

**Mercer County Commission
Minutes
May 15, 2019**

The meeting was called to order at 9:00 a.m. by Chairman Duane Scheurer. Present were Commissioners Dwight Berger, Wayne Entze, Marv Schwehr, Merlin Dahl and Auditor Shana Brost. Others present during portions of the meeting were Terry Ternes, Randy Byrum, Jessica Binder, Wade Aanderud, Rich Garmen, Ken Miller, Elroy Opp, Eric Urness, Cyndi Zueger, Rylan Sundsbak, Candy Strand, Clyde Eisenbeis, Sherwin Wanner, Kurt Milbradt and Daniel Arens of BHG News.

Chairman asked for nominations for a new Vice Chair. Entze moved to nominate Marv Schwehr for Vice Chairman. Dahl moved for nominations to cease and cast unanimous ballot for Schwehr. Schwehr seconded. All voted aye. Motion carried.

Berger moved to approve the agenda. Entze seconded. All voted aye. Motion carried.

Berger moved to approve the minutes from the May 1st meeting. Dahl seconded. All voted aye. Motion carried.

The board reviewed the bills. Entze moved to approve the bills. Schwehr seconded. The following vouchers (#39769-39837) were approved for payment: ADVANCED BUSINESS METHODS, \$169.69; AMERICAN WELDING & GAS INC., \$562.15; AMERIPRIDE SERVICES INC., \$43.33; ASKIM, CRAIG, \$126.44; BERGER, DWIGHT, \$192.10; BEULAH HOT LUNCH, \$23.20; BEULAH LUMBER CO., \$14.49; BHG, INC., \$2,708.10; BI INCORPORATED, \$108.00; BRONSON'S MARKETPLACE, \$4,257.59; BROST, SHANA, \$69.60; BUTLER MACHINERY CO., \$154,529.50; CHARM-TEX, INC., \$388.60; CITY OF BEULAH, \$73.40; CITY OF GOLDEN VALLEY, \$29.50; CITY OF HAZEN, \$50.00; CITY OF STANTON, \$5,928.78; CORNER EXPRESS OF CENTER L.L.C., \$185.56; CUSTER HEALTH DISTRICT, \$5,436.51; D & E SUPPLY CO. INC., \$1,420.50; DAKOTA BUSINESS SOLUTIONS, INC., \$294.99; DIRECT MED, \$517.40; DOWNTOWN GAS & AUTO, \$400.00; ELECTRONIC COMMUNICATIONS INC., \$1,510.00; ENTZE, WAYNE, \$164.72; ARKANSAS LAMINATING PRODUCTS & SRVS, \$305.72; WEX BANK, \$3,444.18; HAZEN DRUG, \$95.34; HAZEN HARDWARE HANK, \$135.03; HAZEN PUBLIC SCHOOL, \$25.00; HOMEWOOD SUITES, \$188.00; INFORMATION TECHNOLOGY DEPARTMENT, \$916.23; J-S SANITATION, \$21.00; JOHNSON CONTROLS, \$625.12; KEMMET, DENA, \$182.12; KRAUSE SUPER VALU, \$174.25; LANGUAGE LINE SERVICES, \$104.52; RELX INC. DBA LEXISNEXIS, \$224.80; MIDCONTINENT COMMUNICATIONS, \$129.02; NAPA, \$2,381.11; ND ASSOCIATION OF COUNTIES 911, \$904.79; OFFICE OF ATTORNEY GENERAL, \$1,580.00; ND SECRETARY OF STATE, \$36.00; NEOFUNDS, \$1,000.00; NEUBERGER OIL COMPANY, \$4,069.26; OFFICE DEPOT, INC., \$213.39; OK AUTOMOTIVE WD, \$222.20; PHARMCHEM, INC., \$399.70; PLATINUM MOTOR SPORTS INC., \$105.98; POSTMASTER, \$56.00; REED, CARMEN, \$250.79; RETTERATH REAL ESTATE, LLP., \$1,350.00; ROUGHRIDER ELECTRIC COOPERATIVE, INC., \$1,799.61; S & M LAWN SERVICE, \$250.00; SCHEURER, DUANE, \$250.10; SEIFERT, BRADLEY, \$30.46; SENGER, JASON, \$6.00; SOUTHWEST BUSINESS MACHINES, INC., \$179.95; SOUTHWEST WATER AUTHORITY, \$51.15; STROUP INSURANCE INC., \$50.00; TEAM LABORATORY CHEMICAL CORP., \$182.50; THE HUB CONVENIENCE STORES, INC., \$65.22; UNIFORM CENTER, \$116.48; VENTURE MARKETING, \$29.95; VERIZON WIRELESS, \$80.98; WEST RIVER TELECOMMUNICATIONS, \$440.00; WILMINGTON TRUST NA, \$400.00; ZUEGER, CYNDI, \$365.45; WEST RIVER TELECOMMUNICATIONS, \$3,161.79. All voted aye. Motion carried.

Randy Byrum discussed with the board the load restrictions. Byrum stated the load restriction signs have always been at the top of the hill to allow him to access his pit, but now the sign is at the bottom of the hill and he doesn't have any access. Byrum added the load restrictions have shut down his business for three (3) months and without him being able to get in and out of the pit, he will not have a business. Byrum noted they usually try to go with 80,000 lb loads but the road is rated for 105,500 lb. He delivers his products to area plants and mines. Ken Miller, Road Superintendent, stated the county needs to protect the road from north of the "Y" to County 26. Schwehr asked Byrum if it was impractical for him to haul at 65,000 lb. Byrum stated the expenses are much higher and he wouldn't even break even. Entze suggested having Byrum do an agreement with the county. Elroy Opp stated they would then have to give everyone the same opportunity. Berger added it is unfortunate that the county gives the impression they cater to big industry and not to individuals trying to make a living in this county. Schwehr commented load restrictions should stand as is.

The board thanked Byrum for coming in.

Cyndi Zueger, Land Use Administrator, presented two (2) zoning cases to the board. Casey Voigt: Temporary Use #531 for a scoria pit on 10 acres in the NW ¼ Section 31 T143N R88W with work limited to daylight hours. The area disturbed under this temporary use permit 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. The permit holder shall control weeds in an acceptable manner during the time this permit is in effect. The permit expires December 31, 2019. Schwehr moved to approve temporary use #531. Dahl seconded. All voted aye. Motion carried.

Great River Energy: Temporary Use #532 for a borrow pit on 53 acres in the NE ¼ Section 21 T144N R84W with work limited to daylight hours. The area disturbed under this temporary use permit 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. The permit holder shall control weeds in an acceptable manner during the time this permit is in effect. The permit expires December 31, 2019. Dahl moved to approve temporary use #532. Schwehr seconded. All voted aye. Motion carried.

Entze moved to close the bids for the patching and overlay on County 20 and Beaver Bay Road. Berger seconded. All voted aye. Motion carried. The Engineer's Estimate for the project was \$440,000. Eric Urness, Interstate Engineering, opened and read the following bids aloud:

1. Central Specialties, Inc. \$591,911.62
2. Keller Paving and Landscaping, Inc. \$682,852.00
3. Northern Improvement Company \$579,963.52
4. Strata Corporation \$544,679.60

Urness took a few moments to review the bids for accuracy.

The board reviewed the outstanding road accounts. No further action was taken.

Schwehr moved approve Utility and Occupancy Application and Permit #1714 issued to West River Telecommunications Cooperative to install new fiber optics facility. Dahl seconded. All voted aye. Motion carried.

Urness stated Strata Corporation's bid checked out and they are the lowest bidder. Urness noted they would be using HB1176 of approximately \$80,000 to help with the difference. Dahl moved to award the patching and overlay for County 20 and Beaver Bay Road to Strata Corporation in the amount of \$544,679.60. Schwehr seconded. All voted aye. Motion carried.

Miller requested permission to lift load restrictions next week when the NDDOT does.

Entze moved to give Miller permission to lift load restrictions when the state does.

Berger seconded. All voted aye. Motion carried.

The board recessed at 10:19 AM.

The board reconvened at 10:30 AM.

Clyde Eisenbeis met with the board again about his concerns on County 15. Eisenbeis informed the board he contacted a federal agency and filed a formal citizen's complaint against Coteau. Schwehr stated there is quite a bit of history between Eisenbeis and Coteau and at one point Coteau offered to put in an approach but Eisenbeis declined. The board thanked Eisenbeis for the update. No further action was taken.

Entze moved to approve the April Sheriff's fees in the amount of \$4842.19. Schwehr seconded. All voted aye. Motion carried.

Schwehr moved to approve the April Recorder's fees in the amount of \$5123.60. Berger seconded. All voted aye. Motion carried.

Auditor Brost reviewed the tentative budget calendar and agenda with the board. Dahl moved to approve as presented. Entze seconded. All voted aye. Motion carried.

Sherwin Wanner, Houston Engineering, discussed the bids for Phase I Expansion Project for Cells 6 & 7. Wanner stated Unlimited Excavating was the lowest bidder at \$156,697 and the engineer's estimate was \$228,762. Schwehr questioned how this project fit into the budget. Scheurer stated in his opinion it needed to be done and the county will never see a bid this low later on. Scheurer added if the landfill is frugal with their budget, they can make it happen. Schwehr asked what was in the budget for improvements. Scheurer stated it was irrelevant since they didn't know during budget time last year that this needed to be done. Dahl moved to award Phase I Expansion Project for Cells 6 & 7 to Unlimited Excavating in the amount of \$156,697. Entze seconded. Dahl, Entze, and Scheurer voted aye. Berger and Schwehr voted nay. Motion carried.

Entze moved to close the bids on the 1981 International Truck. Schwehr seconded. All voted aye. Motion carried. Auditor Brost opened and read one (1) bid aloud: Scott

Ruland, \$2,500. Schwehr moved to accept the bid from Ruland in the amount of \$2,500. Dahl seconded. All voted aye. Motion carried.

The board reviewed the landfill tonnage report. No further action was taken.

The board reviewed the monthly financial statement. No further action was taken.

Berger moved to appoint Emily Dockter to the unexpired term on the Mercer County Housing Authority Board to start immediately with the term ending June 30, 2021.

Schwehr seconded. All voted aye. Motion carried.

Auditor Brost discussed the Social Services redesign meeting. Entze stated he would attend on June 11th.

Berger moved to approve liquor license #436 issued to The Hub for semi-annual on/off sale beer and liquor. Dahl seconded. All voted aye. Motion carried.

The board reviewed the NDSU Extension Highlights. No further action was taken.

The board updated their portfolios and reviewed them. No further action was taken.

There being no further business the meeting was adjourned at 11:49 AM. The next regular meeting is scheduled for June 5, 2019, at 9:00 AM in the board room of the Mercer County Government Center, Stanton, North Dakota.

Approved: _____
Duane Scheurer, Chairman

Attest: _____
Shana L. Brost, Auditor