

**Mercer County Commission
Minutes
July 15, 2015**

The meeting was called to order at 9:00 AM CT by Chairman Murray, also present was Commissioner Scheurer, Commissioner Entze, Commissioner Gunsch, Auditor Brost, Wanda Knutson, Darbie Berger, and Sarah Bauer. Absent was Commissioner Tveit.

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

Motion made by Commissioner Gunsch, second by Commissioner Scheurer to approve the minutes of the July 1st regular meeting. All members voted "Aye", motion carried.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve the minutes of the July 2nd special meeting. All members voted "Aye", motion carried.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve the payment of bills as follows, but withhold the portion of Commissioner Tveit's mileage from Dakota Central Social Services and approve the Martin Construction Estimates 1 & 2: Craig Askim, \$50.00; Barbot-Seibel, \$1,350.00; Beulah Lumber, \$1.99; Beulah Lumber, \$5.97; Beulah Rural Fire Protection, \$1,312.16; Café Dumond, \$239.76; Corner Express, \$60.33; Dent Master, \$100.00; Flash Printing, \$676.37; Hazen Fire Department, \$997.64; Hewlett-Packard Company, \$1,060.00; HR Collaborative, \$40.00; Implementation Specialists, \$4,878.75; Interstate Engineering, \$120.00; Dena Kemmet, \$50.00; Kermit Schaefer Consulting, \$1,500.00; Menards, \$57.42; Ken Miller, \$100.00; NAPA, \$81.56; NAPA, \$169.00; PFC Products Inc., \$170.94; Pick City Fire Department, \$270.00; SBM, \$68.86; SBM, \$74.22; Verizon Wireless, \$87.95; AFLAC, \$2,352.61; Annuity Program Plan 2, \$610.18; Annuity Program Plan 2 Deferred Comp., \$1,331.99; Cuna Mutual Life ins., \$1,047.41; Cuna Mutual Plan 1 Deferred Comp., \$315.76; Guardian Life Ins., 80.20; Guardian Life Ins., \$10.90; Guardian Life Ins., \$239.94; Mercer County Auditor BCBS Ins., \$65,429.46; Mercer County Treasurer, \$1,387.40; Mercer County Treasurer, \$7,445.69; Mercer County Treasurer Federal, \$32,733.07; Mercer County Treasurer FICA, \$19,749.10; Mercer County Treasurer FICA/Medicare, \$2,963.11; Mercer County Treasurer Medicare, \$4,618.73; Mercer County Treasure State Tax, \$3,063.58; Montana CSED, \$84.00; Nationwide Retirement Solutions, \$1,827.30; Nationwide Retirement Solutions, \$12,337.48; NDPERS, \$26,400.50; NDPERS, \$13,886.68; Payroll, \$227,111.61; Recovery Resources, \$143.40; United States Treasury, \$369.35; Acme Tools, \$115.98; Acme Tools, \$109.99; Advanced Business Methods, \$5.28; Advanced Business Methods, \$49.74; Amera-Chem Inc, \$46.95; Americ inn, \$240.00; Ameripride, \$17.20; Baymont Inn & Suites, \$74.70; Darbie Berger, \$120.22; Jessica Binder, \$322.60; BCBS, \$50,505.62; Bronson's Market Place, \$33.43; Butler Machinery Co., \$2,450.05; Card Member Services, \$667.92; Coal Country CHC., \$153.00; Colonial Research, \$352.29; Colonial Research, \$166.68; Brenda Cook, \$90.58; Corner Express of Center, \$7.58; Corner Express of Center, \$22.05; Custer Health, \$270.00; D & E Supply, \$1,025.00; Dean Danzeisen, \$150.00; Electronic communications, \$1,024.00; Gary Emter, \$871.16; Wayne Entze, \$272.60; Farmers Union Oil Co., \$69.76; Fastenal Co., \$1.85; Filter Care of Grafton, \$64.04; Hazen Hardware Hank, \$5.99; Hazen Motor Co. Farm Equipment, \$140.00; Hiway Express, \$150.52; Implementation Specialists, \$1,871.25; Interstate Battery System, \$417.90; J & M Hardware, \$156.42; Nancy Kamps, \$300.00; Kermit Schaefer Consulting, \$1,000.00; Klein Mc Carthy, \$29,343.15; Krauses, \$78.68; Mercer County Shop, \$324.00; Mercer County Treasurer's Office, \$81.59; Midwest Doors, \$210.40; Montana Dakota, \$51.84; NDACS% Linda Schlitter, \$75.00; Neuberger Oil Co., \$3,294.60; Northern Safety & Industrial, \$88.93; Office of State Auditor, \$165.00; OK Automotive, \$102.82; Doug & Julie Olander, \$90.00; Pretty Petals, \$45.00; Reliance Telephone Inc., \$1,500.00; Sailer Septic Service, \$120.00; SBM, \$327.37; Star Business Forms, \$1,398.15; T & G Enterprise, \$700.00; Terracon Consultants Inc., \$504.00; The Bismarck Tribune, \$286.00; True North Steel, \$3,250.76; Tyco Simplex/Grinnell, \$1,957.00; Verizon Wireless, \$1,975.79. All members voted "Aye", motion carried.

The board discussed the appointment for the Planning & Zoning board, and with no recommendations tabled it until the next meeting. No further action was taken.

Auditor Brost discussed with the board the information she has gathered on a salary survey. Brost stated she had been in contact with Dunn County Human Resources and is looking into a company that would complete the salary survey, make job classifications, write job

descriptions, and would also be able to provide a web-based tool that would allow the county to keep up in the future. Auditor Brost stated she would bring back more information as she received it. No further action was taken.

Jim Albers, Maintenance Engineer, presented the board with three quotes for an air conditioning unit in the dispatch center. Legend Air, LLC submitted a quote in the amount of \$4,970.00 to install one 3-Ton carrier mini-split cooling only system in the dispatch control room, not to include electrical and roofing costs. Maas Electric Inc. submitted a quote in the amount of \$1,550.00 to run piping to roof mounting, a safety switch, and to run wiring to the cooling unit. Twin City Roofing submitted a quote not to exceed \$1,000.00 to furnish and install manufacturer's pre-fab penetration pocket into existing roof system, install manufacturer's pourable sealer material into the new pocket, and furnish one manufacturer's walkway pad for the new unit to rest on. Albers stated the air conditioner split unit will also be able to run off of generator power. Motion made by Commissioner Gunsch, second by Commissioner Entze to approve the air conditioning unit quotes from Legend Air, LLC, Maas Electric Inc, and Twin City Roofing in the amount of \$7,520.00. Roll call vote; Gunsch, "Aye", Entze, "Aye", Scheurer, "Aye", Murray, "Aye", motion carried.

Albers stated he did not have any quotes on the Air Intake System and would like to be added to the August 5th agenda. No further action was taken.

Scott Wegner, Bond Counsel from Arntson Stewart Wegner PC, discussed with the board the option to levy up to 10 mills for jail expansions in the Capital Projects levy that is to be paid back over a 20 year period. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to adopt the following resolution: "INITIAL RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS. WHEREAS, Mercer County, North Dakota (the "County"), a North Dakota political subdivision organized pursuant to and existing under the provisions of North Dakota Century Code (the "NDCC") Title 11 COUNTIES, now determines that it is in the best interest of the County to issue and sell its General Obligation Bonds, Series 2015 in the amount of not to exceed \$3,800,000 (the "Bonds") for the purpose of financing the cost of the improvements hereinafter described and to pledge the County Capital Projects Levy to the payment of the principle and interest on the Bonds; and

WHEREAS, the County is authorized to levy an annual tax for county capital projects of 10 mills.

BE IT RESOLVED, as follows:

SECTION 1—FINDINGS AND AUTHORIZATION

1.01. Findings. In order to issue the Bonds pursuant to NDCC Chapter 21-03 to finance the cost of the hereinafter described Project, the following findings are made:

- (a) The maximum amount of the Bonds proposed to be issued is \$3,800,000.
- (b) The purpose for which the Bonds are proposed to be issued is to construct, equip, and furnish a county courthouse and jail expansion and to pay costs incidental to such work and bond issuance (the "Project").
- (c) The assessed valuation of all taxable property in the County, as defined in NDCC Section 57-02-01, is \$389,068,643.
- (d) The total amount of bonded indebtedness of the County is \$0.
- (e) The amount of outstanding bonds of the County issued for a similar purpose is \$0.

1.02. Authorization. General obligation bonds of the County to be designated as "Mercer County, North Dakota General Obligation Bonds, Series 2015" are hereby established and authorized to be issued in the aggregate principle amount of not to exceed \$3,800,000.

SECTION 2—DEDICATION OF CAPITAL PROJECTS TAX LEVY

2.01. Dedication. The County hereby dedicates such an amount as is necessary to provide for the payment of the principle at maturity and the interest when due on the Bonds on a parity with any other bonds issued or to be issued in accordance with and pursuant to the authority granted to the County by NDCC Section 21-03-07(6), from the County Capital Projects Levy established and levied pursuant to the provisions of NDCC Section 57-15-06.6, which dedication shall continue in affect and may not be discontinued by the County until the principle and any accrued interest on the Bonds have been paid in full or defeased in accordance with the provisions of the resolution authorizing the issuance of Bonds.

SECTION 3—PUBLICATION OF RESOLUTION; OPPORTUNITY FOR PROTEST

3.01. Publication. The County Auditor is hereby directed to cause a copy of this Resolution to be published in the official newspaper of the County, the Beulah Beacon.

3.02. Opportunity for Protest. Any owner of taxable property within the County may, within sixty (60) days after publication of this Resolution, file with the County Auditor of the

County a protest against the adoption of this Resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the Board finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent (5%) or more of the assessed valuation of all taxable property within the County, as theretofore last finally equalized, all further proceedings under this Resolution are barred.

DATED: July 15, 2015

MERCER COUNTY, NORTH DAKOTA

/s/Gary Murray, Chairman

ATTEST

/s/Shana L. Brost, County Auditor”

The governing body of the County acted on the foregoing resolution at a properly noticed meeting held in Stanton, North Dakota, on July 15, 2015, with the motion for adoption made by Commissioner Gunsch, second by Commissioner Scheurer, and the roll call vote on the motion was as follows: Gunsch, “Aye”, Scheurer, “Aye”, Entze, “Aye”, Murray, “Aye”. Chairman Murray declared the resolution adopted.

Motion made by Commissioner Scheurer, second by Commissioner Entze to appoint Public Financial Management as the Financial Advisor and Arntson Stewart Wegner PC as the Bond Counsel. Roll call vote; Scheurer, “Aye”, Entze, “Aye”, Gunsch, “Aye”, Murray, “Aye”, motion carried.

The board reviewed the Monthly Financial Statement. No further action was taken.

The board recessed at 9:45 AM.

The board reconvened at 9:57 AM.

Elroy Opp, Assistant Road Superintendent, discussed road issues with the board. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to release Carstensen Contracting, Inc. stating all permits were followed and all concerns with permits on county roads were completed. Roll call vote; Gunsch, “Aye”, Scheurer, “Aye”, Entze, “Aye”, Murray, “Aye”, motion carried.

The board reviewed the Outstanding Road Accounts. No further action was taken.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve Utility Occupancy Application and Permit #1568 to Delon Bauman to excavate for a waterline for water to his cattle in Sections 21 & 22 T145N R90W; with the condition that any future repairs that need to be done due to the trenching, the county would bill back Delon Bauman. Roll call vote; Entze, “Aye”, Gunsch, “Aye”, Scheurer, “Aye”, Murray, “Aye”, motion carried.

Opp discussed with the board the purchase of a Hydraulic 15’ Flex Wing Diamond Mower from Titan Machinery, stating a brand new one costs \$36,000 or they could purchase the demo model for \$20,500. Opp stated with this new mower they would be able to just take one pass, and hoped with the two mowers they currently have they could make one good mower. Motion made by Commissioner Scheurer, second by Commissioner Gunsch to approve the Hydraulic 15’ Flex Wing Diamond Mower in the amount of \$20,500. Roll call vote; Scheurer, “Aye”, Gunsch, “Aye”, Entze, “Aye”, Murray, “Aye”, motion carried.

In other road business, Commissioner Gunsch stated Coyote Creek is not keeping up on the watering as agreed to on County 25. Opp stated they have been in contact with them, and Coyote Creek was out five times yesterday and cannot keep up. Opp stated on County 16, east of ND Hwy 49 a quarter-mile, there is a need for pylons to hold the dirt from sluffing. Opp stated this is a project that may need to get taken care of in 2015. Commissioner Gunsch asked Opp about the torn up section lines from Great Southwestern. Opp stated they are keeping on top of them to clean up. Commissioner Gunsch also stated he has had numerous complaints about the safety and condition of ND Hwy 49. Chairman Murray stated the NDDOT does not have the funds to complete that highway right now. Motion made by Commissioner Gunsch, second by Commissioner Scheurer to send a letter of concern to the NDDOT about the safety and condition of ND Hwy 49. All members voted “Aye”, motion carried.

The board reviewed the Landfill Tonnage report. No further action was taken.

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

Motion made by Commissioner Scheurer, second by Commissioner Entze to approve the June Sheriff’s Fees in the amount of \$17,633. All members voted “Aye”, motion carried.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve the June Recorder’s Fees in the amount of \$9,867.10. All members voted “Aye”, motion carried.

The board recessed at 10:40 AM.

The board reconvened at 11:53 AM.

Jacob Norloch, Valley Med Flight, asked the board for a countywide membership to Valley Med Flight in the amount of \$35,000 for a one year contract. Norloch explained to the board if they were members, there would be zero out of pocket expense to any resident of Mercer County who needed the service. Norloch stated recently Dunn County, Divide County, Billings County, and Golden Valley County have all signed on; Hettinger County would be signing after the first of the year. Norloch added the helicopter would respond from Dickinson, Williston, or Sydney, MT. The board thanked Norloch for his time. No further action was taken.

There being no further business, on motion duly made and second, the meeting was adjourned at 12:15 PM CST. The next regular meeting of the commission will be August 5, 2015 at 9:00 AM CT in the courtroom of the Courthouse, Stanton, North Dakota.

Approved: _____
Gary Murray, Chairman

Attest: _____
Shana L. Brost, Auditor