The Jamestown Sun
ONLINE EDITION

DRC says Dickinson meeting illegally closed

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Published Friday, December 28, 2007

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BISMARCK — A Dickinson-based watchdog group has asked Attorney General Wayne Stenehjem to determine if open meeting laws were violated during a Dec. 14 meeting on a proposed South Heart gasification plant.

The Dakota Resource Council, in a letter delivered Thursday, said a quorum of Stark County commissioners attended a meeting at a Dickinson hotel hosted by Great Northern Power Development L.P.

The company plans a coal mine and coal gasification plant south of South Heart, about 10 miles west of Dickinson. The meeting should have been open because Stark commissioners will consider the firm's application for a zoning change next month, said DRC staff director Mark Trechock.

Two county commissioners said they conducted no county business, but merely listened to a presentation.

Gov. John Hoeven and other Dickinson area officials also were invited but the public was not notified, Trechock said.

DRC is active in landowners' and environmental issues.

Rich Voss, Great Northern's vice president of power development, said the meeting was not closed and no one was denied entry.

Trechock and Neil Tangen, vice chairman of DRC affiliate group Badlands Area Resource Council, said Greg Krance, a South Heart city commissioner, was denied entry that day.

Krance arrived late to the meeting and found the doors locked, Tangen said. He knocked to gain entry but was not let in, so he asked at the hotel's front desk, where he was told the company wanted no one to enter or leave the meeting.

Krance could not immediately be reached for confirmation or comment.

Tangen, whose home near South Heart would be a quarter mile from one of the mine pits and 1 1/4 miles from the gas plant, said he knew nothing of the meeting until afterward.

Stark County Commission Chairman Duane "Bucky" Wolf of Dickinson said the meeting was informational only and commissioners conducted no business.

"How else are we supposed to get this information?" he asked. "I don't see how this can be a violation of open meetings."

Another commissioner, George Nodland of Dickinson, said he was "totally surprised at" DRC's complaint because, "There's all kinds of meetings we're invited to."

Wolf said four of five commissioners were at the meeting — he, Nodland, Chet Willer and Russ Hoff. Only Commissioner Ken Zander was not there.

Don Canton, a spokesman for Hoeven, said the meeting was presumed open.

"Any time John attends an event like that, we assume it's open," he said.

Trechock said it doesn't matter that the commissioners merely listened to a presentation.

"Listening to presentations on matters pending for public decision is conducting business. It is in effect a hearing to which the public should have access," he said, adding that without public notice of the event, everyone except those who received an invitation was effectively excluded.

Voss said several in the audience of about 30 were allowed in though they had not been invited. He was not aware of Krance's experience.

Assistant Attorney General Mary Kae Kelsch, who oversees open meetings-open records issues, said DRC's complaint will be handled like any other.

Cole works for Forum Communications Co., which owns The Jamestown Sun