

**Mercer County Commission
Minutes
June 19, 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 Kevin Hoesel, Elroy Opp, Ken Miller, Keith Johnson, Kathy Johnson, Jen Neumiller, Jodie Fetsch, Dr. Aaron Garman, Tammy Ibach, Robert Harms, and Daniel Arens of BHG News.

Berger moved to approve the agenda with the additions of Dakota Waters Liquor License and Sheriff's tire account. Entze seconded. All voted aye. Motion carried. Berger moved to approve the minutes with the additions Schwehr requested from the June 5th meeting that Schwehr stated there is historical data that can be used to determine budget goals and Dahl added the policy handbook may not be a contract but if the county goes to court, they will ask if we have one and if we use it. Schwehr seconded. All voted aye. Motion carried.

The board reviewed the bills. Berger moved to approve the bills. Schwehr seconded. The following vouchers (#39987-40061) were approved for payment: ADVANCED BUSINESS METHODS, \$162.36; AED EVERYWHERE, \$111.30; AMERICAN WELDING & GAS INC., \$232.80; ANDERSON INDUSTRIES LLC, \$974.13; ARMOR INTERACTIVE, \$1,866.00; BADGEPASS, \$595.00; BERGER, DWIGHT, \$122.50; BEULAH LUMBER CO., \$184.11; BI INCORPORATED, \$111.60; BISMARCK TRIBUNE, \$273.83; BOBCAT OF MANDAN INC., \$484.47; BRONSON'S MARKETPLACE, \$153.82; BUTLER MACHINERY CO., \$1,495.17; CITY OF BEULAH, \$75.22; CITY OF GOLDEN VALLEY, \$29.50; CITY OF STANTON, \$6,989.91; COOK, BRENDA, \$87.10; CORNER EXPRESS OF CENTER L.L.C., \$70.62; CUSTER HEALTH DISTRICT, \$4,971.11; D & E SUPPLY CO. INC., \$1,199.57; DAHL, MERLIN, \$232.06; DAKOTA FENCE, \$1,440.00; DELL MARKETING L.P., \$530.48; DOWNTOWN GAS AND AUTO, \$20.00; ELECTRONIC COMMUNICATIONS INC., \$150.00; ENTZE, WAYNE, \$164.72; FARMERS UNION OIL CO., \$60,988.20; FARMERS UNION OIL CO., \$21.10; HAZEN HARDWARE HANK, \$86.92; HAZEN MOTOR CO., \$62,998.30; HAZEN WELDING, \$400.00; AUTO VALUE, \$59.22; INFORMATION TECHNOLOGY DEPARTMENT, \$917.15; J & M HARDWARE, INC., \$1,287.90; JEEPERS SWEEPERS LLP, \$1,627.42; JENSEN JEWELRY, \$20.00; JOHNSON CONTROLS, \$3,175.00; LANGUAGE LINE SERVICES, \$90.00; MERCER COUNTY AMBULANCE SERVICE, \$180.04; MERCER COUNTY HIGHWAY DEPARTMENT, \$305.97; MERCER COUNTY TREASURER, \$2,201.97; MIDCONTINENT COMMUNICATIONS, \$133.10; NAPA, \$1,209.56; ND ASSOCIATION OF COUNTIES, \$50.00; OFFICE OF ATTORNEY GENERAL, \$1,370.00; ND DEPT. OF HUMAN SERVICES, \$318.52; NELSON INTERNATIONAL, \$28.75; NEOFUNDS, \$1,000.00; NEUBERGER OIL COMPANY, \$1,759.60; OFFICE DEPOT INC., \$24.12; OLSON ELECTRIC, \$4,985.12; PHARMCHEM, INC., \$513.90; POITRAS, RACHEL, \$87.50; PRINCE OF PEACE LUTHERAN CHURCH, \$100.00; PUKLICH CHEVROLET, INC., \$107.78; PUMP SYSTEMS INC., \$219.20; RADISSON HOTEL – BISMARCK, \$169.20; RDO EQUIPMENT COMPANY, \$1,431.26; REDWOOD TOXICOLOGY LABORATORY, \$15.85; ROUGHRIDER ELECTRIC COOPERATIVE, INC., \$1,255.78; S & M LAWN SERVICE, \$290.00; SCHEURER, DUANE, \$286.06; SCHOCK, PAUL, \$15.00; SCHWEHR, MARVIN, \$145.00; SEIFERT, BRADLEY, \$16.25; SOLEM LAW OFFICE, \$722.24; SOUTHWEST BUSINESS MACHINES INC., \$58.72; ST. ALEXIUS MEDICAL CENTER, \$132.00; STAPLES CREDIT PLAN, \$658.68; THE HUB CONVENIENCE STORES, INC., \$73.25; UNIFORM CENTER, \$178.99; UNITED STATES TREASURY, \$458.35; VERIZON WIRELESS, \$592.10; WEST RIVER TELECOMMUNICATIONS, \$3,556.96; WORKFORCE SAFETY & INSURANCE, \$250.00. All voted aye. Motion carried.

Berger moved to close the courthouse on July 5th if employees work Monday through Wednesday 10 hour shifts and use two (2) hours of vacation on Friday to get to 40 hours. Those required to work on Friday will be compensated at regular pay. Entze seconded. Berger, Entze, Dahl, Scheurer voted aye. Schwehr nay. Motion carried. Berger moved to reappoint Mary Schwehr to the McLean Mercer Regional Library Board beginning July 1st and expiring June 30, 2022. Dahl seconded. Berger, Dahl, Entze, Scheurer voted aye. Motion carried.

Berger moved to reappoint Ryan Flemmer to the Mercer County Weed Board with the term beginning August 1st and expiring July 31, 2023. Entze seconded. All voted aye. Motion carried.

Auditor Brost read the 2nd reading for Policy 304: Personal Leave. The policy reads as follows:

All Mercer County Employee's will start each calendar year (January 1st) with 12 hours of personal leave to be used only during their regular scheduled hours. For example during inclement weather days when the courthouse is closed or when the employee cannot make it into work because of inclement weather days. Any hours remaining by year end (December 31st) will be paid out at their regular wage. Upon termination of employment, the employee will be paid out for hour's remaining at their regular wage.

Kevin Hoesel, Mercer County Highway Department, expressed his concerns of a bad winter and the personal leave could run out. Hoesel added he would rather take leave without pay than be forced to use his vacation when the personal leave runs out.

Schwehr moved to decline Policy 304: Personal Leave. Dahl seconded. Schwehr added it would cost the county money. Berger stated it would cost the county \$21,000 versus the \$28,000 they spent in the last year for double time on snow days. All voted aye. Motion carried.

Auditor Brost read the 2nd reading for Policy 307: Sick Leave Benefits. The policy reads as follows:

Employees who are unable to report to work due to an illness or injury should notify their supervisor before the scheduled start of their shift if possible. The Supervisor should also be contacted each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be requested by their supervisor verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be the basis for payment authorization of sick leave benefits. Before returning to work from a sick leave absence of three calendar days or more, an employee may be required to provide a physician's verification to their supervisor that he or she may safely return to work.

Schwehr moved to send the policy back to the Policy Committee with the recommendations that employees must notify their supervisor when gone, shall be required to bring in a physician's statement if gone for three (3) or more consecutive days, and shall bring in a physician's note to return to work. Dahl seconded. All voted aye. Motion carried.

Auditor Brost read the 2nd reading for Policy 606(B): Employee Inclement Weather Procedures. The policy reads as follows:

Procedures: The authority to close/or issue a reporting delay rests with the Mercer County Commission Chairman. The Sheriff and the Mercer County Highway Department Superintendent may assist the Chairman in the determination of a closure/delay. In the event that the courthouse is closed the Chairman will contact the Mercer County Auditor's Office, who shall contact Department Heads. Thereafter, Department Heads shall notify employees of the closure.

After the workday begins (early closure): If the Chairman determines that the weather conditions may degrade to a point that travel will not be advisable for the duration of the workday, the Chairman will notify the Mercer County Auditor's Office of such determination. The Auditor's Office will notify Department Heads, who shall notify employees.

Compensation: In the event that the courthouse is closed employees shall use hours from their Personal Leave or use Vacation. If an employee cannot make it into work because of Inclement Weather the employee shall use hours from their Personal leave or use Vacation time. See Policy 304

Essential personnel unable to report: Department heads must be aware that even though an employee is designated as essential that prevailing conditions may not allow that employee to report to work on time. Supervisors may have to extend shifts, substitute more centrally located personnel, or in extreme cases, contact the Sheriff to retrieve personnel unable to report to work in their private conveyance. Upon receipt of a closing or delay, off-duty essential personnel will contact their immediate supervisor or department head to confirm their ability to report to work. Those who cannot make their scheduled shift/duty hours due to unsafe conditions shall be assessed hours from Personal Leave or use vacation time for hours missed.

Retrieving essential personnel: Supervisory personnel who determine that identified essential functions will not be met due to lack of manpower as a result of severe weather may need to consider contacting the Sheriff to retrieve

personnel necessary for continued essential operations from their homes. The Sheriff may coordinate with any necessary services to assist in the retrieval of essential personnel.

Dahl stated these changes are no longer relevant since the board declined Policy 304. Berger stated they would need to take out the words "personal leave." Schwehr stated if the courthouse is closed, it is not fair to charge employees with vacation and he would like to see the policy read that employees get paid at their regular rate of pay only for hours not at work. Scheurer stated he has an issue with the Chairman making the decision in the first place because the weather can vary from Golden Valley to Stanton. Schwehr moved to send Policy 606(B) back to the Policy Committee for review with the previously discussed recommendations on compensation to be at regular rate and taking out all the places it addresses personal leave. Dahl seconded. All voted aye. Motion carried.

The board reviewed the Outstanding Road Accounts. No further action was taken. Berger discussed the trees in the county right-of-way in Lakeshore Estates. Berger stated the county should do their part up there and help take out the trees in the right-of-way. Entze asked how many were up there. Ken Miller, Road Superintendent, stated there was about 20 of them. Miller noted it was a slough right now and it would be easier to take care of in the winter. Schwehr asked if this was the county's responsibility. Miller stated the county doesn't maintain section lines and these are on a section line. Schwehr stated he thought it should be the county's responsibility. Miller stated he would take a look at it.

Berger discussed a culvert on County 28 by the April Oster residence. Berger noted it is washed out on both sides of the culvert and the landowner doesn't think the culverts were installed properly because it backs drainage up into the landowner's property. Miller stated he would take a look at it tomorrow morning. Miller added it could be the sediment backing it up too.

Berger asked Miller if he had heard back from the DOT on the bridge assessment on County 37. Miller stated he hadn't. No further action was taken.

Miller informed the board his department would be closed July 5th as his crews were both working Monday through Wednesday. No further action was taken.

The board welcomed Dr. Aaron Garman, Keith Johnson, and Jodie Fetsch to discuss the Good Neighbor Project. Dr. Garman stated healthcare is moving from volume based care towards value based care by improving the quality and reducing the cost of the care. Dr. Garman noted the biggest cost of care is blood borne illnesses and one treatment for Hepatitis C is roughly \$70,000. Keith Johnson, Custer Health, stated at the start of this project 98 of 192 participants were Hepatitis C positive and of the remainder not one has since contracted Hepatitis C. Johnson asked if the Good Neighbor Project is condoning illegal behavior; yes, but they are not encouraging it. Johnson added the people are already addicts and have a tremendous need for counseling and care.

Johnson stated each case they can prevent is good for public health. Jodie Fetsch, RN for Custer Health, stated the Good Neighbor Project began in January 2018 and they now have 192 enrollees with one (1) being HIV positive. The Good Neighbor Project is a community based public health program that provides comprehensive harm reduction services such as sterile needles, syringes, and other injection equipment; safe disposal containers for needles and syringes; HIV and hepatitis testing and linkage to treatment; education about overdose prevention and safer injection practices. Fetsch added they now have seven (7) counties that participate. Dahl asked if they feel this would be beneficial with the client/patient load they currently have. Dr. Garman stated absolutely and they have a nice behavioral health area they would welcome this project into.

Johnson added those involved in the clean needle project are five times more likely to clean up. Scheurer stated people need to be made aware this program is strictly run by grant dollars and not taxpayer dollars. The board thanked Dr. Garman, Johnson, and Fetsch for coming in.

The board recessed at 10:55 AM.

The board reconvened at 11:00 AM.

The board again discussed board appointments. Berger stated Kathy Johnson was a great leader on the Policy Committee. Schwehr moved to reappoint Johnson to the Policy Committee effective July 1, 2019 and expiring June 30, 2021. Berger seconded. All voted aye. Motion carried.

Schwehr moved to reappoint Ryan Taylor to the Policy Committee effective July 1, 2019 and expiring June 30, 2021. Entze seconded. Schwehr stated Taylor has only served one (1) term and has little experience, but Berger stated he does a good job. All voted aye. Motion carried.

The board reviewed the monthly financial statement. Berger commended employees for buckling down and keeping costs down. No further action was taken.

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

Berger moved to approve the May Sheriff's fees in the amount of \$12,972.27. Dahl seconded. All voted aye. Motion carried.

Entze moved to approve the May Recorder's fees in the amount of \$8,840. Berger seconded. All voted aye. Motion carried.

Berger suggested for the upcoming budget season the Landfill Supervisor check with surrounding landfills on their tipping fees. Berger stated he knows they are going up January 1st but wondered if it was enough. Berger stated the contributions from the schools and cities for the Youth Bureau are insufficient. Berger added the program is costing the county way too much money. Entze stated they brought on another employee and him, too, felt the county needed to increase the contributions. Scheurer stated the he doesn't disagree it is an exceptional program. Berger moved to have Auditor Brost send the Sheriff a memo that the contributions from the schools and cities to the Youth Bureau are not sufficient and have the Sheriff explain in person or write how he arrived at the contributions currently negotiated by the July 3rd meeting. Schwehr seconded. All voted aye. Motion carried.

Berger moved to have the Landfill Supervisor check on tipping fees around the area by the July 3rd commission meeting. Schwehr seconded. All voted aye. Motion carried.

Tammy Ibach, Director for North Dakotans for Comprehensive Energy Solutions, met with the board to give them wind energy facts. Robert Harms, Policy Advisor, also joined Ibach. The board thanked them for coming in.

Dahl moved to approve liquor license #438 issued to Dakota Waters Resort for a daily event of music/beer gardens on July 4th. Berger seconded. All voted aye. Motion carried.

Schwehr discussed the tires the board approved for the Sheriff's department last meeting even though there was no money allocated for them in the budget. Schwehr asked the board to move monies into that line item. Auditor Brost reiterated that after the final approval of the budget on October 10th line items cannot be increased within the budget.

The board gave their portfolio updates.

Berger moved to allow Mary Schwehr to attend the Vision West meeting in Bowman on July 18th with the county paying her expenses. Dahl seconded. All voted aye. Motion carried.

There being no further business the meeting was adjourned at 12:08 PM. The next regular meeting is scheduled for July 3, 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

**Mercer County Commission
Special Meeting Minutes
June 28, 2019**

The special 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 the meeting were State's Attorney Binder and Daniel Arens of BHG News.

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

State's Attorney Binder stated the board has the authority to set the courthouse hours as they have in policy and also can close it as they see fit. Binder stated the board overstepped last week with their motion and cannot dictate what the employees' schedules are. Binder added there are jury trials scheduled that may be settled, but may not. She understands it was well intentioned but suggested the board make it discretionary to the department heads whether or not they want their offices opened or closed. Berger moved everyone needs to work next Friday. Dahl seconded. Scheurer

stated next Friday should be a regular business day because the Landfill has to work. Dahl stated the county has a policy in place on which days are holidays and they should stick to it. Schwehr stated the motion needed to clarify if it was going to be a regular work week. Berger stated the offices will be open and they better be manned. Berger, Dahl voted aye. Entze, Schwehr, and Scheurer voted nay. Motion failed. Entze stated the county needs to be available to serve the public and the offices need to be open. Entze moved for the county to be open for regular business on July 5th, to include every department. Schwehr seconded. Entze, Schwehr, Dahl, and Scheurer voted aye. Berger No. Motion carried.

State's Attorney Binder discussed the Vision West appointment of Commissioner Schwehr's wife at the last meeting. Binder stated there is nothing in century code to allow public funds to be spent in that manner and it would not be proper use of public funds. Binder added it also raises issues of liability. Scheurer stated he has attended Vision West meetings and not all representatives are always there so he doesn't feel the county needs to send anyone. Schwehr asked Binder to explain why it isn't allowed. Binder stated under the NDCC the Sheriff, Auditor, Recorder, State's Attorney and Treasurer are allowed to delegate in their absence but there is nothing in there that allows the commissioners to delegate their duties. Binder added spending public dollars for a non-employee to attend something is not allowed. Schwehr stated he had no intent on assigning his wife his responsibilities. Binder stated both items on the agenda were good intentions but they were both overstepped. Entze moved to overrule the motion at the prior meeting to not expend public funds to send Mary Schwehr to the Vision West meeting in Bowman on July 18th. Dahl seconded. Entze, Dahl, Schwehr, and Scheurer voted aye. Berger No. Motion carried.

There being no further business the meeting was adjourned at 9:28 AM. The next regular meeting is scheduled for July 3, 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