

## **Mercer County Commission Minutes September 20, 2023**

The meeting was called to order at 9:00 a.m. by Chairman Travis Frey. Present were Commissioners Jamee Folk, Rick Bauman, Gene Wolf, Auditor Carmen Reed, and Dan Arens of the Hazen Star. Liza Taylor was absent. Others present during portions of the meeting were Tax Director Cyndi Zueger, Treasurer Dawn Grannis, Coyote Properties representatives Rylan Sandsbak and Darren Hellman, Interstate Engineer Charlie Hankins, Road Superintendent Ken Miller, Chief Deputy Mark Schmitt, Maintenance Supervisor Jim Albers, Summit Carbon Solutions representatives Amanda Hoffer and Jay Volk, Ashley Miller, Gwyn Bosch, BEK Communications representative Lori Hintz, Dave Braun, Bill Galvin, Paul Bosch, Jackie Bosch, Karmen Siirtula.

Folk made a motion to approve the amended agenda. Wolf seconded. All voted aye. Motion carried.

Wolf made a motion to accept the September 6, 2023, minutes as presented. Folk seconded. All voted aye. Motion carried.

Wolf made a motion to accept the September 12, 2023, minutes as presented. Folk seconded. All voted aye. Motion carried.

Bauman made a motion to accept the September 15, 2023, minutes as presented. Folk seconded. All voted aye. Motion carried.

Board reviewed bills. A bill from Antelope Creek Trucking for \$800 was pulled to verify the correct account to be paid out of. This bill is for 30 yards of scoria that was delivered and leveled on the Kevin Hafner's pasture for tree disposal after the August 1, 2023 storm and ordered by Commissioner Gene Wolf.

Wolf made a motion to approve bills as presented, except for pulled bill. Folk seconded. All voted aye. Motion carried. The following bills were approved for payment. ANTELOPE CREEK TRUCKING INC. \$16,561.00; ARMOR INTERACTIVE \$1,881.00; BAKER, ADAM \$205.94; THE BEACON \$874.80; BEULAH DRUG \$27.72; BLOOM'N HOUSE \$40.00; CITY OF BEULAH \$103.20; CITY OF GOLDEN VALLEY \$29.75; CORE FACILITY SOLUTIONS \$35,201.20; D & E SUPPLY CO INC. \$2,560.87; EIDE FORD LINCOLN \$364.65; ENERGY TECH SYSTEMS \$11,175.00; FARMERS UNION OIL CO. \$6,490.00 GALLS, LLC \$199.52; HAZEN STAR \$37.72; HAZEN WELDING \$35.00; HEART RIVER STABLES \$2,520.00; INFORMATION TECHNOLOGY DEPARTMENT \$5,508.54; J & M HARDWARE, INC. \$19.99; JOHNSON, KATHY \$239.20; LANGUAGE LINE SERVICES \$90.00; MERCER COUNTY HIGHWAY DEPARTMENT \$834.60; MIDCONTINENT COMMUNICATIONS \$170.24; MILLER, ASHLEY \$153.00; NAPA \$525.46; ND ASSOCIATION OF COUNTIES 911 \$894.04; OFFICE OF ATTORNEY GENERAL \$1,590.00; QUADIENT FINANCE USA, INC. \$3,500.00; NEUBERGER OIL COMPANY \$28,179.32; NEUMILLER, JEN \$147.20; NORTHWEST TIRE AUTO SERVICE INC. \$209.45; PHARMCHEM, INC. \$1,531.54; ROUGHRIDER ELECTRIC COOPERATIVE, INC. \$676.81; RUD PROPANE LLP \$171.03; S & M LAWN SERVICE \$285.00; SAKAKAWA MEDICAL CENTER \$140.00; SELL HARDWARE, INC. \$751.00; TERNES, TERRANCE \$38.95; THE HUB CONVENIENCE STORES, INC. \$242.74; THEN & NOW CANDY STORE \$150.00; TWEEDY, KAYLEE J. \$35.00; UNIFORM CENTER \$79.98; VERIZON WIRELESS \$490.76; WEST RIVER TELECOMMUNICATIONS \$3,479.55;

WESTERN DETENTION \$3,131.70; WOLF, GENE \$244.70; ZUEGER, CYNDI \$245.20.  
(TOTAL \$132,062.37).

Cyndi Zueger, Tax Director/Land Use Administrator, discussed ongoing PERS retirement issues relating to her position and pay changes that were done in 2022. Commissioners stated that they would meet with the States Attorney and then get back to Cyndi.

Recessed 9:37 a.m.

Reconvened 9:40 a.m.

Budget update was given and discussed. Hard copies of requested information were handed out and will be emailed to the commission and department heads for further review.

Landfill is requesting to hire contractors to complete fall maintenance work. Folk made a motion to hire Perreault Construction to haul dirt for \$125/load as needed for the landfill. Bauman seconded. All voted aye. Motion carried. Folk made a motion to hire LeeRoy Fischer to haul scoria for \$100/load as needed for the landfill. Bauman seconded. All voted aye. Motion carried.

Portfolio updates were given.

Road Superintendent Ken Miller is requesting approval of the following utility permits:

- WRT utility permit #1758 for boring a new fiber optic line under 23 St SW, near at the intersection of County Road 25 and 23 St SW. Bauman made a motion to approve WRT utility permit #1758. Folk seconded. All voted aye. Motion carried.
- Roughrider Electric utility permit #1759 for boring a power line under 3<sup>rd</sup> St SW (County Road 26), near County Road 11, 9 miles northwest of Zap. Bauman made a motion to approve the Roughrider Electric utility permit #1759. Wolf seconded. All voted aye. Motion carried.
- Roughrider Electric utility permit #1760 for boring a power line under County Road 27 north of Hazen. Folk made a motion to approve the Roughrider Electric utility permit #1760. Bauman seconded. All voted aye. Motion carried.

The following permits for SCS Carbon Transport LLC were presented:

- Utility Permit #1753 for boring a 4"-24" steel CO2 pipeline under 60<sup>th</sup> Ave SW, near 24<sup>th</sup> St SW. Frey made a motion to approve SCS Carbon Transport LLC utility permit #1753. No second. Motion failed.
- Utility permit #1754 for boring a 4"-24" steel CO2 pipeline under 24<sup>th</sup> St SW, near Highway 49. Frey made a motion to approve SCS Carbon Transport LLC utility permit #1754. No second. Motion failed.
- Utility permit #1755 for boring a 4"-16" steel CO2 pipeline under 22<sup>nd</sup> St SW, near Highway 49. Utility permit #1756 for boring a 4"-16" steel CO2 pipeline under 62<sup>nd</sup> Ave SW, near 21<sup>st</sup> St SW. Utility Permit #1757 for open cut of a 4"-16" steel CO2 pipeline along side 62<sup>nd</sup> Ave SW near 23<sup>rd</sup> St SW. Frey made a motion to approve SCS Carbon Transport LLC utility permits #1755, #1756, and #1757. No second. Motion failed.

Interstate Engineer Charlie Hankins gave an update on the status of the Jon Schield's bridge change order request. State's Attorney Todd Schwarz conducted a negotiation meeting with the contractor on Monday September 11, 2023. The State's Attorney is advising the commission to pay the contractor \$9,341.50 as requested. Wolf made a motion to reject the change order request for \$9,341.50. Bauman seconded. All voted aye. Motion carried.

County Road 20 bridge resolution to concur in awarding contract to lowest bidder, Central Specialties, Inc. for \$971,795.90. Bauman made a motion to approve the resolution to award Central Specialties, Inc. as the lowest bidder for Project BRC-2920(055). Wolf seconded. All voted aye. Motion approved.

Highway Department portfolio holder requests made by Commissioner Wolf:

- Wolf made a motion to have all truck speed limit signs in Mercer County be removed by October 1, 2023. Bauman seconded. All voted aye. Motion carried.
- Wolf made a motion to have all road weight limit signs be removed by October 1<sup>st</sup>. If no other signage is on the supporting structure, the supporting structure is to be removed. Bauman seconded. Wolf made a motion to amend this motion to take out "If no other signage is on the supporting structure, the supporting structure is to be removed." Bauman seconded. All voted aye. Motion carried. All voted aye on amended motion. Amended motion carried.
- Wolf made a motion to implement a 20 percent annual weight exemption permit for Mercer County roads. The permit will be effective for 12 months starting on January 1 of each year. The permit fee is \$250. Bauman seconded. Frey, Bauman and Folk voted nay, Wolf aye. Motion failed.
- Wolf made a motion to allow automatic issuance of overload permits, applied for on the load pass system up to 150,000 lbs. Permits exceeding 150,000 lbs. will be reviewed by the Mercer County Road Superintendent and will be allowed or denied by the county commission. In the case of an emergency or time restraints, the County Road Superintendent may approve the permit. Bauman seconded. Bauman made a motion to table this motion until next meeting. Folk seconded. All voted aye. Motion tabled.
- Wolf made a motion starting at 12:00 a.m. on the first Monday in October until 11:59 p.m. on the last Friday in April, the Mercer County road department will work Monday through Friday, 8 hours per day, starting at 7:00 a.m. and ending at 4:00 p.m. respectfully. Bauman seconded. Bauman made a motion to table this motion until next meeting. Folk seconded. All voted aye. Motion tabled.

Bauman made a motion to accept the First Reading of the Special Assessment Procedure/Ordinance as presented. Wolf seconded. All voted aye. Motion carried.

Highway department is requesting help in long distance hauling by contracting truck and driver with cost higher than \$5,000. Folk made a motion to approve contracting truck and driver for long distance hauling. Bauman seconded. All voted aye. Motion carried.

County Engineer Hankins stated that the County Road 27 milling project is near completion.

Folk presented the commission with the August 1, 2023, Beulah Bay Disaster Declaration as per Terry Ternes Mercer-Oliver Emergency Manager/Mercer County Sheriff. Folk made a motion to accept the Beulah Bay Disaster Declaration as presented. Bauman seconded. All voted aye. Motion carried. Bauman made a motion to use emergency funds to pay for the Antelope Creek Trucking Bill for \$800 which provided scoria for access to tree piles on the Kevin Hafner property. Wolf seconded. All voted aye. Motion carried.

Frey made a motion to approve the Vanguard appraisal agreement for assessing of the entire county, making it fair and equitable across the entire county. Bauman seconded. All voted aye. Motion carried.

Solar ordinance was discussed and put on next agenda for further review.

Budget meetings were set for Tuesday, September 26, 2023, at 5:30 p.m. and Friday, September 29, 2023, at 5:00 p.m.

There being no further business the meeting was adjourned at 11:25 a.m. The next regular meeting is scheduled for October 4, 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](http://www.mercercountynd.com).

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

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