

**Mercer County Commission Minutes  
February 1, 2023**

The meeting was called to order at 9:00 a.m. by Chairman Travis Frey with the meeting being videotaped. Present were Commissioners Gene Wolf, Rick Bauman, Jamee Folk, Liza Taylor, Dan Arens, BHG News and Deputy Auditor Gwyn Bosch. Others present during portions of the meeting were Carmen Reed, Cyndi Zueger, Candy Strand, Dawn Grannis, Nick Swenson, Ken Miller, Charlie Hankins, Joey Borracci, Amanda Hoffer, Jay Volk, and Jim Albers.

Wolf moved to approve the agenda as amended. Taylor seconded. All voted aye. Motion carried.

Wolf moved to approve the January 18, 2023, minutes as presented. Bauman seconded. All voted aye. Motion carried.

Wolf moved to approve the January 23, 2023, special meeting minutes as presented. Folk seconded. All voted aye. Motion carried.

Bauman moved to approve the bills as presented. Folk seconded. All voted aye. Motion carried.

The following vouchers were approved for payment: ADVANCED BUSINESS METHODS \$298.27; BEULAH JOB DEVELOPMENT AUTHORITY \$1,001.00; BUTLER MACHINERY CO \$7,775.54; CARDMEMBER SERVICE \$495.68; CITY OF HAZEN \$9,500.00; DEERE & COMPANY \$466.70; EMS EDUCATORS LLC \$150.00; ESCO CORPORATION \$3,683.08; FARMERS UNION OIL CO \$51.74; FASTENAL COMPANY \$128.10; HAZEN CHAMBER OF COMMERCE \$50.00; HAZEN MOTOR CO/FARM IMPLEMENT SHOP \$539.00; J & M HARDWARE, INC. \$79.98; JOHNSON CONTROLS \$1,348.00; MERCER COUNTY HISTORICAL SOCIETY \$2,500.00; MERCER COUNTY HIGHWAY DEPARTMENT \$865.80; MIDWEST MECHANICAL SOLUTIONS \$217.89; MONTANA DAKOTA UTILITIES \$121.86; NAPA \$505.85; ND ASSOCIATION OF COUNTIES \$885.10; ND COUNTY RECORDERS ASSOCIATION \$200.00; ND STATE RADIO COMMUNICATIONS \$2,075.64; NDACTVSO \$170.00; ND WATER POLLUTION CONTROL CONF \$50.00; NDSU AG COMMUNICATION \$92.00; NDSU EXTENSION SERVICE \$14,049.20; NEUBERGER OIL COMPANY \$1,963.84; NORTHWEST TIRE AUTO SERVICE INC. \$2,774.79; OFFROAD SOFTWARE, INC. \$2,025.00; OLSON, JACOB \$163.72; LINDE GAS & EQUIPMENT, INC. \$450.90; RDO EQUIPMENT CO. \$1,890.00; RDO TRUCK CENTERS \$166.58; ROUGHRIDER ELECTRIC COOPERATIVE \$1,147.51; VERIZON WIRELESS \$84.10; WEST RIVER TELECOMMUNICATIONS \$425.43; ZUEGER, CYNDI \$42.24. (Check #s 47624 through 47660).

Taylor stated she has been doing research and contacted a couple different counties regarding an HR position and will present job descriptions that she has received at the next meeting.

Wolf moved to approve Liquor License #456 issued to Hazen Golf Club for annual on sale beer and liquor. Bauman seconded. All voted aye. Motion carried.

Treasurer Grannis asked the board whether they wanted to separate the HB1505 funds from the State Township Road funds. Bauman moved to place the HB1505 funds in a separate fund. Taylor seconded. All voted aye. Motion carried.

Cyndi Zueger, Tax Director/Land Use Administrator, presented five (5) zoning/temporary use permits to the board.

Temp Use #607 issued to Casey Voigt for a scoria pit located on 10 acres within the NW4 of Section 31 T143N R88W. Conditions attached to this permit are that the area disturbed must be reclaimed by the applicant and must be approved and released by the County Road Superintendent; the haul road must be approved and released by the County Road Superintendent; and weeds shall be controlled in an acceptable manner during the time the permit is in effect. Wolf made a motion to approve temporary use permit #607 for Casey Voigt. Taylor seconded. All voted aye. Motion carried.

Temp Use #608 issued to Randy Byrum for a scoria pit in the S2N2 of Section 33 T145N R87W. Conditions attached to this permit are that the area disturbed must be reclaimed by the applicant and must be approved and released by the County Road Superintendent; the haul road must be approved and released by the County Road Superintendent; and weeds shall be controlled in an acceptable manner during the time the permit is in effect. Wolf made a motion to approve temporary use permit #608 for Randy Byrum. Folk seconded. All voted aye. Motion carried.

Temp Use #609 issued to Randy Byrum for a sand and overburden pit located on 20 acres within E2 of the SE4 of Section 32 T145N R87W. Conditions attached to this permit are that the area disturbed must be reclaimed by the applicant and must be approved and released by the County Road Superintendent; the haul road must be approved and released by the County Road Superintendent; and weeds shall be controlled in an acceptable manner during

the time the permit is in effect. Wolf made a motion to approve temporary use permit #609 for Randy Byrum. Bauman seconded. All voted aye. Motion carried.

Temp Use #610 issued to Strata Corporation for portable crusher and screening operations along with stockpile of material on site and imported material located on a portion (24 acres) of SW4 of Section 26 T144N R84W (DLG Investments). Conditions attached to this permit are that work is limited to daylight hours, the area disturbed must be reclaimed by the applicant and must be approved and released by the County Road Superintendent, the haul road must be approved and released by the County Road Superintendent, weeds shall be controlled in an acceptable manner during the time the permit is in effect, and dust control in the pit area. Wolf made a motion to approve temporary use permit #610 for Strata Corporation. Taylor seconded. All voted aye. Motion carried.

Frey recused himself for the following zoning case with Wolf taking the meeting over.

Zoning case 22-11-01: Resolution to Amend the Mercer County Zoning District Map to change from Agricultural District to R-2 and Commercial District on the Lazy H8 Second Subdivision described as a tract of land being a portion of an 89.92 acre tract per doc #177301 located in the Northwest Quarter of Section 9, Township 146 North, Range 87 West of the 5<sup>th</sup> P.M. Mercer County. Bauman made a motion to approve Zoning case 22-11-01 with the additional amendment of Lot 2, Block 3 as commercial. Folk seconded.

Bauman, Folk, Taylor Wolf voted aye. Frey not voting. Motion carried.

Frey took the meeting over.

Ken Miller, County Road Superintendent, and Charlie Hankins, Interstate Engineering, presented the Road Policy Declaration. Bauman questioned plowing roads for school buses and would like to review to see if there is a way to be more efficient. This was tabled to the February 15<sup>th</sup> meeting. Miller presented utility permit #1746 issued to Mike Schirado to bore underneath County Road 12 and 63<sup>rd</sup> Ave SW to permit rural water to get to his pasture. Bauman made a motion to approve Utility Permit #1746. Taylor seconded. All voted aye. Motion carried.

Miller presented the MC800 Cut Back Asphalt Purchase Agreement. He would like to purchase 25 ton totaling \$36,440.75 which is over \$4,440.75 over what was budgeted. Bauman made a motion to approve the MC800 Cut Back Asphalt Agreement in the amount of \$36,440.75. Taylor seconded. All voted aye. Motion carried.

Miller received two quotes for the Hazen shop overhead door. For an 18x14 insulated door with opener plus mileage Midwest Door bid \$10,219 and Liberty Door bid \$9,035. Wolf made a motion to approve the Liberty Door quote for \$9,035. Bauman seconded. All voted aye. Motion carried.

Miller would like to have an RFP committee selected for the Spring Creek Bridge project on County 17. Two engineer firms have put their proposals in and he would like to set up interviews with them. Folk made a motion to appoint Bauman, Wolf, and Miller to the RFP Committee. Taylor seconded. All voted aye. Motion carried.

Bauman moved to give Road Superintendent, Ken Miller, permission to notice the bid for the 2023 Annual Bid Letting and set the bid letting date for April 5, 2023, at 10:00 A.M. Folk seconded. All voted aye. Motion carried.

Charlie Hankins, Interstate Engineering, presented a cost estimate for the County 27 Mill and Overlay project. The overall estimated project cost is around \$3.9 million. He stated we have NDDOT Federal Aid, HB 1505 funds, and Prairie Dog funds that could be utilized. He recommends that we use the NDDOT Federal Aid money as much as possible as presented in Funding Option 2.

<b>FUNDING OPTION #2 - UTILIZING PRAIRIE DOG MONIES (NO ROAD BUDGET DOLLARS)</b>	
HB 1505 FUNDS =	\$ 1,175,062.00
HB 1505 FUNDS W/ 20% LOCAL MATCH (UTILIZING PRAIRIE DOG MONEY) =	\$ 1,410,074.40
NDDOT FEDERAL AID (BORROWED AHEAD 3 YEARS) =	\$ 2,033,730.41
NDDOT FEDERAL AID W/ 20% LOCAL MATCH (UTILIZING PRAIRIE DOG MONEY) =	\$ 2,440,476.49
TOTAL FEDERAL AID FUNDING INCLUDING LOCAL MATCH =	<u>\$ 3,850,550.89</u>
REMAINING PROJECT COST =	<u>\$ 137,155.79</u>
PRAIRIE DOG FUNDS =	<u>\$ 2,200,000.00</u>
REMAINING PRAIRIE DOG FUNDS AFTER PROJECT COSTS =	<u>\$ 1,421,085.73</u>
TOTAL COUNTY OUT-OF-POCKET BUDGETED COSTS =	<u>\$</u>

If we used federal aid we would fall under the states umbrella for Title 6 compliance. Prairie Dog and HB 1505 funds do not count towards the 51 percent federal aid cost share. Bauman made a motion to proceed with Funding Option 2 as presented. Folk seconded. All voted aye. Motion carried.

Hankins presented a Monetary Agreement between Mercer County and Sheila Kalonick. This agreement is for costs incurred to the owner for security measures taken for the construction of Mercer County Bridge #29-134-20.0 Structure Replacement project in the amount of \$3,000. Wolf made a motion to accept the \$3,000 monetary agreement. Folk seconded. All voted aye. Motion carried.

The board recessed at 10:47 a.m.

The board reconvened at 10:54 a.m.

Joey Borracci, Summit Carbon Solutions, presented a Road Use and Maintenance Agreement for the upcoming project which will begin the summer of 2023. He wanted to know who to list as a signor for this agreement. Discussion continued on a number of different sections within the agreement. The board tabled this agreement until February 15 for further review.

Jay Volk, Summit Carbon Solutions, provided an update on the drill rig move. He stated they did sign a road bond approximately a year ago for that mile stretch as they were moving that rig. This bond does expire on April 7 and they will let it expire. No action taken. City of Stanton sent notification that they would no longer be involved and had no interest in purchasing the Auction House. Emails have been sent to the interested parties with no response as to what action will take place with this property. Todd Schwarz, Mercer County State's Attorney, advised against paying specials. The Board would like to invite interested parties to the February 15<sup>th</sup> meeting for further discussion.

Wolf brought up the social service building and the possibility of it being used for the Stanton post office location since their current building has been condemned. No action taken.

Wolf made a motion to accept the Sheriff fees for November in the amount of \$24,871.90 and December \$4,140.90. Bauman seconded. All voted aye. Motion carried.

Portfolio updates were given.

An application of interest was submitted by Maynard Zueger for the Planning and Zoning Board. This was tabled until the February 15<sup>th</sup> meeting.

Cyndi Zueger, Tax Director/Land Use Administrator, came back in for further review on Zoning Case 22-11-01. Frey recused himself from the discussion with Wolf taking over the meeting. The previous motion to approve Zoning case 22-11-01 with the additional amendment of Lot 2, Block 3 as commercial needed to be amended. Bauman moved to amend the previous motion on zoning to correct it to change Agricultural District to R-2 District for Lots 1-7 Block 4 and to Commercial District for Lots 1-4 Block 2 and Lots 1 and 2 Block 3; Lot 1 Block 5 will remain Agricultural. Taylor seconded. Bauman, Folk, Taylor Wolf voted aye. Frey not voting. Motion carried.

Frey took the meeting over once again.

There being no further business the meeting was adjourned at 11:43 a.m. The next meeting is scheduled for February 15, 2023, at 9:00 a.m. at the Mercer County Courthouse in Stanton, North Dakota.

Approved: \_\_\_\_\_  
Travis Frey, Chairman

Attest: \_\_\_\_\_  
Gwyn Bosch, Deputy Auditor