his request. Folk seconded. All voted aye. Motion carried.

Folk moved to approve August 5, 2026 regular meeting minutes as presented. Guenther seconded. All voted aye. Motion carried.

Folk moved to approve August 10, 2026 special meeting part 1 minutes as presented. Guenther seconded. All voted aye. Motion carried.

Folk moved to approve August 10, 2026 special meeting part 2 minutes with the following added "Hazen Star was notified." Guenther seconded. All voted aye. Motion carried. Wolf moved to approve the July Recorder Revenues of \$5,494.20. Folk seconded. All voted aye. Motion carried.

Wolf moved to approve the Corrective Deeds as presented. Folk seconded. Wolf voted aye. Folk, Guenther, and Bauman voted nay. Motion failed. Folk moved to place

"Corrective Deeds" on September 2, 2026 agenda. Guenther seconded. All voted aye. Motion carried.

Tax Director/Land Use Administrator Jennifer Neumiller presented the following:

- Zoning Case 26-08-01 Cordel Voegelé-Non Farm residence- Tract 1 in W2SW4 Sec 2 T141N R 88W. Folk moved to approve Zoning Case 26-08-01 as presented. Guenther seconded. All voted aye. Motion carried.

- Zoning Case 26-08-02 Alex & Jasmine Kober-Non farm residence-2 acre parcel located w/in Lot 14 Gramm Acres. Folk moved to approve Zoning Case 26-08-02 as presented. Wolf seconded. Guenther voted nay. Folk, Wolf, and Bauman voted aye. Motion carried.

- Zoning Case 26-08-04 Shawna & Adrian Mittelsteadt- Non farm residence-2.03 acre tract w/in SE4 Sec 18 T 145 R 85W. Folk moved to approve Zoning Case 26-08-04 as presented. Guenther seconded. All voted aye. Motion carried.

- Zoning Case 26-08-05-Jason Wehri-Zoning Exemption-Electrical service for livestock well SE4 Sec33 T141 R89W. Folk moved to approve Zoning Case 26-08-05 as presented. Wolf seconded. All voted aye. Motion carried. Recessed at 09:32 a.m. Reconvened at 09:37 a.m. Voigt joined meeting via phone.

Grievances/Moratorium/Ordinances/NDCC 11-33 discussion. Commission board and States Attorney Todd Schwarz discussed specifics of the status of the moratorium and ordinances. Schwarz stated, "By statute, the condition on the moratorium being lifted was the ordinance being passed and in effect, which will be after the 24th, because we have that grievance hearing." Schwarz, in referencing the following paragraph of the March 3, 2026 approved minutes "Michael Berg, Wes Klein and ND State Representative Bill Tveit were among the many Mercer County residents who conveyed their concerns regarding the Nextera Energy Resources (NEER) and Basin Electric Cooperative purposed data center project. NEER Project Director Stephanie Morales also spoke. The residents asked the Board to put a moratorium in place until zoning ordinances and public policy were better

established to ensure that local control could be maintained. States Attorney Todd Schwarz was present and part of this discussion. Folk moved to put a 1-year moratorium on data centers being permitted. Guenther seconded. Folk, Guenther, and Voigt voted aye. Wolf and Bauman voted nay. Motion carried," requested that the following verbiage be added, "Additional discussion included that the moratorium can be lifted early or extended." Folk moved to direct the States Attorney and Auditor to review the audio video of the March 3, 2026 meeting and amend the March 3, 2026 minutes, as requested by States Attorney Schwarz, then present these draft minutes at the September 2, 2026 meeting. Wolf seconded. All aye. Motion carried.

Stefanie Dillingham referenced the moratorium petition that she presented at the August 5, 2026 meeting and made the following requests of the commission board:

1. Publicly acknowledge the request for a comprehensive County land-use policy update and place it on a future agenda with a stated process and timeline.
2. Release the complete nonexempt record concerning the Industrial Use and data-center amendments and the developer contacts or materials considered in connection with them, subject to legally justified redactions or withholdings. Each withholding should be identified and legally justified.
3. Identify the exact procedural and legal status of every data-center-related amendment, including the final motion, vote, adopted text, if any, effective date, and written findings.
4. Do not accept or act on a large Agricultural-to-Industrial rezoning request until the County has adopted public application standards, an evidence-based review process, and a full-buildout disclosure requirement.
5. Ensure that every future recommendation or vote is supported by stated grounds and written findings tied to disclosed evidence—not merely assurances, informal discussions, or conclusory statements.

2027 Budget discussed and no additional updates available.

Agenda topics were discussed. Bauman requested that the agenda statement agreed upon at the September 3, 2025 meeting stating, "Adding Agenda items will now be restricted to 12:30 p.m. on the Friday before the meeting. Any requests after that will

either be added at the meeting or put on the next meeting agenda, so items can be properly advertised to the Public." Agenda item "Hiring a financial person" was explained by Commissioner Casey Voigt via phone. Voigt made the following statement, "I think we have a problem with not getting accurate numbers and we can't just keep doing the same thing over and over again and expecting different results. We need accurate numbers so we can make educated decisions and that is not happening. So, I am asking the commissioners to think about options we have to come up with more accurate numbers so we can make educated decisions." Item was placed on the September 2, 2026 meeting agenda.

Public Comment agenda discussion. Folk provided information for the board to review and requested that "Public Comment Discussion" be placed on the September 2, 2026 meeting agenda. Board also requested that Public Comment Period be put at 9:05 a.m. on the September 2, 2026 meeting agenda.

Folk moved to approve the bills as presented. Guenther seconded. All voted aye. Motion carried. The following bills were approved for payment: ARMOR INTERACTIVE \$2,774.00; AUTO VALUE BEULAH \$24.99; BEULAH ND HARDWARE \$104.86; BUTLER MACHINERY CO \$117.92; CAPITAL INDUSTRIES INC. \$1,800.00; CENTRAL DAKOTA FRONTIER COOPERATIVE \$23,097.50; CITY AIR MECHAN-

ICAL, INC. \$1,753.00; CITY OF GOLDEN VALLEY \$29.75; CITY OF STANTON \$8,514.44; CLIFTONLARSONALLEN, LLP \$4,935.00; COAL COUNTRY CHC \$310.00; D & E SUPPLY CO INC \$139.02; DAKOTA AWARDS, INC. \$45.00; DAKOTA FIRE EXTINGUISHER INC \$244.60; DIRECT MED \$16.69; DUPPONG'S INC. \$899.95; FARMERS UNION OIL CO \$79.99; FARMERS UNION OIL CO \$721.91; FARMERS UNION SERVICE ASSOC. LTD \$45.00; FIRESIDE OFFICE SOLUTIONS \$81.75; GALLS \$1,793.86; GRANDY, DEAN R \$18.00; HAZEN HARDWARE HANK \$84.52; HAZEN HEALTH PHARMACY \$107.07; HAZEN MOTOR CO \$177.30; HAZEN STAR \$17,837.52; HAZEN WELDING \$275.00; INFORMATION TECHNOLOGY DEPARTMENT \$2,759.10; J-S SANITATION \$42.00; KRAUSE SUPER VALU \$67.88; LANGUAGE LINE SERVICES \$157.74; LUCKYS TOWING AND REPAIR \$600.00; MERCER COUNTY HIGHWAY DEPARTMENT \$1,348.76; MIDWEST DOORS OF DICKINSON, INC \$1,249.26; MOORE ENGINEERING \$2,263.00; NAPA \$3,264.25; ND ASSOCIATION OF COUNTIES \$63.00; ND DEPARTMENT OF TRUST LANDS \$9,070.00; NDAAO \$50.00; NEUBERGER OIL COMPANY \$31,465.03; NEUMILLER, JEN \$223.44; North Central International, LLC \$4,240.63; NORTHWEST TIRE AUTO SERVICE INC. \$1,023.50; OFFICE OF ATTORNEY GENERAL \$1,852.00; PHARM-CHEM, INC. \$511.20; QUADIENT FINANCE

USA, INC. \$1,000.00; RDO EQUIPMENT COMPANY \$5,499.66; REDWOOD TOXICOLOGY LABORATORY \$34.08; ROUGHRIDER ELECTRIC COOPERATIVE, INC \$788.19; SOUTHWEST WATER AUTHORITY \$61.85; SRF CONSULTING GROUP, INC \$3,086.98; THE BEACON \$167.64; TYLER TECHNOLOGIES \$600.00; WEST RIVER TELECOMMUNICATIONS \$2,580.87; WESTERN PLAINS PUBLIC HEALTH \$4,552.59; BIEBER, GERALD \$7.60; COLE, SHANNON \$34.96; ESLINGER, MIKE \$7.60; HAFNER, KEVIN \$25.84; STRAND, CANDICE \$66.30. (TOTAL: \$144,793.59)

Portfolios Updates were given.

The following people spoke during public comment: Linette Irwin, Nancy Evanoff, Wes Klein, Michael Berg, and Stefanie Dillingham. There being no further business the meeting was adjourned at 11:30 a.m. The next regular meeting is scheduled for Wednesday, September 2, 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: Rick Bauman, Chairman
Attest: Carmen Reed, Auditor

(09-10-2026)