

**Mercer County Commission  
Minutes  
June 5, 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, Jessica Binder, Gary Praus, Nick Swenson, Eric Urness, Ken Miller, Elroy Opp, Michael Massey, Clyde Sondrol, Kevin Hafner, Bette Jane Boeshans, Rick Meyhoff, Bill Tveit, Colin Peterson, Shelly Sailer, Cyndi Zueger, Darbie Berger, Ryan Ehli and Bob Ehler and Daniel Arens of BHG News.

Schwehr moved to approve the agenda with the addition of no wake zones. Berger seconded. All voted aye. Motion carried.

Dahl moved to approve the minutes with corrections from the May 15<sup>th</sup> meeting.

Schwehr seconded. All voted aye. Motion carried.

The board reviewed the bills. Entze moved to approve the bills. Schwehr seconded. The following vouchers (#39898-39970 & 39838-39839) were approved for payment:

ADVANCED BUSINESS METHODS, \$285.81; AMERICAN WELDING & GAS INC., \$455.20; AMERIPRIDE SERVICES INC., \$67.04; ANDERSON, MICHELLE, \$187.50; ASKIM, CRAIG, \$441.88; BEAUCHAMP, CHRISTI, \$10.44; BERGER, DARBIE, \$98.60; BEULAH LUMBER CO., \$15.37; BHG INC., \$2,302.26; BINDER, JESSICA, \$135.72; BISMARCK FUNERAL HOME, \$2,644.00; BRONSON'S MARKETPLACE, \$1,983.07; BUTLER MACHINERY CO., \$631.08; CARDMEMBER SERVICE, \$1,126.93; CDW GOVERNMENT, \$108.35; CLIA LABORATORY PROGRAM, \$180.00; QUALITY INN, \$338.40; CPS, \$45.00; CROP MANAGEMENT FIELD SCHOOL, \$25.00; CROWN TROPHY, \$27.00; CUSTOM TRUCK ACCESSORIES, \$232.62; DAYS INN & SUITES \$169.20; DE LAGE LANDEN PUBLIC FINANCE, \$40,271.94; ELECTRONIC COMMUNICATIONS INC., \$1,510.00; FARMERS UNION SERVICE ASSOCIATION, \$150.00; WEX BANK, \$2,032.82; HAZEN HARDWARE HANK, \$11.47; INTERSTATE ENGINEERING INC., \$14,978.30; ISTATE TRUCK CENTER, \$624.63; J & M HARDWARE INC., \$96.23; K & D SERVICES, \$1,800.00; KEMMET, DENA, \$581.00; KRAUSE SUPER VALU, \$69.66; LANGOWSKI, GONTRAN, \$87.00; RELX INC. DBA LEXISNEXIS, \$224.80; LIGHT AND SIREN, \$2,539.75; MATTHEW BENDER & XO., INC., \$294.31; MERCER COUNTY HIGHWAY DEPARTMENT, \$2,511.31; MERCER COUNTY TREASURER, \$9,470.56; BRODKORB, VICKIE, \$1,671.19; MONTANTA DAKOTA UTILITIES, \$81.83; MUL T SERVICES & CONTRACTING, \$750.00; NAPA, \$60.46; NASRO, \$40.00; NCRAAO – ATTN CARLA BROADLAND, \$260.00; ND ASSOCIATION OF COUNTIES, \$320.00; ND ASSOCIATION OF COUNTIES 911, \$906.39; ND DEPT OF HUMAN SERVICES, \$250.30; NDSU, \$50.00; NEUBERGER OIL COMPANY, \$24,808.92; NORTHWEST TIRE AUTO SERVICE INC., \$1,864.00; OK AUTOMOTIVE – BISMARCK, \$51.45; OFFICE DEPOT INC., \$17.64; OLHEISER, DENNIS, \$25.00; ORIENTAL TRADING COMPANY, \$30.76; PCS MOBILE, \$283.00; POSTMASTER, \$120.00; PREVENT CHILD ABUSE ND, \$17.18; RATH & MEHRER, PC, \$12,000.00; REED, CARMEN, \$568.19; RUD PROPANE LLP, \$1,755.16; SAILER SEPTIC SERVICE, \$140.00; SCHWEHR, MARVIN, \$58.00; SOUTHWEST BUSINESS MACHINES INC., \$39.00; SOUTHWEST WATER AUTHORITY, \$49.97; SPS COMPANIES, INC., \$42.32; THE GARDEN MILL LLP., \$155.54; TITAN MACHINERY, \$15.62; UNDERGROUND VAULTS & STORAGE INC., \$336.00; VANGUARD APPRAISALS INC., \$1,920.00; VENTURE MARKETING, \$29.95; VERIZON WIRELESS, \$1,463.77; FOREMAX INCORPORATED, \$29.95; ARMOR INTERACTIVE, \$1,866.00; STAPLES CREDIT PLAN, \$1,013.87. All voted aye. Motion carried.

Terry Ternes requested a purchase order to purchase three (3) sets of tires and get one (1) free from NW Tire. Ternes stated the tire line in the budget had no money in it but they were in need of tires. Schwehr moved to approve the purchase of three (3) sets of tires, one (1) free, in the amount of \$1,710 from NW Tire. Dahl seconded. Schwehr, Dahl, Entze, Scheurer voted aye. Berger nay. Motion carried.

Cyndi Zueger, Land Use Administrator, presented two (2) zoning cases to the board. Strata Corporation: Temporary Use #533 for a portable crusher and screening operations; stockpile of material onsite and imported material on 24 acres in the SW ¼ of Section 26 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. 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. Dust control in the pit area and be in contact with the County Road Superintendent. The

permit expires December 31, 2019. Schwehr moved to approve Temporary Use #533. Dahl seconded. Berger asked Nick Swenson, Strata, if he would be hauling in outside material into the pit and Swenson stated they would not as they had enough material in there to crush. Schwehr, Dahl, Entze, Scheurer voted aye. Berger nay. Motion carried. On a motion by Berger and second by Dahl, the Board of Mercer County Commissioners adopted the following resolution based upon the decision of the Planning & Zoning Board's decision to allow the variance:

RESOLUTION TO APPROVE THE  
REPLAT OF BLUE WATER RIDGE 2<sup>ND</sup> ADDITION  
BASED ON THE APPLICATION BY  
GARY PRAUS, GARY BREN, & JAMES ERICKSON

BE IT RESOLVED by this Board of Mercer County Commissioners to approve the REPLAT OF BLUE WATER RIDGE 2<sup>ND</sup> ADDITION, consisting of four lots and located approximately 17 miles NW of Beulah, being part of SE ¼ of Section 10 T146N R88W of the 5<sup>th</sup> P.M. Mercer County ND. The Replat amends the prior Plat by moving lot lines and vacating Bald Eagle Drive. In addition, the Replat includes, and the Board approves, a 25' setback variance on the south border of the property, which is a section line road known as 4<sup>th</sup> Street NW, to prohibit encroachments within 125' of the center of the section line instead of 150'.

All land within this subdivision is zoned Residential R-1. Covenants, prepared by the developer, are attached to this subdivision and are recorded separately. Approval of this subdivision Final Plat is conditional on all septic systems and water systems being approved by the Custer Health District, State Health Department, and Southwest Water Authority. Maintenance of private roads within the subdivision is the responsibility of the lot owners and developer.

Dated this 5<sup>th</sup> day of June 2019, by the Board of Mercer County Commissioners.

/s/Duane Scheurer, Chairman

Attest:

/s/Shana L. Brost, Auditor

All voted aye. Motion carried.

Berger moved to approve Utility Occupancy Application and Permit #1715 issued to WRT to install new fiber optic facility for Jesse Thrall. Schwehr seconded. All voted aye. Motion carried.

Ken Miller, Road Superintendent, discussed Senate Bill 2016—State Disaster Relief Fund with the board. Miller stated he would like to hire Lakeview Services to have five (5) trucks haul gravel for 10 days. Dahl moved to allow Miller to hire Lakeview Services at \$120/hour for a price not to exceed \$60,000 to haul gravel using funds from SB2016. Schwehr seconded. All voted aye. Motion carried.

Chairman Scheurer signed off on the final certification for County 13.

Berger commended the road department for tying up more gravel.

The board recessed at 10:25 AM.

The board reconvened at 10:30 AM.

Dahl moved to recess the regular meeting and open the public hearing for the Tax Equalization meeting. Schwehr seconded. All voted aye. Motion carried.

Cyndi Zueger, Tax Director, stated the North Dakota law requires the Assessor's Office to uniformly and fairly value all parcels of land and buildings for tax purposes. Zueger stated she is responsible for putting the values on the rural properties. Zueger also reviews and approves the values for Golden Valley, in which Darlene Brecht collects the data, and Pick City, Stanton, and Zap, which Bette Jane Boeshans collects the data. The State Board of Equalization reviews all sales within the county and analyzes those sales against the assessed value on the property. They in turn send the county a report showing what the percentage is so the county knows where they need to be in order to be in compliance. The State requires counties to be between 90-100% of Market Value (NDCC 57-02-27.1). Zueger stated Stanton's sales ratio was at 96.88%. Stanton had one (1) resident that came to the City Equalization meeting and asked they go to 90% and the city board approved that request. Schwehr moved to decline the City of Stanton's request and leave it at 96.88%. Entze seconded. All voted aye. Motion carried.

Zueger stated Pick City was at 70.5% and the city decided to raise the values by 10% with the exception of new construction. Schwehr moved to increase the values for Pick City to at least 92%. Entze seconded. Schwehr stated the decision is difficult and would like to know the impact to the city. Entze stated they need to get into compliance. Schwehr, Entze, Dahl, Scheurer voted aye. Berger nay. Motion carried.

Zueger stated Zap was at 79.03% and with all the redemptions last year she had thought about keeping them there. But after more consideration, Zueger stated it wouldn't be fair

to the rest of the county. Schwehr moved to increase the values for Zap to at least 90%. Motion died due to the lack of a second. Entze moved to increase the values for Zap to at least 92%. Dahl seconded. Entze, Dahl, Schwehr, Scheurer voted aye. Berger no. Motion carried.

Zueger explained commercial properties were at 83.3%. Entze moved to increase commercial properties to at least 92% with the exception of the commercial lake properties that were just adjusted by Vanguard. Schwehr seconded. All voted aye. Motion carried.

Entze moved to leave Beulah's values at 97%. Dahl seconded. All voted aye. Motion carried.

Dahl moved to leave Hazen's values at 96.73%. Schwehr seconded. All voted aye. Motion carried.

Schwehr moved to lower Golden Valley's values from 99.14% to 96%. Motion died due to the lack of a second. Entze moved to leave Golden Valley's values at 99.14%. Berger seconded. All voted aye. Motion carried.

Bob Ehler, Vanguard President, discussed with the board lowering the lake mapping feature from 1.30% down to 1.25% and that would bring the median ratio from 99.21% to 96.02% which is more consistent with the rest of the values for the county. Ehler presented a spreadsheet of adjustments to the board that were made in the last two days. It showed a decrease of \$1,288,380 in value. Schwehr moved to accept the adjustments of the values as presented by Bob Ehler. Dahl seconded. Michael Massey stated he had limited time to get his things together for his 15 minute meeting with Vanguard. Ehler stated that is the process in place and the State allows 15 days for notification. Ehler noted the data was put out on their website. Massey stated Vanguard looked at the properties last summer and should have given homeowners more time. Ehler stated there is an abatement process if an appraisal is done. Massey added he still has a problem with the services Cabin Site #1 receives from the county. Zueger stated she cannot base her values on what services people get, that is for a different meeting. All voted aye. Motion carried.

Schwehr moved to reduce the mapping factor from 1.30% to 1.25% as recommended by Ehler for the lake properties. Ehler stated it will reduce the improvement value and not the land value. Dahl seconded. Darbie Berger stated she owns a home and a lake home in the county and she too doesn't feel like she gets the services. Berger added the small towns will struggle too and this will be a hardship for them. Kevin Hafner stated the undeveloped subdivisions receive a break of 20% but also have to pay 6% of sales to the county and feels like he is getting double taxed. State's Attorney Binder stated the 6% is a park in lieu of tax and is a Planning & Zoning ordinance, completely separate subject from values. All voted aye. Motion carried.

With no more public comment, Schwehr moved to close the public hearing and go back into the regular meeting. Entze seconded. All voted aye. Motion carried.

Darbie Berger discussed the property taxes of Rodney Kenner. Berger stated Kenner sent in a check February 4, 2019 that was \$3.40 short of the taxes he owed. Berger added her office sent him notice stating he was short and received no response. Berger stated Kenner now owes \$400 due to losing the discount and he feels like he is being treated unfair. State's Attorney Binder stated Berger has specific dates to follow and she isn't to allow the discount beyond February 15<sup>th</sup>. Schwehr moved to leave Kenner's taxes as is with the balance of \$400. Dahl seconded. All voted aye. Motion carried.

Schwehr asked the board what their budget goals were for the next five (5) years. Binder stated the overall goal for the county is to serve the public and having monetary goals was not practical for public service.

The board acknowledged the first reading of policies 304 Personal Leave, 307 Sick Leave Benefits, and 606 Inclement Weather.

Schwehr asked who the policy handbook applies to and Binder stated everyone but the effects are different for Elected Officials. Schwehr asked what the intent of it is and Binder stated that it is not a contract but more for structure. Schwehr asked if it was enforceable and Binder stated it really depended on the issue.

Dahl moved to approve Liquor License #437 issued to Nite Owl Bar for a daily license for the Dakota Walleye Classic. Entze seconded. All voted aye. Motion carried.

The board gave their portfolio updates.

Auditor Brost discussed a no wake zone along the cabin sites on Lake Sakakawea. Brost stated she had a phone call asking for the board to pass a resolution of a no wake zone up to 150' due to the high water mark to prevent erosion and destruction of the private lands. Brost added it was similar to what the county had passed last summer for the Missouri River. Binder stated there would likely be no enforcement. Berger asked why the boat isn't out patrolling when they have the same number of deputies as four (4)

years ago. Binder stated she was told there wouldn't be an officer on the lake due to budget constraints. Berger stated a no wake zone would be a good deal but didn't know how to go about it. Schwehr moved to table the issue until they have more information on compliance with the Corp of Engineers and the ND Game & Fish. And also who would be responsible for the expenditures. Berger seconded. All voted aye. Motion carried.

There being no further business the meeting was adjourned at 12:06 PM. The next regular meeting is scheduled for June 19, 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