

**Mercer County Commission  
Minutes  
August 19, 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 Gunsch, second by Commissioner Scheurer to approve the agenda with additions. All members voted "Aye", motion carried.

Motion made by Commissioner Scheurer, second by Commissioner Entze to approve the minutes of the August 5<sup>th</sup> regular meeting. All members voted "Aye", motion carried.

The board reviewed the bills. Commissioner Entze stated even if the money is in the budget, departments should have the courtesy to let the commission know they are spending \$84,000.

Once it is on the spreadsheet, it is too late to discuss it and the bill needs to be paid. Motion made by Commissioner Tveit, second by Commissioner Gunsch to approve the payment of bills as follows:

City of Stanton, \$4,874.74; Corner Express of Center LLC, \$40.00; D & E Supply, \$824.68; Electronic Communications Inc., \$1,770.00; Wayne Entze, \$142.68; Farmers Union, \$65.71; Fastenal, \$72.85; Weslie Gunsch, \$193.14; Implementation Specialists, \$14,773.35; Interstate Batteries, \$150.80; NDACo 911 Payment, \$1,439.60; ND Secretary of State, \$116.00; Office of Attorney General, \$2,175.00; Roughrider Electric, \$937.89; Southwest Business Machines Inc., \$161.47; Duane Scheurer, \$272.40; Bill Tveit, \$85.84; Twin City Roofing LLC, \$84,946.00; Acme Tools, \$199.00; American Welding & Gas, \$93.51; BHG Inc., \$828.56; Brad Seifert, \$203.51; Butler, \$5,244.35; Candice Strand, \$63.53; City of Golden Valley, \$22.00; Contech Engineered Solutions, \$1,041.40; Farmers Union Oil Co., \$40,093.40; Hedahls Auto Plus, \$25.03; Hiway Express, \$572.09; J & M Hardware, \$176.93; Legend-Air LLC, \$4,970.00; Neuberger Oil, \$3,061.80; Northern Plains Equipment, \$172.50; RDO Equipment, \$738.86; Ryan Flemmer, \$3.42; Sailer Septic Service, \$120.00; Team Electronics, \$863.39; Warne Chemical & Equipment Co., \$527.33; WRT, \$7,134.25; Advanced Business Methods, \$274.42; Craig Askim, \$276.66; Beulah Drug, \$50.84; Bronson's Marketplace, \$4,954.22; Cardmember Services, \$153.87; Chem-Tex, \$40.88; Comfort Inn, \$111.60; Dennise Drewes-Interstate Engineering, \$95,009.13; Downtown Gas & Auto Repair, \$345.00; Eide Ford Lincoln, \$8,510.00; Hazen Drug, \$437.69; Industrial Builders Inc-Interstate Engineering, \$400.00; International Association of Arson Investigators, \$40.00; J & L Automotive, \$925.41; Joy Dental Design/Hazen, \$93.00; Dena Kemmet, \$992.80; Krause Super Valu, \$428.80; Lyle Signs Inc, \$361.21; Martin Construction-Interstate Engineering, \$250,656.44; Mathew Bender & Co. Inc, \$88.60; Mercer County Shop, \$3,594.57; Midcontinent Communication, \$205.38; Kurt Milbradt, \$140.00; NAPA, \$472.62; Nasco, \$93.30; OK Tire Store, \$716.44; Pharmchem, \$3,099.00; Pitney Bowes, \$305.97; Redwing Shoe Store, \$216.74; Redwood Toxicology Lab, \$145.50; Reliance Telephone, \$1,300.00; Sakakawea Medical Center, \$139.94; Scott's Bait & Tackle, \$29.40; Sirchie, \$68.55; Staples Credit Plan, \$816.97; Stroup Insurance, \$50.00; Subway, \$167.00; Team Electronics, \$522.90; Ultramax, \$1,364.00; Uniform Center, \$234.43; Wex Bank, \$2,341.90. All members voted "Aye", motion carried.

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

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

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

Motion made by Commissioner Scheurer, second by Commissioner Tveit to approve the July Sheriff's Fees in the amount of \$14,523.00. All members voted "Aye", motion carried.

Motion made by Commissioner Entze, second by Commissioner Gunsch to approve the July Recorder's Fees in the amount of \$7,611.60. All members voted "Aye", motion carried.

Motion made by Commissioner Gunsch, second by Commissioner Scheurer to approve the Additional Services Contract from Contegrity Group in the amount of \$29,326.00. Roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Tveit, second by Commissioner Scheurer to approve the request of \$13,408 for border and fill for the new play systems to Hazen Parks and Recreation, to be paid out of the Parks In-Lieu Of account. Roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Gary Emter, Land Use Administrator, presented the board with three zoning cases. Motion made by Commissioner Tveit, second by Commissioner Scheurer to stand behind the Planning & Zoning board's decision to deny Zoning Case #5067 to change the distance of a residence to a wind tower from 1,000 feet to one mile. Commissioner Gunsch stated he agrees one mile is too far, but thinks a different distance should be looked at for future windfarms. Gunsch added he thinks 1,000 feet is too close to a residence, but the property owner should be able to obtain a variance if they wanted it closer. Gunsch noted changing the distance is to protect property owners who live by the wind towers, but do not have the towers on their property. Roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Nay", Murray, "Aye", motion carried.

Motion made by Commissioner Gunsch, second by Commissioner Entze to approve Zoning Case #15-08-04, an application for zoning exemption, issued to David Hauser to erect a farm shop in the E ½ NW ¼ Section 26 T144N R89W. This approval is for agricultural building only. Roll call vote; Gunsch, "Aye", Entze, "Aye", Scheurer, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Gunsch, second by Commissioner Tveit to approve Zoning Case #15-08-05, a statement of approval of a variance, issued to NCS Schwarz LLP a six foot variance on the west lot line of Lot 17 in Lake Sakakawea Estates Subdivision within the SE ¼ of Section 26 T147N R85W. Adjacent property owner has been notified of the variance and has no problem with the commission granting the variance. Roll call vote; Gunsch, "Aye", Tveit, "Aye", Entze, "Aye", Scheurer, "Aye", Murray, "Aye", motion carried.

The board discussed portfolio updates. Commissioner Gunsch stated he would be attending the annual meeting for ND Oil & Gas Counties in Killdeer on September 10<sup>th</sup> and distributed the Water Board and Policy Committee meeting minutes. Commissioner Tveit stated he has researched the county's engineering contract and the county is not tied to using one firm. Tveit stated it may be in the county's best interest to use other firms for smaller projects. Commissioner Scheurer stated there will be an Ambulance Board meeting next Monday night. Scheurer also stated the Landfill has covered a portion of the cell and has the engineering services out on bids. Commissioner Entze stated the Airport Authority has finished their budget and will be installing a camera system to have visual activity due to security issues. Entze also stated the Dakota Central Social Services budget is complete and there will be a meeting tomorrow in McClusky.

The board recessed at 9:46 AM.

The board reconvened at 10:00 AM.

Ken Miller, Road Superintendent, presented to the board three Utility Occupancy Application and Permits. Motion made by Commissioner Entze, second by Commissioner Tveit to approve Permits #1570 and 1571 to the North Dakota State Water Commission for directional drilling for a 2" and 3" PVC Potable Waterline. 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 approve Permit #1572 to Kurt Winkler for underground boring of the Southwest Waterline in the NE ¼ Section 19 T144N R87W. Roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Commissioner Tveit discussed Sakakawea Estates with the board. Tveit stated that Dennis Rohlf's submitted a proposal for Mercer County to create a Special Assessments District for the project, Sakakawea Estates would pay 100% of the asphalt installation through the Special Assessment District, and since Mercer County approved in 1991 to correct the drainage issues they would ask that be done now. Bill Trotter stated he could make some minor improvements to the drainage issues and not disrupt the entire road system for \$20,000. The engineering fees would be additional in the amount of \$35,000. The cost of prep on the road base and a 3 inch overlay of asphalt 28 feet wide would cost \$125,000. Commissioner Gunsch stated he would be in favor of the project. Commissioner Tveit wondered if the county could get away from using an engineer to save monies.

Commissioner Entze stated the county needs to use the engineering firm for road projects so it doesn't come back to bite them in the future. State's Attorney Binder stated the road would have to be done at county specs. Commissioner Scheurer noted the county should look into the liability of not using an engineer. Commissioner Tveit added the cost of \$20,000 does fix the migration issues of the road. State's Attorney Binder stated under the NDCC landowners can petition to improve a section line, but this is a county road and she would need to look into the legalities of it. Eric Urness, Interstate Engineering, stated the county needs to be aware of the drainage issues, and building up a county road could cause

flooding to the residents. Commissioner Tveit stated with the blessings of the board he would like to invite Trotter into a commission meeting to discuss the road project on September 16<sup>th</sup> at 10:30 AM. No further action was taken.

Urness discussed options of how to spend HB1176. Urness stated the county could leave County 37 and wait until they have enough federal funds to pay for it and put more monies towards County 25 so it is done right or they could roll over the left over monies until additional funds are available. Commissioner Scheurer stated he has heard resistance from taxpayers for allocating \$2M to County 25. Commissioner Gunsch stated the last mile of County 25, the county should not be paying anything for that because Coyote Station paid for their own road. Commissioner Tveit stated the county will pave County 25 from ND Highway 49 and leave the last mile gravel. Commissioner Gunsch suggested carrying over any leftover monies. Commissioner Gunsch added the weeds on County 25 need to be taken care of because they are over three feet high and the corner posts are pulling on the fence and warranty work needs to be done on the fencing project.

The board discussed the Ron Isaak Creek Crossing. Miller stated it is an old Texas crossing and Isaak's would like to have it concreted. It was done 50 years ago and it needs to be done again. The board asked Miller to bring a quote to the next meeting. No further action was taken.

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

Motion made by Commissioner Tveit, second by Commissioner Scheurer to approve Interstate Engineering's revised bills in the amount of \$98,458.40, and Interstate Engineering will issue a credit using 2014 rates versus 2015 rates. Roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Rhonda Pfenning, President of Zap City Council, asked the county to help fund the patching, leveling, fabric, overlay, and seal coat on County 13 that runs through the City of Zap in the amount of \$265,300. Pfenning stated the road has not been repaired since 1977 and the total cost of the project is over \$2M; therefore, the special assessments will be high.

Commissioner Tveit stated the county's responsibility ends at the city limits and any monies that would be given would be above and beyond. Commissioner Entze stated the county does not collect taxes on city lots to maintain the roads within the city. Commissioner Gunsch suggested checking to see if the county has helped any other cities in the past. Commissioner Tveit stated the only time the county has done this was on a pass-through funding for a grant. Commissioner Scheurer stated while he held the Street Portfolio for the City of Golden Valley, the county did match funds to help the city with County 5 and County 7. Commissioner Gunsch stated he does feel bad for the little towns within Mercer County but the county does deal with county taxpayer dollars, and if they allow one exception they will have all the cities requesting monies. State's Attorney Binder stated it is a county road, and is maintained at the county's discretion. Pfenning stated any amount of funds would be a blessing, and even a little bit of money would be in the City of Zap resident's favor.

Chairman Murray stated the county would do some research and see what the county's obligations are. The funding will be discussed during budget meetings with the Highway Department. No further action was taken.

Joe Barbot, Barbot Funeral Homes, wanted to discuss the process of county burials with the board. Barbot stated he cannot wait until the board meets to approve the funding of a county burial. Commissioner Tveit stated Social Services takes care of this for the county. Barbot presented costs associated with a county burial. Currently it costs an estimated \$6,750 for a direct burial and \$4,060 for a direct cremation. Mercer County set its rates at \$2,500 per county burial in 1995. Commissioner Tveit suggested tabling the discussion and bringing it up at the Social Services board meeting tomorrow. Barbot requested he has chain of command to call when there is a death. No further action was taken.

The board recessed at 11:25 AM.

The board reconvened at 1:00 PM.

The board reviewed the Custer Health District budget with Keith Johnson. Johnson also discussed the 10 year renewal period was coming up for the Mercer County Regional Landfill for 2016. Johnson stated the narrative will have to be updated to where the county is now and a current map with closed cells. Johnson added the landfill looks as good as he has seen it and gives kudos to Candy Strand for a job well done. Johnson stated the evaporation pond is fine but they may need a new upstream well. The application for the renewal must be complete by March 2016.

Motion made by Commissioner Tveit, second by Commissioner Gunsch to appoint Dr. Gehring as County Coroner. Roll call vote; Tveit, "Aye", Gunsch, "Aye", Entze, "Aye", Scheurer, "Aye", Murray, "Aye", motion carried.

The board recessed at 1:19 PM

The board reconvened at 1:30 PM.

The board reviewed the Veteran's Services budget. Motion made by Commissioner Tveit, second by Commissioner Scheurer to add an additional \$500 under Miscellaneous to transfer into the Memorial Wall fund. Roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

The board reviewed the budgets of the Superintendent of Schools, Social Services, Commission on Aging, Regional Library, Historical Society, and Regional Airport. No further action was taken.

There being no further business, on motion duly made and second, the meeting was adjourned at 3:43 PM CST. The next regular meeting of the commission will be September 2, 2015 at 9:00 AM CT in the courtroom of the Courthouse, Stanton, North Dakota.

Approved: \_\_\_\_\_  
Gary Murray, Chairman

Attest: \_\_\_\_\_  
Shana L. Brost, Auditor