

## **Mercer County Commission Minutes February 21, 2024**

The meeting was called to order at 9:00 a.m. by Chairman Gene Wolf. Present were Commissioners Jamee Folk, Liza Taylor, Travis Frey, Rick Bauman, Auditor Carmen Reed, and Dan Arens of the Hazen Star. Others present during portions of the meeting were Maintenance Supervisor Jim Albers, Landfill Director Candy Strand, Treasurer Dawn Grannis, States Attorney Todd Schwarz, Jennifer Neumiller, Gwyn Bosch, Josh Peterson, Nick Scharbach, Corey Schneider, Darren Hellman, Mark Wallen, Steve Guenther, Jason Bohrer, Peg Rahn, Lance Pflieger, Mary Rahn, Bryan Aalund, Jennifer M. Gooss, Scott Solem, Jim Schwab, Dion Rahn, Josh Schwab, Jesse Rahn, Johan H. Rahn, Dave Farrington, R.J. Pathroff, Elizabeth Claudio-Farrington, and Mark Ost.

Pledge of allegiance was said.

Frey moved to approve the agenda as amended. Bauman seconded. All voted aye. Motion carried.

Frey moved to approve the February 7, 2024, minutes as presented. Bauman seconded. All voted aye. Motion carried.

Frey moved to approve bills. Taylor seconded. All voted aye. Motion carried. The following bills were approved for payment: BASARABA, LILLIE \$309.26; THE BEACON \$94.00; BEULAH CHAMBER OF COMMERCE \$50.00; BISMARCK HOTEL & CONFERENCE CENTER \$436.00; BOBCAT OF MANDAN INC. \$270.11; BONNELL INDUSTRIES INC. \$3,839.90; BUTLER MACHINERY CO \$387.00; CAP FLEET UPFITTERS, LLC \$350.00; DIRECT MED \$720.71; FARMERS UNION OIL CO. \$45,520.00; FARMERS UNION SERVICE ASSOCIATION \$79,741.00; FIRESIDE OFFICE SOLUTIONS \$427.12; HAZEN PUBLIC SCHOOL \$83.72; AUTO VALUE \$529.46; IDEMIA IDENTITY & SECURITY USA LLC \$11,604.00; INFORMATION TECHNOLOGY DEPARTMENT \$5,524.74; NAPA \$63.99; ND ASSOCIATION OF COUNTIES \$189.00; ND ASSOCIATION OF COUNTIES 911 \$799.63; OFFICE OF ATTORNEY GENERAL \$1,670.00; ND COUNTY COMMISSIONERS ASS'N \$1,725.00; ND DEPARTMENT OF TRANSPORTATION \$10.00; NDEMA \$100.00; QUADIENT FINANCE USA, INC. \$1,000.00; NEUBERGER OIL COMPANY \$1,633.04; NORTHWEST TIRE AUTO SERVICE INC. \$220.00; ODP BUSINESS SOLUTIONS INC. \$132.67; ROUGHRIDER ELECTRIC COOPERATIVE, INC. \$1,633.35; RUD PROPANE LLP \$654.74; SEIFERT, BRADLEY Q \$293.18; STERICYCLE, INC. \$20.00; THE FLOWER SHOP \$40.00; THE HUB CONVENIENCE STORES, INC. \$155.77; UNIFORM CENTER \$8,295.00; VERIZON WIRELESS \$1,032.61; WEST RIVER TELECOMMUNICATIONS \$2,979.51; ZUEGER, CYNDI \$278.58 (CHECK #s 49812-49848) TOTAL \$172,813.09.

Folk moved to approve the January Recorders fees of \$3,820.40. Taylor seconded. All voted aye. Motion carried.

Frey moved to correct the motion from the last meeting that we accept \$123,315.96 that should be in the Parks In-Lieu account, however is not currently in there. Folk seconded. All voted nay. Motion failed. Frey moved to rescind his

Parks In-Lieu motion made at the previous meeting. Folk seconded. All voted aye. Motion carried.

Jennifer Neumiller, Deputy Tax Director/Land Use Administrator, presented the following three (3) planning and zoning items to the board;

- Resolution to Amend- 24-02-01 Trilogy Legends LLC from Residential to Commercial. This parcel is located in the SE1/4 of Section 9 and SW1/4 of Section 10, T44N, R87W, Mercer County, North Dakota.

Frey moved to approve the resolution to amend 24-02-021, Trilogy Legends LLC from a residential to a commercial property. Bauman seconded. All voted aye. Motion carried.

- Conditional Use-24-02-02- VB BTS II, LLC - "Vertical Bridge" --- Communications Tower – NW4 Sec. 11, T142N, R88W. This is a 370' guyed communications tower with a 10' lightning rod, along with support equipment to be located within 100'x100' leased compound.

Frey moved to approve Conditional Use-24-02-02. Taylor seconded. All voted aye. Motion carried.

- Temp Use #630 issued to Casey Voigt for a scoria pit in 10 Acres of NW4 of Section 31, T143N, R88W of the 5<sup>th</sup> P.M. Mercer County ND. Active since 2016. Restrictions include work limited to daylight hours.

Bauman moved to approve the renewal of permit #630 for Casey Voigt. Taylor seconded. All voted aye. Motion carried.

Policy Committee Chairman, Gwyn Bosch presented the following policy committee recommendations:

- Employees selected to be on the wage committee are: Candice Strand, Shannan Senger, Mark Erhardt, Mark Schmitt, and Cody Wiedrich.

Frey made a motion to accept the employee recommendations from the policy committee as presented. Bauman seconded. All voted aye. Motion carried.

- Policy update regarding payroll is that all employees be required to sign up for direct deposit for the end of month pay check by July 1, 2024 or a date selected by the commission.

Bauman made a motion to approve that all employees sign up for direct deposit by July 1, 2024. Frey seconded. All voted aye. Motion carried.

Bauman moved to approve the Mercer Highway Department annual bid letting for April 3<sup>rd</sup> at 10:00 a.m. Frey seconded. All voted aye. Motion carried.

Frey moved to approve the following wording for the extension service ballot measure to read: As per N.D.C.C. 11-38-01.3, shall the governing body of Mercer County obtain an additional 2 mills for the County Extension above the 2 mill levy limitation set out in the N.D.C.C. Chapter 11-38-01.3 for a total of 4 mills? Yes, means you approve the County Extension mill levy to be raised from 2 mills to 4 mills. No, means you reject the measure and County Extension mill levy will remain at 2 mills. Folk seconded. All voted aye. Motion carried.

Frey moved to accept the resolution and payment of \$2 from the City of Zap for properties ZZ14489011006 and ZZ14489050001. Bauman seconded. All voted aye. Motion carried.

The Board members requested recommendations from the Youth Bureau Director Rachel Poitra before making a final decision on spending any opioid monies.

States Attorney Schwarz informed the commission that any policy change must have a first and second reading before being implemented. The first reading of policy 403 Paydays is set for March 6, 2024, at 9:45 a.m. Todd also approved of the rescinding of the Parks In-Lieu motion which was made at the last meeting. It was verified that purchase order numbers are required on expenses of \$1,000 or more countywide.

Portfolio updates were given.

The board recessed at 10:18 a.m.

The board reconvened at 10:35 a.m.

Jason Bohrer with the Lignite Energy Council gave an update and outlook of the lignite industry specific to North Dakota. This report covered economic impact, political actions in connection with the legislative process, EPA proposed rules and strategies that are being done to support the lignite industry.

The Special Assessment District Ordinance second reading was given by States Attorney Schwarz. Frey moved to approve the second reading of the special assessment district procedure/ordinance. Bauman seconded. All voted aye. Motion carried.

The board recessed at 11:07 a.m.

The board reconvened at 11:15 a.m.

States Attorney Schwarz addressed the board regarding the Farrington land request and advised the commission to deny this request. Legal counsel for the Farringtons and S&R Partners, LLP which are opposing this request spoke briefly regarding their cases. Frey recused himself from any motion due to the fact that his employer Interstate Engineering, is involved in this petition. Folk made a motion to deny the petition. Hearing no second. Motion failed. Bauman moved to table the petition. Taylor seconded. Bauman and Taylor voted aye. Folk and Wolf voted nay. Motion tied. The petition will be put on the next meeting agenda on March 6, 2024, at 10:00 a.m.

Tanya Wieler %Dakota Dynamics HR, briefed the commission regarding the process of interviewing the HR candidate.

There being no further business the meeting was adjourned at 12:04 p.m. The next regular meeting is scheduled for March 6, 2024, at 9:00 a.m. in the boardroom of the Mercer County Government Center in Stanton, North Dakota. The meetings can be viewed online at [www.mercercounty.com](http://www.mercercounty.com)

Approved: \_\_\_\_\_  
Gene Wolf, Chairman

Attest: \_\_\_\_\_  
Carmen Reed, Auditor