

Mercer County Commission Minutes July 3, 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 Treasurer Dawn Grannis, States Attorney Todd Schwarz, Tax Director/Land Use Administrator Jennifer Neumiller, Sheriff Terry Ternes, Solem Law Office Attorney Jennifer Gooss, Clerk of Court Wanda Knutson, HR Director Alice Grinsteinner, Home & Land Company Realtor Vickie Steiner, Jeff Gooss, and Casey Voigt,

Pledge of allegiance was said.

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

Bauman moved to approve the June 20, 2024, minutes as presented. Frey seconded. All voted aye. Motion carried.

Bauman moved to approve all bills as presented. Frey seconded. All voted aye. Motion carried. The following bills were approved for payment: ADVANCED BUSINESS METHODS \$1,537.43; ANDERSEN, DIANE \$17.42; ASKIM, CRAIG \$674.76; THE BEACON \$2,127.11; BEULAH JOB DEVELOPMENT AUTHORITY \$1,084.33; BOSCH, GWYN \$100.50; BRONSON'S MARKETPLACE \$6,905.58; LUCKYS TOWING AND REPAIR \$1,450.00; BUTLER MACHINERY CO. \$2,556.76; CAPITAL I INDUSTRIES INC. \$939.23; DUTTON, TAYLOR \$10.00; ELECTRONIC COMMUNICATIONS INC. \$1,656.56; FARMERS UNION SERVICE ASSOCIATION \$20,783.00; LEEROY FISCHER CONSTRUCTION LLC \$480.00; WEX BANK \$2,669.76; FOLK, JAMEE \$479.50; FREEDOM TRUCK CENTER \$359.91; GRINSTEINNER, ALICE \$523.76; HALTER, RICKY R. \$468.00; HAZEN HARDWARE HANK \$370.28; HAZEN STAR \$2,053.07; AUTO VALUE \$343.07; HOUSTON ENGINEERING INC. \$2,153.25; JOHNSEN TRAILER SALES, INC. \$483.70; JONES CONTRACTORS, INC. \$61,039.90; LAKE VIEW SERVICES, LLC \$15,761.25; MCLEAN COUNTY SHERIFF \$2,325.00; MERCER COUNTY HIGHWAY DEPARTMENT \$1,669.27; MID-DAKOTA WHEEL ALIGNMENT & \$762.14; MONTANA DAKOTA UTILITIES \$57.73; OFFICE OF ATTORNEY GENERAL \$1,535.00; ND DEPT OF CORRECTIONS & REHAB \$150.00; ND DEPT OF ENVIRONMENTAL QUALITY \$30.00; NELSON INTERNATIONAL \$413.77; NEUBERGER OIL COMPANY \$1,843.88; OFFICE OF THE STATE AUDITOR \$16,106.08; ON SITE DECALS, LLC \$415.00; PETROLEUM TANK RELEASE COMP FUND \$1,500.00; POITRAS, RACHEL \$79.02; LINDE GAS & EQUIPMENT, INC. \$246.51; RADISSON HOTEL - BISMARCK \$99.80; RDO EQUIPMENT CO. \$7,166.71; REDWOOD TOXICOLOGY LABORATORY \$279.31; ROTO ROOTER \$525.00; S & M LAWN SERVICE \$405.00; SENGER, SHANNAN \$90.82; SOUTHWEST WATER AUTHORITY \$56.61; DANA SAFETY SUPPLY, INC. \$46,680.00; TAYLOR, LIZA \$50.00; TOWER COMMUNICATIONS INC. \$555.00; TRUENORTH STEEL \$686.38; TYLER TECHNOLOGIES INC. \$600.00; UNIFORM CENTER \$280.00; VANGUARD APPRAISALS INC. \$130,000.00; VERIZON WIRELESS \$962.20; WOLF, GENE \$131.07: (CHECK#s 50663 – 50718) TOTAL \$342,729.43.

Tax Director/Land Use Administrator Jennifer Neumiller presented the following planning and zoning items.

- County Zoning Conditional Use Zoning Case #24-06-01, Basin Electric Power Cooperative is proposing to expand an existing electrical substation. This expansion will be directly south of the existing substation and will support additional transmission line terminals. The existing substation is 2.02 acres; the new addition is proposed to be 3.2 acres. Frey moved to approve Conditional Use Zoning Case #24-06-01 as presented. Bauman seconded. All voted aye. Motion carried.
- Resolution to Amend Zoning Ordinance Case #5077, Chapter IV, Temporary Uses, Permits, that will add six provisions on page 4-6 under, ii) The following provisions shall apply specifically to sand and gravel pits: Folk moved to postpone the Resolution to Amend Zoning Ordinance Case #5077 until more information is gathered. Bauman seconded. All voted aye. Motion carried.
- Planning and Zoning Board Appointments for three expired four-year terms and one unexpired two-year term. Folk moved to appoint Kevin Hafner, Mike Eslinger and Gerald Bieber to the three expired four-year terms. Taylor seconded. All voted aye. Motion carried. Folk moved to appoint Chris Renner to the one unexpired two-year term. Bauman seconded. All voted aye. Motion carried.

Western Plains Public Health Administrator Erin Ourada presented her proposed 2025 budget figures. Ourada is requesting \$183,500 for the Mercer County allocation based on the 2.65 mill levy. It was noted that the opioid payments of \$17,759 for Mercer County were included in error due to not yet receiving commission approval to use these funds. The board placed this item on the July 17, 2024 agenda for commission approval. The next Joint-Board of County Commissioners is set for August 20, 2024, at 10:00 a.m. and a notification will be sent out with a link to join meeting online or attend at the office in Mandan. Folk moved to approve the May Recorder Fees of \$6,288.40. Bauman seconded. All voted aye. Motion carried.

Folk moved to approve the Beulah Little People Preschool Raffle Permit for the Beulah Bay Campground. Taylor seconded. All voted aye. Motion carried. This is a 50/50 raffle at the rules meeting on July 25, 2024, for the Dakota Walleye Classic Fishing Tournament.

Folk moved to approve the county nurse quarterly report as presented. Taylor seconded. All voted aye. Motion carried.

Folk moved to approve paying a Landfill engineering bill of \$2,153.25, out of the General Fund Audit expense account. This engineering expense was incurred due to the 2021-2022 State Audit information request. Taylor seconded. All voted aye. Motion carried.

Bauman moved to approve the Sheriff's selling of four vehicles. Taylor seconded. All voted aye. Motion carried.

Bauman moved to approve the Highway Department 2019 Chevy pickup repair expense of \$7,000. Frey seconded. All voted aye. Motion carried.

Bauman moved to approve the Terracon gravel exploration contract for \$6,300. Folk seconded. All voted aye. Motion carried.

Folk moved to approve the Landfill hiring Greg Perreault and Lakeview Services for dirt hauling. Frey seconded. Folk amended motion by adding "for a maximum cost of \$4,000." Taylor seconded amended motion. All voted aye. Amended motion carried. All voted aye. Motion carried.

Recessed at 10:13 a.m.

Reconvened at 10:18 a.m.

Portfolio Updates were given.

Commissioner budget requests thus far included:

- \$15,000 for Mental Health/Civil Commitments. This is under the Clerk of Court Wanda Knutson's budget.
- \$50,000 for Planning and Zoning updates to the zoning map and codes. This would be under the Tax Director/Land Use Administrator Jen Neumiller's budget.
- Want to look at storm shelters and emergency services to the lake side areas. This item will be under the Emergency Manager Alice Grinsteiner's budget.
- \$150,000 for Mercer County Economic Development (MCED)/Job Development Authority (JDA) milling. Beaver Brinkman is working on the details of this county mill in coordination with the cities.
- Requested more monies budgeted towards finding gravel within the county. This would be under the Highway Department's budget.
- \$90,000 request for the Fair Board.

Other commissioner items will be sent to the Auditor's office by early next week and will be included in the preliminary budget for the July 17, 2024, regular meeting and reviewed during the July 22, 2024, special budget meeting.

Solem Law Attorney Jennifer Gooss presented and discussed a revised Pebble Beach Trail Variance Approval and Agreement that changed the 75 foot setback to an 85 foot setback from paved road and 2 foot setback from Corps land. The trail is now an easement to the county with Mr. Kasper maintaining liability and maintenance. Taylor moved to approve the Agreement as presented. Taylor retracted her motion.

Folk moved to approve the variance approval document as presented. Taylor seconded. Folk, Taylor, and Frey voted aye. Bauman and Wolf voted nay. Motion carried.

Taylor moved to approve the agreement document as presented. Frey seconded. Taylor, Frey, and Folk voted aye. Bauman and Wolf voted any. Motion carried.

Clerk of Court Wanda Knutson discussed past and current costs for Mental Health/Civil Commitments. It was agreed to put \$15,000 into her budget for the preliminary budget.

Wolf presented the following preliminary resolution to the commission:

Be it resolved by the Mercer County Commissioner, to wit:

WHEREAS, The Mercer County Commission redesignates the elective county offices of the Auditor, Treasurer and Recorder as appointive and

WHEREAS, NDCC 11-10.2-02(1) provides the board of county commissioners may by resolution adopt a preliminary resolution incorporating a proposed plan for redesignating an elective county office as appointive, subject to the right of referendum and

WHEREAS, the job duties are quite extensive for each office and

BE IT FURTHER RESOLVED, that appointment of each office, shall be made by the Mercer County Commission.

States Attorney Todd Schwarz stated that the board can do this subject to the voter review and advises all commissioners to take the time to read the century code before they vote on this. Item was tabled and put on the July 17, 2024, meeting at 11:00 a.m.

Schwarz updated the commission on the opioid case proceedings and requested approval from the commission regarding including more defendants in this case, which would bring more monies to be distributed. Board was agreeable.

Jeff Gooss presented the following Children's Mobility Awareness Day July 25th 2024, Proclamation:

WHEREAS, Mercer County, North Dakota is a community which acknowledges that all residents and visitors of the county, regardless of physical or intellectual ability, are encouraged and welcomed to enjoy all that Mercer County has to offer.

WHEREAS, Mercer County, North Dakota is a community which encourages all citizens and community businesses to create an inclusive and safe environment which allows children and young adults of all abilities to succeed and thrive.

WHEREAS, Mercer County, North Dakota is a community which chooses to lift up all children with adaptive needs, and recognizes that this commitment is crucial to the success, vibrancy, and well-being of the community.

WHEREAS, Mercer County, North Dakota pledges that it will work hand in hand with the community to lead in the effort to make our world a safer and more enjoyable place for those with adaptive needs.

NOW THEREFORE, we, the commission of Mercer County, North Dakota do hereby proclaim July 24th, 2024, to be Children's Mobility Awareness Day. We urge everyone in the community to recognize and lift up those with adaptive needs and work towards ending the term "handicap," by ensuring that all spaces, both indoor and out, allow for all those who enjoy our community, regardless of physical or intellectual ability.

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

There being no further business the meeting was adjourned at 11:26 a.m. The next regular meeting is scheduled for Wednesday, July 17, 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

Approved: _____
Gene Wolf, Chairman

Attest: _____
Carmen Reed, Auditor