Mercer County Commission
Minutes
June 17, 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, Sarah Bauer, and Dwight Berger.
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 June 3rd regular meeting and the June 8th special meeting. All members voted "Aye", motion carried.
Motion made by Commissioner Gunsch, second by Commissioner Tveit to approve the payment of bills as follows, with the Tax Director chair coming out of the Tax Director's budget and holding off on the Dennis Drewes bills until later in the meeting: Advanced Business Methods, $158.51; Antelope Creek Trucking, $1,875.00; Craig Askim, $245.92; Beulah Jobs Development, $606.34; BHG, $564.76; Jessica Binder, $148.48; Butler Machinery, $163.62; David Chadwick, $635.40; Congregational Church of Beulah, $1,442.00; Dennis Drewes, Inc., $268,825.32; Dennis Drewes, Inc., $313,221.22; Dug Rite Excavating, $700.00; Farmers Union Oil Co., $35,880.00; First Security Bank West, $250.00; Ryan Flemmer, $3.42; Hazen Hardware Hank, $55.67; Hedahls Auto Plus, $89.88; High Plains Concepts, $30.99; J & M Hardware, $112.17; J & M Hardware, $49.97; Dena Kemmet, $45.00; Dena Kemmet, 180.00; Dena Kemmet, $183.86; Menards, $21.13; Mercer County Shop, $133.12; NAPA, $103.15; NAPA, $55.06; NAPA, $2,926.42; NDLTAP, $750.00; Neuberger Oil Co., $1,714.00; OK Automotive, $1,587.61; OK Tire Store, $281.19; Roughrider Electric Co Op, $1,335.84; Sakakawea Medical Center, $25.00; SBM, $61.48; Bradley Seifert, $98.00; Staples Credit Plan, $278.26; WRT, $178.30; Wade Abrahamson, $10.00; Advanced Business Methods, $581.83; AED Everywhere, $433.60; Ameripride, $49.29; Badlands Environmental Consultants, $1,350.00; Benco Equipment, $314.00; Beulah Drug, $85.41; Beulah Lumber, $5.98; Beulah Lumber, $226.44; BHG, $132.29; BHG, $510.60; BHG, $1,954.12; Bronson's Market Place, $7,360.78; Shana Brost, $250.56; Butler Machinery, $2,626.82; City of Stanton, $4,120.55; Coal Country Clinic,$153.00; Coal Country Clinic, $153.00; Corner Express, $18.00; Corner Express of Center, $47.45; Custer Health District, $5,460.00; Custom Stripes & Recreation Center, $222.47; D & E Supply, $246.03; Dakota Central Social Service, $60,282.32; D'Andrea's, $118.93; Dent Master, $424.18; Direct Med, $236.71; Direct Med, $413.23; Eide Ford Lincoln, $3,240.77; ESRI, $4,050.00; Farmers Union Hazen, $64.62; Farmers Union Oil Beulah, $453.60; Wes Gunsch, $477.79; Hazen Hardware Hank, $5.49; Hazen Hardware Hank, $76.46; Hiway Express, $43.00; Izetta Hopkins, $33.00; Implementation Specialists, $2,220.00; Implementation Specialists, $2,268.75; ITD, $401.35; ITD, $1,34.45; ITD, $100.00; J & M Hardware, $80.33; Johnson Controls, $2,133.48; J-S Sanitation, $31.00; Free Karges, $119.85; American Welding, $92.76; Klein Mc Carthy, $85,302.64; Knife River Vet Clinic, $50.00; Krause's Market, $203.03; Langdon Floral, $43.99; Law Enforcement Systems, $51.00; Lexis Nexis Mathew Bender, $448.61; Midcontinent, $131.74; Midcontinent, $73.64; Kenneth Miller, $16.96; Moritz Sport and Marine,$1,453.05; Gary Murray, $379.56; NAPA, 35.18; NAPA, $343.93; ND Association of Counties, $126.00; ND Association of Counties, $70.00; ND Associations of Counties, $1,429.98; ND Attorney General, $1,855.00; Neuberger Oil, $18,396.24; New Age Heating & Air, $626.00; Pharmchem, $725.00; Prairie View, $600.00; Pretty Petals, $50.00; Rath & Mehrer, $10,000.00; Redweed Toxicology Lab., $50.00; Reliance Telephone Systems, $600.00; Michelle Sailer, $91.90; Sakakawea Medical Center, $87.00; Sakakawea Medical Center, $337.84; SBM, $1.29; SBM, $44.97; SBM, $310.28; SBM, $329.00; Duane Scheurer, $240.70; Severin, Ringsak, and Morrow, $3,941.50; Leah Shulund, $15.00; The Garden Mill, $255.30; Thomson Reuters West, $269.84; Tim Klein Plumbing, $90.25; Bill Tveit, $303.34; Kesley Tveter, $100.00; Ultra Max Ammunition, $1,142.00; Uniform Center, $1,604.95; Verizon Wireless, $69.97; Verizon Wireless, $82.95; WRT, $2,972.30; WRT, $1,241.66; Zap Rural Fire Protection, $5,061.28. All members voted "Aye", motion carried.
The board reviewed the NDSU Extension Highlights. No further action was taken.

Motion made by Commissioner Scheurer, second by Commissioner Entze to approve the May Recorder's Fees in the amount of $11,980.50. All members voted "Aye", motion carried.
Motion made by Commissioner Tveit, second by Commissioner Gunsch to approve the May Sheriff's Fees in the amount of $12,641.50. All members voted "Aye", motion carried.
Motion made by Commissioner Gunsch, second by Commissioner Scheurer to approve liquor license #393 issued to Dakota Waters Resort for a daily even to be held on July 4, 2015 for on sale liquor and beer. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.
Motion made by Commissioner Gunsch, second by Commissioner Entze to appoint Gary Murray, Rita Faut, and Nicole Buchmann to the McLean Mercer Regional Library Board effective July 1, 2015 until June 30, 2018. Upon roll call vote; Gunsch, "Aye", Entze, "Aye", Scheurer, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.
Motion made by Commissioner Entze, second by Commissioner Tveit to reappoint Ryan Flemmer to the Mercer County Weed Board effective August 1, 2015 until July 31, 2019. Upon roll call vote; Entze, "Aye", Tveit, "Aye", Scheurer, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.
Motion made by Commissioner Gunsch, second by Commissioner Scheurer to appoint Eric Casson and Kathy Johnson to the Mercer County Policy Committee effective July 1, 2015 until June 30, 2017; also, appoint Rachel Grimm to fill an unexpired term until June 30, 2016. Upon roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.
The board reviewed the Initial Commission Guidance they received from Auditor Brost. Brost asked the board to consider and discuss preliminary cost-of-living increases, determine board priorities, determine public priorities, review any changes to personnel, projects, etc., discuss the budget hearing meetings, discuss the implementation of Capital Improvement worksheets, and establish a maximum levy increase threshold. The board tabled the discussion until the next meeting.
Motion made by Commissioner Tveit, second by Commissioner Scheurer to approve the certification of significant community support for Sakakawea Medical Center. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.
The board discussed the issue of the W2's. State's Attorney Binder stated the county cannot pursue anything further until they know the amount of damages incurred. Motion made by Commissioner Tveit, second by Commissioner Gunsch to make it right with the employees from 2007 until 2010 and look into litigation after December 31, 2015 when the county has a final number for damages. Upon roll call vote; Tveit, "Aye", Gunsch, "Aye", Entze, "Aye", Scheurer, "Aye", Murray, "Aye", motion carried.
The board recessed at 9:50 AM.
The board reconvened at 10:00 AM.
Motion made by Commissioner Tveit, second by Commissioner Scheurer to recess the regular meeting and open the Land Auction. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried. Auditor Brost stated the land for sale is more particularly described as follows: A tract of land within the SE ¼ Section 36 T146N R85W. Said parcel contains 8.25 acres more or less. The county will be retaining a public right-of-way easement through this tract of land. The land will be sold to the highest bidder thereof and the bidder will be required to pay cash for the land the day of the sale. The Mercer County Board of County Commissioners reserves the right to reject any and all bids, and to waive any technical defects or irregularities in any bids, and to hold all bids for a period not to exceed 30 days from the date of the bid opening.
A bid was submitted by Rhonda Biffert in the amount of $100 per acre. Commissioner Gunsch stated that since the county pays $700 per acre for easements, he believes the county should at least get that as a minimum. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to reject the bid of $100 per acre. Upon roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.
Rhonda Biffert submitted a bid of $700 per acre. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to accept the bid of $700/acre for a total of $5,775.00 to Rhonda Biffert. Upon roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.
Motion made by Commissioner Scheurer to close the Land Auction and reconvene the regular meeting. All members voted "Aye", motion carried.

The board discussed the Second Amendment to Agreement as proposed by Coyote Creek Company. Commissioner Tveit stated under the present agreement Coyote Creek is responsible for dust control and Jim Melchior, Coyote Creek, stated that is correct and they are responsible for any maintenance above and beyond the normal. Melchior stated in discussion with Road Superintendent, Ken Miller, Coyote Creek would take turns with the county blading County 25. Miller stated the Highway Department wouldn't be able to keep up with the watering because they do not have enough man power. Melchior stated the mile and half in the middle of the four (4) mile stretch is where the dust is and Coyote Creek will concentrate watering around shift changes. Commissioner Gunsch thanked Coyote Creek for taking care of the dust issue, but found confusing the paragraph in the agreement that reads, "Notwithstanding the foregoing, Coyote Creek at its cost agrees to provide dust control measures and assist the County at such times when the County is unable to provide such additional road maintenance services until the Road is covered with an asphalt surface during the spring of 2016." Commissioner Entze referred to paragraph 1b that states the county agrees to pay the amount appropriated to the county by the 2015 North Dakota Legislature under HB 1176 totaling $2,853,355.13 toward the payment of the cost to design and asphalt County 25. Entze questioned if the Board of Commissioners had agreed to pay that amount. Commissioner Tveit stated that is what the discussion today was for. Commissioner Entze questioned how the county was going to take care of the aging pavement throughout the county if they put the entire HB 1176 towards County 25. Commissioner Scheurer asked if HB 1176 was designated specifically towards County 25. Miller stated it was talked about but the county needs to decide where to put their monies to get the biggest bang for their buck. Miller added Commissioner Entze is right because there is aging pavement throughout the county. Commissioner Gunsch stated he had spoken with Representatives Kreidt and Seibel and they both stated HB 1176 was not earmarked for County 25. Commissioner Tveit stated once County 25 is complete, the maintenance on it will be a repeat of County 17 and it takes a lot of time and man power. Tveit questioned what the county costs will be to maintain the gravel versus the pavement. Commissioner Entze stated the county does its best to keep up the roads in the county and he takes pride in that. Miller asked if the discussion could be tabled and in the meantime the commissioners should take time to go out and look at roads with him. Melchior stated he doesn't think the HB 1176 monies can just be used for maintenance due to the restrictions of the bill. Using HB 1176, the roads must be rated for 105,500 pounds. Melchior added the staff at North American Coal Company worked really hard to get this bill passed with County 25 in mind and it gives the mine the opportunity to pave this road. Melchior stated if it doesn't get paved now, he didn't know if it ever would. Melchior strongly encouraged the commission to use this bill to pave County 25. Commissioner Gunsch stated he would like to see the county bring other roads to the 105,500 pound limit. Commissioner Scheurer asked if other roads had a sufficient enough base for just an overlay. Miller stated they would have to get with County Engineer, Steve Mamer, on that issue. Melchior stated Coyote Creek was hoping the county would bid the project this fall and pave it next spring. No further action was taken.

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

Motion made by Commissioner Entze, second by Commissioner Tveit to approve Utility Occupancy Application and Permit #1565 to West River Telecommunications to install a new fiber optic facility for Todd and Wendi Kollman in Sections 20 & 29 T147N R85W. Upon roll call vote; Entze, "Aye", Tveit, "Aye", Scheurer, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Commissioner Tveit addressed Miller about Estimate #9 to Dennis Drewes, Inc. and the Change Order to Dennis Drewes, Inc. Tveit asked if the bills were final bills and Miller stated they weren't. Commissioner Tveit stated he didn't want a final bill approved until all board members were fully aware that it was a final bill. Motion made by Commissioner Tveit, second by Commissioner Scheurer to approve Estimate #9 to Dennis Drewes in the amount of $268,825.32 and the Change Order to Dennis Drewes in the amount of $313,221.22. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Jim Albers, Maintenance Engineer, went through a list of maintenance projects with the board seeking guidance of whether the projects should be put in departmental budgets or kept in the Courthouse/Jail Expansion project. The board directed Albers to put the following in the departmental budget for 2016: reroofing of the courthouse, LEC sewer upgrade with the purchase of the sewage grinder, upgrade of electrical services, fiber optic upgrade, and the replacement of the shrubs around the courthouse. The board discussed leaving the following projects in the expansion project: crack sealing the parking lot, enlarging dispatch, and the

camera and card reader lock system upgrade. The board directed Albers to seek estimates for an additional HVAC system for the dispatch area and to seek quotes for extending the LEC air intake above the roof. Albers presented the board with an estimate for a new kiosk jail management system that allows the jail to track inmate finances. Motion made by Commissioner Tveit, second by Commissioner Scheurer to approve the purchase of the kiosks from TurnKey Corrections. Upon roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

The board gave portfolio updates. Commissioner Gunsch stated the Mercer County Water Resource Board is closer to finalizing their project at Lakeshore Estates and would be asking the county for assistance for reverse drainage in the amount of $100,000. Gunsch also reported attending the ND Stakeholders Association meeting and the Vision West meeting. Commissioner Entze invited everyone to the Mercer County Regional Airport Fly In on June 27th to support the local Fire Department and also reported the Mercer County Weed Board has hired Susan Russell as an assistant to Weed Officer Seifert. Commissioner Scheurer reported he received an estimate from Butler in the amount of $50,000 to fix the compactor at the landfill and also distributed the Mercer County Ambulance Board meeting minutes. Commissioner Tveit reported on the Social Services conference he attended in Medora last week.

There being no further business, on motion duly made and second, the meeting was adjourned at 12:12 PM CST. The next regular meeting of the commission will be July 1, 2015 at 9:00 AM CT in the courtroom of the Courthouse, Stanton, North Dakota.

Approved: _____
Gary Murray, Chairman

Attest: _____
Shana L. Brost, Auditor