

OLIVER COUNTY COMMISSION MEETING MINUTES

May 6th, 2025
OLIVER COUNTY COMMISSION PROCEEDINGS were called to order at 1:00 PM with all members present. The Pledge of Allegiance was recited. Rob Schmidt moved and Dave Berger seconded the motion to approve the agenda. All in favor, none opposed; motion carried. Dave Berger moved and Rob Schmidt seconded the motion to approve the minutes of the April 10th meeting. All in favor, none opposed; motion carried. Dave Berger moved and Rob Schmidt 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, Rob Schmidt, aye, Lee Husfloen, aye. Motion carried. Allstate Peterbilt-1667.93
Keri Brown-81.69
Butler Machinery-1119.71
Capital Trophy-18.50
Computer Express-950.00
HZ Electric, LLC-3799.92
K&M Repair-220.03
NDSU Extension-8610.63
NW Tire-2587.44
Robert Gibb & Sons-684.34
Sign Solutions USA-5766.01
Center Republican-377.02
Brandoz Concrete-40906.00
Community Service & Probation-960.00
Stein's-261.38
Factory Motor Parts-706.96
ITD-937.45
Jaden Schmidt-63.00
Center Machine-24.24
Deere Credit Inc.-5625.00
Knife River-980.95
Rud Oil & Gas-9588.54
Mercer County Sheriff Dept.-2625.00
The following bills previously paid were approved:
Affac-331.98
City of Center-25.00
Colonial Life& & Accident-803.14
Companion Life-442.25
Computer Express-950.00
Denny's Electric-41980.12
Ryan Fettig-10550.00
Fidelity Security Life Insurance-70.16
Liberty Business Systems-1083.91
Jeff Meyhoff-351.56
Nationwide Retirement-2196.00
Oliver County Treasurer-238.89
Quadient Finance-200.00
Roughrider Electric-250.18
Security First Bank of ND-37,577.00
Verizon-71.08
VISA-3046.13
Payroll-85,023.01
Jim Jackson and Tom Weigel were present to discuss the BNI project for the 37th Ave SW Overpass. Construction is expected to start in 2026. Moore Engineering recommends being present during construction and that the county should have significant input on Moore's involvement in the process. Greg Petrick, BNI, discussed the overpass project and presented a draft road use and maintenance agreement for the 37th Ave SW project. Discussion was held on portions of the agreement. BNI would like to establish a maintenance fund with the county. Any bills for the bridge, like inspections, would be paid out of that fund. The Commission requested that the Road Superintendent be a part of the project conversations. Brian Dresser, resident, requested that a lighting system be looked into for the bridge. Dave Porsborg, resident, asked how much higher the county road will be than it currently is, due to concerns of the rise going to the overpass and oncoming traffic. The currently plan shows 16 feet higher. BNI is requesting approval for work within 100' of the county right of way and requesting dates for hearings and findings. The Commission agreed to schedule the hearing for 1 PM on June 4th, 2025. Dave Berger, Commissioner, asked when section lines are closed, can a road be built on the section line for private use. Greg Petrick and Patrick Waters will look into this. Jim Jackson, Moore Engineering, discussed the Flex Fund. DOT had a meeting with Jim Jackson and Dave Berger and discussed the 36th Ave SW resurfacing

project. At this time, this is the only project for the Flex Fund. Kenny Rude, Road Superintendent, was currently under a 3-month probation period. Dave Berger, Commissioner, recommended Kenny Rude take over officially on May 6th as full-time permanent Road Superintendent. Rob Schmidt moved and Dave Berger seconded the motion the move Kenny Rude out of probation and into the full time Road Superintendent. All in favor, none opposed; motion carried. Isaiah Geiger, resident, discussed a road approach on land that he plans to build a home on. No culvert is necessary. Dave Berger moved and Rob Schmidt seconded the motion to approve the road approach. All in favor, none opposed; motion carried. Gary Smith, resident, requested that he build a road approach to land he owns. No culvert is necessary and he will build it. Dave Berger moved and Rob Schmidt seconded the motion to approve the road approach. All in favor, none opposed; motion carried. A Highway Utility Permit was presented for Mike Schirado for a water line to go under the road. Dave Berger moved and Rob Schmidt seconded the motion to approve the Highway Utility Permit for Mike Schirado, with the stipulation that it needs to be a pipe within a pipe for secondary containment in case of a leak. All in favor, none opposed; motion carried. Discussion was held on LoadPass permits within the NextEra Project area. Four loads within the project area arrived without a permit. Several of those loads were also taken across the 30 ton bridge that is not rate for heavy loads. Discussion was held on assessing a penalty, due to not getting permits. DJ Gleason, NextEra, stated that there is someone present stopping heavy haul loads from going across the bridge. Due to not getting permits, back pay or retroactive permits were submitted for some loads. NextEra will be paying more on exit trips. Patrick Waters, State's Attorney, stated that no citations have come across his desk yet. He believes there should be consequences but it is up to the Commission to hold them accountable for willful violations of the Road Use Agreement. Chris Simon, resident, stated he is currently working with a contractor to bring a dozer in and he's been working with the county to get permits to bring it in. He questioned why the company gets a pass but a resident won't if they don't get a permit for heavy hauls. Load Pass Permitting has been an issue since the beginning of the project. It was recommended that Dave Berger, Kenny Rude, NextEra and Jaden Schmidt meeting to come up with a solution. Discussion was held on conditions of the roads within the project area. Due to the heavy rain and non-road grade gravel being used, the roads are in poor condition. A local mail carrier submitted a letter of concern with the road conditions. Mark Albers, resident, also submitted a letter with concerns. Tara Dukart, resident, also submitted a letter with several concerns, including roads within the project area. Kenny Rude, Road Superintendent, discussed fixing 2 miles of the "Hazen" road, stating that they have reclaimed it and it is in better condition. Kenny Rude stated he has a list with problem areas. NextEra would like to take Kenny and the Commissioners out for a drive to look at the roads. NextEra stated that six weeks is the plan to be done but they won't leave until the damage is cleaned up. Daryn Karges, resident, stated that multiple landlords have not been paid for damages caused by NextEra. He stated that the Commission represents the people. Patrick Waters, stated that he cannot get involved, but he will remember this conversation for future projects. Katie Henke-Simon, stated that the county has had three meetings with NextEra and that no forward progress seems to have been made, so how much longer will it take to resolve the issues. County Shop Equipment Bids were opened.

Dave Berger moved and Rob Schmidt seconded the motion to award to the highest bidder, shown in yellow, with the stipulation that they must be paid for before picking up and must be picked up within one week during business hours. All in favor, none opposed; motion carried. Oliver Wheel Packer
Clyde Pfliger \$ 300.00
Ray Schmidt \$ 381.00
Brush Bandit Model 150 Brush Chipper
Dustin Englestad \$ 517.69
Ray Schmidt \$ 158.00
Troy Hatzenbihler \$ 3,825.00
2001 Int'l Sanding Truck
Randy Schmidt \$ 6,679.99
Ray Schmidt \$ 6,481.00
1985 Dodge W-350 Crew Cab Pick-up
Timothy Mundt \$ 3,021.52
Fiat Allis 645 Payloader
Mikael Schmidt \$ 6,500.01
Ray Schmidt \$ 5,181.00
Troy Hatzenbihler \$ 8,750.00
Overhead Hoist
Kevin Hoesel \$ 250.00
Clyde Pfliger \$ 50.00
Ray Schmidt \$ 481.00
Troy Hatzenbihler \$ 600.00
Cub Cadet Lawn Tractor
Kevin Hoesel \$ 750.00
Randy Schmidt \$ 379.00
Clyde Pfliger \$ 500.00
Dean Windhorst \$ 611.00
Kenny Rude, Road Superintendent, gave some road work updates. One application has been received for the temporary blade operator with the option to go full time. Job salaries for the interim Road Superintendent were discussed. Currently the interim is at \$32.26. Now that Kenny Rude is the full-time permanent Road Superintendent, the interim will move down to temporary road worker. Temps are currently at \$30 per hour and full-time permanent workers are at \$30.26 per hour. Dave Berger and Kenny Rude will discuss with Alice on what to do. Discussion was held on the fuel trailer. Discussion was held on the log cabin. There is a hole outside the back door that needs to be taken care of. Kenny Rude and Keith Vitek will look into it. The second reading/hearing of the Data Center and Cryptocurrency Mining Facilities and Solar Energy Facilities moratoriums took place. The request was made by the Planning & Zoning board to reinstate the moratoriums to give the board a little time to put together and ordinance. Dave Berger moved and Rob Schmidt seconded the motion to approve the following moratoriums for a period of 90 days. A roll call vote was held: Dave Berger-aye, Rob Schmidt-aye, Lee Husfloen-nay. The motion carried. RESOLUTION 2025-03
A RESOLUTION OF THE COUNTY OF OLIVER, NORTH DAKOTA, TO IMPOSE A MORATORIUM ON THE DEVELOPMENT OF ALL SOLAR ENERGY FACILITIES UNTIL ZONING STANDARDS CAN BE DEVELOPED
WHEREAS, the Board of Commissioners of Oliver County, ND has taken notice of the potential for Oliver County to be identified as a preferred location for the development of solar facilities in the future
WHEREAS, solar energy facilities are a nascent land use in Oliver County, and best practices have not yet been established regarding siting, application protocols, and performance standards for said land use
WHEREAS, the Board of Commissioners of Oliver County, ND finds it necessary to develop a land use code amendment to establish a framework for the evaluation and siting of solar energy facilities, in order to protect the health, safety and general welfare of the citizens of Oliver County
WHEREAS, the Board of Commissioners of Oliver County, ND finds it necessary to impose a moratorium on any and all solar energy facilities, and that the purpose of the moratorium is to allow the County adequate time to conduct research, and develop and adopt standards to guide the development of said land uses
NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Oliver

County, ND that a moratorium on the development of all solar energy facilities, is adopted, for the period of time necessary to develop and adopt adequate, applicable land use code amendments, and that this resolution shall take effect upon recording and publication.
RESOLUTION 2025-02
A RESOLUTION OF THE COUNTY OF OLIVER, NORTH DAKOTA, TO IMPOSE A MORATORIUM ON THE DEVELOPMENT OF ALL DATA CENTER AND CRYPTOCURRENCY MINING FACILITIES UNTIL ZONING STANDARDS CAN BE DEVELOPED
WHEREAS, the Board of Commissioners of Oliver County, ND has taken notice of the potential for Oliver County to be identified as a preferred location for the development of data centers and cryptocurrency mining facilities in the future
WHEREAS, data centers and cryptocurrency mining facilities are a nascent land use in Oliver County, and best practices have not yet been established regarding siting, application protocols, and performance standards for said land use
WHEREAS, the Board of Commissioners of Oliver County, ND finds it necessary to develop a land use code amendment to establish a framework for the evaluation and siting of data centers and cryptocurrency mining facilities, in order to protect the health, safety and general welfare of the citizens of Oliver County
WHEREAS, the Board of Commissioners of Oliver County, ND finds it necessary to impose a moratorium on any and all data centers and cryptocurrency mining facilities, and that the purpose of the moratorium is to allow the County adequate time to conduct research, and develop and adopt standards to guide the development of said land uses
NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Oliver County, ND that a moratorium on the development of all data centers and cryptocurrency mining facilities, is adopted, for the period of time necessary to develop and adopt adequate, applicable land use code amendments, and that this resolution shall take effect upon recording and publication. Matt Wilkins, resident and Planning & Zoning board member, stated that the moratoriums will allow the board to pause without concerns of legal ramifications and that the ordinances are there for the protection of the people. The second reading of the moratoriums was done. Beth Kohler, resident, contacted the Planning & Zoning department to request an extension to her approved building permit #1032 for a shop. Rob Schmidt moved and Dave Berger seconded the motion to approve the extension for 6 months. All in favor, none opposed; motion carried. Conditional Use permit #1053 for Kortnie Smith and Cory Keating to build a house on agricultural land within the SW ¼ of Section 26, Township 144, Range 83 was presented. Rob Schmidt moved and Dave Berger seconded the motion to approve CUP #1053. All in favor, none opposed; motion carried. Building permit #1054 for Kortnie Smith and Cory Keating to build a house within the SW ¼ of Section 26, Township 144, Range 83 was presented. Rob Schmidt moved and Dave Berger seconded the motion to approve Building permit #1054. All in favor, none opposed; motion carried. Building permit #1061 for Randy and Sarah Becker to build a garage within the SW1/4 of Section 28, Township 143, Range 87 was presented. Dave Berger moved and Rob Schmidt seconded the motion to approve Building Permit #1061. All in favor, none opposed; motion carried. Treavor Hendrickson, resident, approached the Commission with plans to build a home west of Hannover. He had submitted a permit, but it was not in time for the April meeting, due to public notification requirements. He requested that the County Commission meet following the special Planning & Zoning meeting on Friday May 9th. The Commission agreed to meet at 8:15 am following the Planning & Zoning meeting.

Mike Tietz, Water Resource Board, discussed ordinances for water. Currently the county does not have the authority to regulate the water. There are counties that have some authority/criteria at the county level after the state approves a permit. There are concerns with companies pulling from local creeks, due to poor water levels. Every pump is required to have a permit attached to it, if not, the sheriff needs to be notified or the state needs to be contacted. Sharon Rud, Community Club, requested gaming approval for the Square Butte Creek golf club and the Fair Grounds. Dave Berger moved and Rob Schmidt seconded the motion to approve the gaming requests. All in favor, none opposed; motion carried. Dave Hilliard and Jim Wenning, Sheriff's Department, approached the Commission to discuss hiring another deputy and extra help for the summer. Currently one deputy is out due to a serious injury and one is scheduled to go on paternity leave. Shannon Liebold, former deputy, has agreed to help cover some shifts, but the department is in need of more help. Dave Berger moved and Rob Schmidt seconded the motion to approve the Sheriff's Department to pursue hiring another deputy and moving the department to a five-man crew. All in favor, none opposed; motion carried. FirstNet/AT&T has a computer plan for the sheriff's office with a booster and router for each sheriff's vehicle. Due to changes of meetings and court conflicts, discussion was held on moving Commission meetings to Tuesdays for 2026. The Oliver County Community Foundation approved the County for a \$6000 grant to help cover the cost of the Comprehensive Plan work. The County's audit company Rath & Mehrer will be at the Courthouse on June 2 and 3. Discussion was held on the County Weed Board. A letter was sent to Patrick Waters, State's Attorney, about concerns with the weed board. The recommendation was made to Lee Husfloen to restructure the weed board. Concerns about liability were addressed with the weed board equipment. Patrick Waters has given the Commission their options. Lee Husfloen stated that there are two weed board members that are OK with restructuring the weed board. Patrick Waters stated that there is a continuing problem unless the Commission does something to fix it. Lee Husfloen stated that he has a list that would justify restructuring the weed board. Daryn Karges, resident, stated that the cost share program is great in the county but there are some questionable decisions on other items. He stated that the SCD board had a plan to hire an employee to do part time custom application and that the weed board has gone out of its lane. Patrick Waters stated that the board's purpose is to administrate a noxious weed program and nothing further. Daryn Karges stated he farms in different weed districts, but as it currently stands, he is limited to participate due to the district lines. Discussion was held on Courthouse concrete work. Discussion was held on updating/repairing the sprinkler system. Keith Vitek, Groundskeeper, received a quote for electrical work from Ryan Wrobbel to wire the garden shed. He also requested to store the pull behind trailer at the county shop. Dave Berger moved and Rob Schmidt seconded the motion approve the updated PRC Trusts list from the state. All in favor, none opposed; motion carried. Dave Berger moved and Rob Schmidt seconded the motion to approve the county submitting a letter of support for the Lawrence Welk recognition. The meeting was adjourned at 4:24 pm. The next meeting of the Oliver County Commission will be at 1:00 PM, June 10th, 2025 at the Oliver County Courthouse meeting room. Jaden Schmidt, Oliver County Auditor Lee Husfloen, Chairman of the Board

(06-19-2025)

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