

**Mercer County Commission Minutes
April 12, 2023**

The meeting was called to order at 9:00 a.m. by Chairman Travis Frey. Present were Commissioners, Jamee Folk, Rick Bauman, Liza Taylor, Gene Wolf, Auditor Carmen Reed, Deputy Auditor Gwyn Bosch, and Dan Arens of the Hazen Star. Others present during portions of the meeting were Beulah City Assessor Heidi Hamelton, Charlie Hankins, Tax Director Cyndi Zueger, Ashley Miller, Road Superintendent Ken Miller, Maintenance Supervisor Jim Albers, Joe Mayer, Doug Neuberger, Jeanne Wanner, David Wanner, Rick Thompson, Lee Bertsch, Jason Fredrich, Paul Bosch, Randy Nordsvan, Rodger Albertson, Kristopher Schwab and Treasurer Dawn Grannis.

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

Bauman moved to approve the March 15, 2023, minutes as presented. Folk seconded. All voted aye. Motion carried.

Deputy Auditor Bosch administered the Oath of Office to the Elected County Auditor Carmen Reed.

Board reviewed bills.

Folk moved to approve bills. Taylor seconded. All voted aye. Motion carried.

The following bills were approved for payment. CARDMEMBER SERVICE \$828.83; ADVANCED BUSINESS METHODS \$3,088.43; APPLIED CONCEPTS INC \$5,990.00; ASKIM, CRAIG \$11.88; BADGEPASS \$78.31; BAKER, ADAM \$60.69; BENCO EQUIPMENT COMPANY \$161.50; BEULAH JOB DEVELOPMENT AUTHORITY \$1,001.00; BUTLER MACHINERY CO. \$455.08; CHARM-TEX, INC. \$650.90; CITY OF BEULAH \$192.66; CITY OF GOLDEN VALLEY \$29.75; CITY OF STANTON \$7,210.89; CORE FACILITY SOLUTIONS \$104,433.00; DAKOTA BUSINESS SOLUTIONS INC. \$290.00; DIRECT MED \$278.46; FARMERS UNION OIL CO \$60.00; FASTENAL COMPANY \$193.69; FINANCIAL SUPPLY CENTER \$1,439.56; FOLK, JAMEE \$227.72; FREY, TRAVIS \$272.42; GALLS, LLC \$241.08; GRANNIS, DAWN \$79.20; HAZEN HARDWARE HANK \$138.40; HAZEN WELDING \$57.60; HIRSCH, JESSICA \$40.00; HUBER, DANNETTE \$25.00; INLAND TRUCK PARTS COMPANY \$367.61; INTERSTATE ENGINEERING INC. \$29,555.44; INTOXIMETERS INC. \$240.00; LANGOWSKI, GONTRAN \$515.59; LANGUAGE LINE SERVICES \$90.00; LIGNITE TIRE SERVICE \$483.95; MONTANA DAKOTA UTILITIES \$132.75; MOTOROLA SOLUTIONS \$9,812.00; ND ASSOCIATION OF COUNTIES \$150.00; NDSAA \$300.00; NDSU EXTENSION - TOWNER COUNTY \$30.00; NEUBERGER OIL COMPANY \$33,113.59; NORDAK CENTRAL PUBLISHING \$285.00; NORTHWEST TIRE AUTO SERVICE INC. \$6,441.01; OK AUTOMOTIVE \$157.46; PFLIGER, METTA \$28.38; POITRAS, RACHEL \$206.29; LINDE GAS & EQUIPMENT, INC. \$199.60; RDO EQUIPMENT CO. \$86.28; REED, CARMEN \$993.33; SAKAKAWEA MEDICAL CENTER \$144.87; SENGER, SHANNAN \$82.50; STAPLES CREDIT PLAN \$1,991.85; THE COMPUTER GUY \$108.99; THE MEAT SHOP \$36.00; TOWER COMMUNICATIONS INC \$555.00; VERIZON WIRELESS \$1,757.67; VISION WEST ND \$1,000.00; WALKER N'

DAUGHTERS JEWELERS \$129.99; ZUEGER, CYNDI \$42.24 (CHECK #s 47970-48026)
TOTAL \$216,573.44.

Cyndi Zueger, Tax Director/Land Use Administrator, presented an abatement request, a plat extension, and three (3) temporary use permit renewals to the board;

- New Life Properties is asking for an abatement for property described as the E 152'x245' Lot 11 Block 6, Schumaiers 1st Addition. The City of Beulah denied due to the property not being exclusively used for religious purposes as per Beulah City Assessor Heidi Hamelton. Bauman made a motion to deny based on the property not meeting the requirements. Wolf seconded. All voted aye. Motion carried.
- Hafner Final Plat Extension request. The board took no action and sent it back to Planning and Zoning Board.
- Temp Use #611 issued to LeRoy Fischer for a Scoria Pit located in Section 3 T143N R89W. 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 this permit is in effect. Wolf made motion to approve the renewal of permit#611 for LeRoy Fischer. Folk seconded. All voted aye. Motion carried.
- Temp Use #612 issued to LeRoy Fischer for a Scoria Pit located in Section 2 T143N R89W. 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 this permit is in effect. Folk made motion to approve the renewal of permit#612 for LeRoy Fischer. Taylor seconded. All voted aye. Motion carried.
- Temp Use #613 issued to Arlen Kurtti for the renewal of a Non-Farm Residence to be used as a rental house located in part of Parcel 1 within SE4NE4 of Section 10 T144N R 87W. Conditions attached to this permit are that the renewal must be through the County Commissioners each year. Wolf made motion to approve the renewal of permit #613 for Arlen Kurtti. Folk seconded. All voted aye. Motion carried.

Taylor made a motion to accept the February Recorders fees in the amount of \$3,254. Folk seconded. All voted aye. Motion carried.

Bauman made a motion to approve the Dakota Waters Liquor License request that will be in effect from May 1 through November 1, 2023. Folk seconded. All voted aye. Motion carried.

Portfolio updates were given.

Portfolio updates suspended.

Received two applicants for the Policy Committee appointment, Adam Baker and Cyndi Zueger. Folk made a motion to appoint Adam Baker to the Policy Committee for the unexpired term. Wolf seconded. Board discussed if it would be possible to appoint both applicants and if there was a policy member limit.

All voted aye. Motion carried. Bauman made a motion to appoint Cyndi Zueger to the Policy Committee as the sixth member. Folk seconded. All voted aye. Motion carried.

Auditor salary discussed and tabled.

Bauman made a motion to close the bids for the 2023 Annual Bid Letting. Taylor seconded. All voted aye. Motion carried. Road Superintendent Ken Miller and Deputy Auditor Bosch opened bids for the 2023 Annual Bid Letting in the categories of propane fuel, diesel fuel and unleaded gasoline, oil and grease, common excavation, rental of equipment, tires and accessories, gravel crushing, culverts—reinforced concrete and corrugated metal, and lawn care. Board requested to have State's Attorney Schwarz and Road Superintendent Miller review bids and bring them back to the May 3rd meeting for approval from the commission.

One bid was received for the 312 Selmes Ave, Stanton, ND (SS14484011505) property for \$1,000 from Tiana Kelly. Bauman made a motion to approve the bid for \$1,000. Taylor seconded. All voted aye. Motion carried.

Road Superintendent Miller requested approval for the RFP CVD-2917-(054) PCN 23894 committee recommendation of Interstate Engineering. This preliminary work is for the Spring Creek Bridge on County Road 17 between Hazen and Beulah. Taylor made a motion to approve the committee recommendation. Wolf seconded. Taylor, Wolf, Bauman, and Folk voted aye. Frey abstained. Motion carried. Miller gave an update on the upcoming motor grader bids that are due April 19. Miller and Reed requested an Emergency Flood Declaration be declared due to the fast melt that the county is experiencing at this time. This will aid the county by opening up the Emergency Funds to aid in any road repairs directly caused by overland, river and/or creek flooding. Folk made motion to declare an Emergency Flood Declaration. Wolf seconded. All voted aye. Motion carried.

Charlie Hankins, Interstate Engineering, gave an update on the status of the County Road 20 Bridge south of Crossroads. Hankins is requesting approval to move forward with the federally approved alternate of a reinforced concrete piping solution that has a shorter lead time and less expensive than the box culvert. If Commission decided to fix this bridge themselves and walk away from Federal Aid, we would be jeopardizing future Federal Aid monies that pay for a huge part of all our county road projects. Hankins suggested a deck span, as a temporary option that would span over the top of closed bridge and be supported by roadway on both sides. This would allow the bridge way to be open until original bridge is fixed. This deck span can be reused. The board requested Hankins and Miller to look into this possible temporary option. Commissioners were urged to contact Legislators regarding these closed bridge issues which are a statewide issue.

Sakakawea Estates Association met with the board to discuss paving the cabin site main road. The association is requesting the County's guidance in the process of establishing a special assessment to the affected 66 lots. Depending

on the association's by-laws, 51 percent would be a quorum, which means 34 lots would need to agree to go ahead with this project. The lot owners would be assessed their share of the cost of this improvement. Association members stated that Sakakawea Estates road is a county owned road. It was deeded to the County years ago. Frey stated that he will discuss this request with State's Attorney Schwarz. Commission requested the Association to get a consensus of what lot owners would agree to for this project.

Recess 11:32 a.m.

Reconvened 11:45 a.m.

Treasurer Grannis requested a duplicate check warrant 54537 for \$60 to Roughrider Electric. Bauman made motion to approve the duplicate check for warrant 54537 for \$60 to Roughrider Electric. Folk seconded. All voted aye.

Motion carried.

Auditor's salary was discussed. Motion made by Bauman to set Auditor salary at \$82,000 as requested. Wolf seconded. Discussion was held and it was decided that the motion would be amended. Bauman made a motion to amend the original motion of an annual salary from \$82,000 to \$79,000. Folk seconded the amended motion. No discussion. All voted aye. Motion carried. Amended motion to set Auditor's salary at \$79,000 to start on April 1, 2023. All voted aye.

Motion carried.

Kris Schwab with Core Facility Solution gave an update on the courthouse projects. Phase One of this project has gone really well and ahead of schedule. Next items that need to be addressed is replacing the hot water expansion tank for \$3,200 and the sally port heating unit for \$15,220. Folk moved to approve the replacement of the hot water expansion tank. Taylor seconded. All voted aye. Motion carried. Discussed monies that would be used to pay for the replacement of the sally port heater which is within the approved project. Bauman moved to use up the contingency funds for the replacement of the sally port heating unit using the proposed option 2 with remaining cost from building fund. Folk seconded. All voted aye. Motion carried. Phase two of this project would be replacement of the boilers in the old LEC Building. The board requested an updated budget cost with suggested options. The soonest we could start on this type of project would be fall of 2023.

Portfolios updates were given.

State's Attorney Schwarz decided that executive session wasn't necessary and reviewed the Opioid Litigation with the board. A letter was sent out to all board members explaining this litigation. The commission is being asked to make a motion to agree or disagree with this class action. Schwarz is advising to agree with this class action. Wolf made a motion to allow State's Attorney Schwarz to direct the attorney to act as they requested. Bauman seconded. All voted aye. Motion carried. Second part is the acceptance of possible partial settlements that may come from this class action. Schwarz is requesting the Commission to make a motion to accept these possible settlements. Bauman moved to accept

these partial settlements. Taylor seconded this motion. All voted aye. Motion passed.

Schwarz also discussed the mock trial that went on at the Courthouse yesterday, April 11, 2023. This mock trial was for a group of home schooled students that went very well. He thanked all those that helped out with this event, to include Maintenance Staff, and Sheriff's Office.

There being no further business the meeting was adjourned at 1:02 p.m. The next regular meeting is scheduled for April 19, 2023, 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.mercercountynd.com

Approved: _____
Travis Frey, Chairman

Attest: _____
Carmen Reed, Auditor