

**Mercer County Commission
Minutes
June 3, 2015**

The meeting was called to order at 9:00 AM CT by Chairman Murray, also present was Commissioner Scheurer, Commissioner Entze, Commissioner Tveit, Commissioner Gunsch, State's Attorney Binder, Auditor Brost, and Sarah Bauer.

Motion made by Commissioner Entze, second by Commissioner Scheurer to approve the agenda with additions. All members voted "Aye", motion carried.

Motion made by Commissioner Tveit, second by Commissioner Gunsch to approve the minutes of the May 20th regular meeting. All members voted "Aye", motion carried.

Motion made by Commissioner Gunsch, second by Commissioner Tveit to approve the payment of bills as follows: Aflac, \$2183.03; American Working Dog Association, \$400.00; Annuity Program #2, \$1219.56; Annuity Program #2, \$578.66; CMFG Life Insurance, \$298.21; Cuna Mutual Life Insurance, \$1030.94; Guardian, \$218.46; Guardian, \$73.02; Mercer County Auditor, \$64,136.39; Mercer County Treasurer, \$7316.40; Mercer County Treasurer, \$1335.20; Mercer County Treasurer Federal, \$28,982.39; Mercer County Treasurer Fica, \$18,392.97; Mercer County Treasurer Fica-Medicare, \$2952.87; Mercer County Treasurer Medicare Tax, \$4301.60; Mercer County Treasurer State Tax, \$2738.23; Montana CSED, \$84.00; Nationwide Retirement Solutions #3, \$1713.95; Nationwide Retirement Solutions #3, \$11,724.03; NDPERS, \$25,137.81; NFPRTD #4, \$13,222.51; Northern Auction Inc., \$22,000.00; Warrant No. 55192-55225, 7278-77334, \$212,628.84; AED Everywhere, \$433.60; AmeriPride, \$17.20; BHG Inc., \$1008.42; Blue Cross Blue Shield, \$49,543.04; Butler, \$107.11; Carmen Reed, \$145.78; Comfort Inn, \$296.00; Congregational Church-Beulah, \$1236.00; Corner Express of Center, \$15.00; D & E Supply, \$945.36; DTE Inc., \$201.08; Elroy Opp, \$10.00; Farmers Union Oil, \$420.00; Filter Care of Grafton, \$59.92; Fireside Office Plus, \$92.64; Hewlett Packard, \$8100.73; Hiway Express, \$20.00; Implementation Specialists, \$262.50; Industrial Fabworx, \$1560.00; J & M Hardware, \$10.72; Lange & Donovan PLLP, \$195.00; Lexis Nexis Mathew Bender, \$330.81; Mac's, \$57.20; MDU, \$54.07; Napa, \$144.68; ND Association of Counties, \$460.00; NDACO Resources Group, \$4030.00; Richard Johnson, McLean 911, \$528.72; SBM, \$138.60; US Imaging, \$7425.34; Verizon Wireless, \$771.85; Verizon Wireless, \$48.34; Wayne Entze, \$115.42; Amanda Palmer, \$109.00; Barbot Funeral Home, \$450.00; Beulah Job Development, \$606.34; Beulah Lumber, \$65.51; Card Member Services, \$125.00; City of Beulah, \$54.70; Colette Schilling, \$221.20; Contegrity Group Incorporated, \$43,242.44; David Olson, \$175.00; Dena Kemmet, \$53.24; Gary Emter, \$151.44; Haugen's Drain Service, \$254.00; Hazen Hardware Hank, \$33.97; Hazen Motor-Farm Equipment, \$146.80; Hiway Express, \$49.30; Implementation Specialists, \$1076.25; James Valley Career & Technology, \$700.00; Mac's, \$85.52; Mercer County Shop, \$258.00; Mercer County Shop, \$2520.75; Mercer County Shop, \$82.37; Moritz Sport & Marine, \$25,145.00; Napa, \$127.73; ND Dept. of Health, \$30.00; NDACO Resource Group, \$25.33; Office Depot, \$50.18; OK Automotive, \$228.90; Pam Pehl, \$26.60; Postmaster, \$114.00; Prairie Scale Systems Inc., \$1638.43; Radar Shop, \$459.00; Ronald Olson, \$281.75; Roughrider Electric, \$700.00; S & M Lawn Service, \$325.00; Sanford Retail Pharmacy, \$98.63; SBM, \$96.99; SBM, \$27.99; Southwest Water Authority, \$44.27; Venture Marketing, \$29.95; Verizon Wireless, \$1221.59; Workforce Safety Insurance, \$250.00; Zee Medical, \$62.20. All members voted "Aye", motion carried.

The board discussed the cemetery by the Ronald Gunsch place along County 25, also known as the Rettke/Potratz Cemetery in Section 34 T143N R88W. Commissioner Gunsch explained there are two graves in this cemetery and since it is on the abandoned cemetery list, he feels a decorative white chain link fence could be put up around it to make it look more presentable. The cemetery fund has funds to cover the expense. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to put up a fence around the Rettke/Potratz cemetery, for a limit of \$500. Upon roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Commissioner Gunsch asked Auditor Brost where the county was at with the W2 issue. Brost stated that any reimbursements that have come in would be paid this week and wondered if the board had thought any more of what they would like to do to compensate for years 2007 through 2010. Commissioner Gunsch stated he would like to see the county

pursue the software company because they should be held somewhat responsible for it. Gunsch asked State's Attorney Binder to send a letter to the software company. Commissioner Scheurer stated this should have never been missed. No further action was taken.

The board discussed the Courthouse/Jail Expansion. Auditor Brost stated the costs needed to be cut somewhere and asked the board to prioritize what they would like to see be done. Brost stated the main focus of the project is safety and security and also a secure inmate transfer, but beyond that wondered where the board wanted to go from there. Auditor Brost added 35% of the project would need to be cut to bring the project within the budget. Commissioner Gunsch stated the stand alone generator was an additional \$300,000 and things of this nature the county could do without. The board would like to see a special meeting with the architect and construction manager as soon as possible. The discussion was table until later in the meeting.

In zoning matters, Roy Rasch approached the board for a variance to plant trees in Section 28 T146N R88W. Rasch explained he would like a variance to plant his trees at an 85 ft. setback versus 150 feet. Rasch stated a 150 ft. variance would bring his tree row right to his front door step. Rasch would like to plant two rows of blue spruce trees across the front yard with the tree rows running north and south. Commissioner Tveit stated he was a little concerned because the tree row would be on the west side of the road, however, as long as he has been driving that road there have been hay bales there and they have not created a problem. Motion made by Commissioner Tveit, second by Commissioner Scheurer to grant a variance at 85 feet providing the trees cause a problem as decided by the Mercer County Highway Department, they would have to be removed at the owner's expense. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Gary Emter, Land Use Administrator/Tax Director, presented three zoning cases to the board. Motion made by Commissioner Gunsch, second by Commissioner Entze to approve zoning case #15-05-02 a Certificate of Approval of a Conditional Use issued to Danielle Kruckenberg and Levi Lund for a non-farm residence; a 36.83 acre tract within the E ½ SW ¼ Section 10 T144N R86W. Approval was subject to the septic system meeting Custer District Health standards. Present and future owners are responsible for snow removal and maintenance of private roads and approaches. Owners must provide a school bus turnaround if needed and meet set back requirements. Upon roll call vote; Gunsch, "Aye", Entze, "Aye", Scheurer, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Scheurer, second by Commissioner Tveit to adopt a resolution for zoning case #15-05-03. The resolution reads as follows:

"RESOLUTION TO AMEND THE MERCER COUNTY ZONING DISTRICT MAP
BE IT RESOLVED by this Board of Mercer County Commissioners to amend the Mercer County District Map so as to change from County Highway Right-of-Way to Industrial District, the following described parcel:

A parcel of land located in the Southhalf of the Southwest Quarter of Section 30, Township 145 North, Range 87 West of the Fifth Principle Meridian, Mercer County, North Dakota, described as follows:

Commencing at the West Quarter corner of said Section 30; thence South 0°58'2" West, along the westerly line of the Southwest Quarter of Section 30, for a distance of 2641.55 feet to the Southwest Corner of said Section 30; thence North 53°13'04" East a distance of 1180.40 feet to the easterly right of way line of County Highway 26 and the true point of beginning of the land to be described; thence South 43°13'52" East a distance of 74.32 feet; thence South 70°13'26" East a distance of 49.57 feet; thence South 78°40'49" East a distance of 191.35 feet; thence South 46°22'51" East, for a distance of 18.00 feet; thence South 73°39'27" East a distance of 12.85 feet; thence North 79°03'56" East a distance of 18.00 feet; thence South 73°39'27" East a distance of 102.57 feet; thence South 77°37'29" East a distance of 50.98 feet to the easterly line of said County Highway 26; Thence westerly along the said easterly right of way line to the true point of beginning.

Said tract of land contains 0.146 acres, more or less.

Note: All bearing given are based on the North Dakota State Plane Coordinate System, North Zone, NAD 83, International Foot, with measured ground distances using NDDOT ground scale factor.

Dated this 3rd day of June, 2015 by the Board of the Mercer County Commission.

/s/Gary Murray, Chairman

Attest

/s/Shana L. Brost, Auditor"

Upon roll call vote; Scheurer, "Aye", Tveit, "Aye", Gunsch, "Aye", Entze, "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Tveit, second by Commissioner Scheurer to approve zoning case #15-05-04 a Certificate of Approval of a Conditional Use Permit issued to Dakota Gasification Company for a railroad spur within an Industrial Zoned District; a 0.146 acre tract within the S ½ SW ¼ Section 30 T145N R87W. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

The board recessed at 9:55 AM.

The board reconvened at 10:00 AM.

Ken Miller, Road Superintendent, reported on road issues. Miller stated the approach issue on County 21, the individual is waiting for a part to get the crusher up to the approach. Miller stated previously the board had given an April 15th deadline to move approach back to the original place and he was looking for board direction on what to do. Motion made by Commissioner Tveit, second by Commissioner Scheurer to put up a barricade today and when the road is in compliance the owner can haul scoria again. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Miller discussed with the board the updated Heavy Weight Fee Schedule. He stated he took the earth moving equipment out and will charge for what they are and also added the online permitting link. Commissioner Tveit asked Miller if he researched going uniform with the state's fee schedule. Miller stated he has but would still like to have a say on what goes on the county's roads. Motion made by Commissioner Gunsch, second by Commissioner Tveit to adopt the revised heavy weight fee schedule. Upon roll call vote; Gunsch, "Aye", Tveit, "Aye", Scheurer, "Aye", Entze "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Scheurer, second by Commissioner Entze to approve Utility Occupancy Application and Permit #1564 to Bartlett & West for directional drilling for a 2" PVC potable water line for Southwest Water. Upon roll call vote; Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

The board discussed with Miller what projects they would like to see completed with HB 1358, HB 1176, and SB 2103. Miller added that he needs to submit a list a projects to the NDDOT at least one week prior to the July 9th meeting. Miller stated after the County 17 Regrade and County 21 overlay, there would be about \$800,000 left from HB 1358 and thought going north of the "Y" on County 21 could be completed. A couple of other ideas were making County 26 to a 105,500 pound road and also County 37. Commissioner Gunsch stated he would like to maintain the roads the county has before using the funds on new construction. Commissioner Entze stated he agrees, and the county has done very little on County 26. Commissioner Gunsch asked about County 27. Steve Mamer, Interstate Engineering, stated the county has an agreement with Coteau Properties and they are liable for repairs. Mamer has spoken with Bituminous Pavement to discuss what the best way to fix it is. Commissioner Tveit stated a good place to use SB 2103 would be on County 26. Commissioner Gunsch suggested using HB 1176 to tie County 20 to County 17. Donn Steffen, Coyote Creek, stated he thought it was in the plans to use HB 1176 to pave County 25. Commissioner Gunsch stated he thought Coyote Creek was paving it. Steffen stated it has been discussed from the beginning about legislative funding helping with the pavement of County 25 and wasn't sure if the board had forgotten that. Commissioner Gunsch stated he was under the impression Coyote Creek was paving it. Steffen replied during the legislative hearings, they had the wording changed to accommodate that road. Miller suggested the board think about it and bring back a decision as to what projects they would like to see done at the June 17th meeting. Commissioner Tveit stated he didn't think the board made any commitments on County 25, but suggested Coyote Creek bring in a written commitment to funding what the House Bill didn't cover to the next meeting and it would be discussed. Commissioner Gunsch stated the board needs to find out from Mamer what other projects are needed so they know if they can award the full amount. No further action was taken.

Mamer gave the board an update on County 25. He stated Dennis Drewes, Inc. finished the roadway and were in the process of placing gravel. They are working on the soft spots and making progress. Mamer thought the seeding, mulching, and erosion control would be wrapped up by the end of the week. Mamer reported Coyote Creek has offered to place an additional three inches of aggregate on the road at their cost. Mamer presented Estimate #8 from Dennis Drewes, Inc. for work to May 28, 2015. Motion made by Commissioner Entze, second by Commissioner Tveit to approve Estimate #8 in the amount of \$180,223.26 to Dennis Drewes, Inc. Upon roll call vote; Entze, "Aye", Tveit, "Aye", Scheurer, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Miller discussed cattle guards with the board. He stated according to the North Dakota Century Code, it is up to the individual who has the cattle guard to maintain it. Miller wondered if the county should be maintaining them or the landowners. Commissioner Entze stated the blade operators need to be trained on how to blade around them. Miller stated he understands that but if a cattle guard is at a bottom of a hill and it rains; the cattle guards fill up. Miller stated he would send landowners letters stating the cattle guards are their responsibility.

Motion made by Commissioner Gunsch, second by Commissioner Tveit to approve the County 17 Regrading contract. Upon roll call vote; Gunsch, "Aye", Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Murray, "Aye", motion carried.

Steve Hoetzer, President of Pick City Cabin Site 2 Homeowners Association, thanked the board for the crack sealing this spring and snow removal. Hoetzer stated on the road going into Cabin Site 2, there is three-fourths of a mile that is nearly impassable by the Dave Isaak farmstead. Hoetzer added the road is soft and needs works. Hoetzer stated there are nearly 40 homeowners that use this road and it continues to get worse, and will not get any better unless it is reworked. He added there is no crown on the road and it was never compacted over the culvert since the reconstruction of the road; he would appreciate being put on the list. Commissioner Tveit stated it is up to Road Superintendent Miller's discretion as to hauling gravel and reshaping of roads. Miller stated they pulled shoulders on it last year, but it is a mess after a good rain. Miller added they would put a couple of loads of gravel on it. No further action was taken.

Ben Lenzen, Beulah City Councilman, gave the board an update on the projects the City of Beulah has in the works. Lenzen stated he wanted to be ahead of the game and keep the county informed of what is going on in Beulah and how it will effect County 21. Lenzen stated there is a 24-plex, 30 child daycare center, and 39 homes going into the Energy Addition; Barton Estates will have 27 lots; and 3rd Street will have 23 additional lots. Lenzen addressed the 45 mph speed limit and as County 21 gets busier it could become dangerous without turning lanes and reduced speeds. The board thanked Lenzen for the update.

The board recessed at 10:56 AM.

The board reconvened at 11:00 AM.

Motion made by Commissioner Tveit, second by Commissioner Scheurer to recess the regular meeting and open the Tax Equalization meeting. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

In attendance for the tax equalization meeting was: Bette Jane Boeshans, Carol Galvin, Sharon Moon, Maureen Haski, Barbara Emery, Ross Pfeifer, Soojin Lee, Jon Carroll, Daryl Johnson, Randy Stiller, Stephen Hoetzer, Steve Frovarp, and Colette Schilling.

Tax Director, Emter, stated he is responsible for putting the values on the properties not within city limits. Emter stated values are handled by laws regulated by the State Legislature. The State Board of Equalization reviews all sales within the county and analyzes those sales against the value on the property that was assessed, in turn the state sends the county a percentage of there they need to be to be in compliance. Emter stated every lake property in the county in undervalued because no one is immune to this great market. Emter added that there have been two sales over \$300,000 at Lake Sakakawea and if the county doesn't up the values, the state will come in and do it and it will be a lot worse than what property owners see now. Hoetzer stated that the property tax relief is kicked by the increase and since 2010 his value is up 56%; adding the school taxes are outrageous for him. Stiller stated the properties are getting assessed higher in value, but he doesn't see his roads improving. Emter stated that Riverdale's School District levy is unbelievable compared to Mercer County's schools, and not a lot of monies go to the county road fund. Jon Carroll stated he has been paying taxes for over 27 years and has not really seen any gravel work done. Emter stated that subdivisions are not maintained by the county. Carroll stated he was talking about the county road, not the subdivision road. Johnson asked what determines assessed value because his property went up \$71,000. Emter stated lake lots are so low on market value and not all increases are on the structure but on the lots too.

Emter stated Boeshans is the city assessor for Zap, Pick City, and Stanton. At the City of Pick City Tax Equalization meeting, the city agreed to raise all properties 10%. Boeshans noted Pick City is at 40%, when they should be between 90-100% market value. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to raise the City of Pick City an additional 25% in addition to the 10% already added. Upon roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Emter informed the board of the legislative change for all Class 1 City Assessors. Emter stated they must now have 80 hours of education to certify the values on properties within the

cities. If the city cannot find an assessor with the credentials, it may become the county's responsibility to certify the values and bill the cities in return.

Motion made by Commissioner Tveit, second by Commissioner Entze to close the Tax Equalization meeting and reconvene the regular board meeting. All members voted "Aye." The board reviewed the monthly financial statement. No further action was taken. The board reviewed the monthly tonnage report from the landfill. No further action was taken.

Commissioner Scheurer stated the engine on the compactor at the Landfill locked up and they won't be able to get anyone up here to look at it until next week. Candice Strand, Landfill Supervisor, is looking at prices for fixing or rebuilding the engine and in the meantime will be using the dozer. Scheurer also reported he handed out the minutes from the last Ambulance Board meeting and he is in the process of finding someone to fill the vacant seat on the Mercer County Housing Authority board.

The board again discussed the Courthouse/Jail Expansion. Commissioner Entze stated he is hopeful the county can stick with the design they have and figure it out. Recorder Cook asked what would happen if the county did not do the jail expansion and in return just did some updates to the jail. Commissioner Gunsch stated he agreed with Cook and wondered if they could do it in a way to add later. Gunsch asked why Mercer County houses other prisoners. Commissioner Entze some counties do not have jails. Gunsch asked why that was Mercer County's problem. State's Attorney Binder stated whether Mercer County has one prisoner or they are full, they still have to have a full jail staff.

Auditor Brost asked the board to prioritize the building project. Brost stated the main focus of the project is security and safety, but asked what needed to come next. The board felt they should look at a 10 jail expansion versus 24 bed expansion and not remodel the board room at all. The board asked Auditor Brost to check on the status of the loan.

The board updated one another on their portfolios. No further action was taken.

There being no further business, on motion duly made and second, the meeting was adjourned at 12:39 PM CST. The next regular meeting of the commission will be June 17, 2015 at 9:00 AM CT in the courtroom of the Courthouse, Stanton, North Dakota.

Approved: _____
Gary Murray, Chairman

Attest: _____
Shana L. Brost, Auditor