

**Mercer County Commission  
Minutes  
September 2, 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, Wanda Knutson, Steve Borlaug, Mel Roth, and Dwight Berger.

Motion made by Commissioner Entze, second by Commissioner Tveit 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 August 19<sup>th</sup> regular meeting. All members voted "Aye", motion carried.

Motion made by Commissioner Tveit, second by Commissioner Gunsch to approve the payment of bills as follows: Mercer County Treasurer- BCBS, \$7,512.49; Guardian Life Insurance, \$245.56; AFLAC, \$2,581.34; Mercer County Treasurer- Misc. Deductions, \$1,958.83; Mercer County Treasurer- Federal Tax, \$40,383.69; Mercer County Treasurer- State Tax, \$3,820.10; Cuna Mutual Plan 1, \$1,240.56; Mercer County Treasurer- Fica, \$22,117.28; Mercer County Treasurer- Medicare Tax, \$5,172.53; Annuity Program Plan 2, \$1,316.19; Nationwide Retirement Solutions Plan 3, \$13,142.41; NDPERS, \$15,600.34; Payroll, \$250,706.04; Recovery Resources, \$90.73; NDPERS, \$29,658.50; Nationwide Retirement Solutions Plan 3, \$1,661.29; Montana CSED, \$84.00; Mercer County Treasurer- Fica/Medicare, \$3,187.54; Mercer County Auditor-BCBS, \$66,365.47; Guardian Life Insurance, \$82.08; Cuna Mutual Plan 1, \$298.21; Collection Center Inc., \$624.10; Annuity Program Plan 2, \$628.64; NDAPCO, \$775.00; Ameripride, \$66.49; Craig Askim, \$30.00; Brock White, \$259.44; Comfort Inn, \$518.00; Corner Express of Center LLC, \$30.00; Custer Health, \$4,064.70; D & E Supply, \$427.53; Dakota Central Social Service District, \$52,821.32; Gary Emter, \$302.50; Farmers Union Oil of Hazen, \$121.96; Fireside, \$122.94; Hazen Hardware Hank & Rental, \$175.63; Hiway Express, \$118.96; Implementation Specialists Inc., \$11,868.10; Dena Kemmet, \$50.00; Language Line Services, \$90.00; Mel Roth Oil Company Inc., \$117.80; ND Association of Oil & Gas Producing Counties, \$75.00; Neuberger Oil, \$1,472.00; Perreault Construction Inc., \$28,500.00; Pitney Bowes, \$5,000.00; Carmen Reed, \$209.97; Colette Schilling, \$372.00; Southwest Business Machines, \$282.02; Thomson Reuters, \$125.35; Verizon Wireless, \$47.57; Staples, \$1,081.37; BCBS, \$49,813.76; Eggers Electric Motor Company, \$76.84; NAPA, \$353.45; Severin, Ringsak, & Morrow, \$4,250.00; Mobile Binders, \$1,903.97; Advanced Business Methods, \$496.68; Titan Machinery, \$1,893.66; SD LTAP, \$170.00; LyCox Enterprises, \$10,950.00; Hobbs, \$2,859.30; Butler Machinery, \$199.06; Filter Care, \$101.29; J & M Hardware, \$57.92; Montana Dakota, \$45.80; OK Automotive, \$97.89; Klein McCarthy Architects, \$7,436.26; WDALA, \$50.00; Pretty Petals, \$45.00; Dennis Drewes Inc., \$261,878.03; Hewlett-Packard Company, \$14,202.00; Charles Johnson, \$25.00; Gontran Langowski, \$302.48; L-Tron Corp., \$3,636.30; Martin Construction, \$134,716.41; Bridget McElroy, \$38.92; Postmaster, \$98.00; Rockmount Research & Alloys, \$1,118.05; Ken Foss Construction, \$39.14; Hazen Star, \$31.19; Jensen Jewelry, \$84.00. All members voted "Aye", motion carried.

Motion made by Commissioner Gunsch, second by Commissioner Tveit to approve Amendment #1 from Klein McCarthy for the additional services to add a sewage grinder to the scope of work to be a lump sum of Seven Thousand Five Hundred and Fifty-Five Dollars (\$7,555.00). Roll call vote; Gunsch, "Aye", Tveit, "Aye", Entze, "Aye", Scheurer, "Aye", Murray, "Aye", motion carried.

Carmen Reed, 911 Coordinator/Emergency Manager, presented her quarterly report to the board. No further action was taken.

The board updated one another on their portfolios. Commissioner Gunsch stated the Missouri Stakeholders Group is now renamed as the ND Missouri River Advisory Council and will have a board of 13 members. Commissioner Tveit stated after discussion at the Social Services meeting the county is only responsible for a burial and not a funeral. Tveit stated he rode along in the ambulance with Stacy and Walt; they are fine EMT's and the ambulance board has a great crew. Commissioner Scheurer stated they are in the midst of addressing issues at the Ambulance Board and there will be a special meeting tonight to resolve some issues. Commissioner Entze reported the Mercer County Regional Airport has received grant funds to concrete the hangar floor and crack seal the runway. Entze also

touched on the Social Services discussion stating the burials will be under the Social Services budget, not the county budget. Chairman Murray stated there will be a Coal Conversion Counties meeting tomorrow night, and although his term is up he has agreed to serve an additional three years.

Gary Emter, Land Use Administrator, gave the board an update on the SunEdison Antelope Hills Wind Project. Emter stated in a letter from Paul Burdick, Director of Project Development, the soil is not compatible in areas and archeological issues have come up. Since environmental issues are prohibiting the roads being built, they will need to re-examine the overall layout. No further action was taken.

Emter presented to the board five zoning cases. Motion made by Commissioner Scheurer, second by Commissioner Gunsch to approve zoning case #15-08-01, a certificate of approval of a conditional use issued to Blake Dschaak for a non-farm residence containing a 2.50 acre parcel located within Tract B Government Lot 4 of Section 1 T144N R88W. Present and future owners are responsible for snow removal and maintenance of private roads and approaches. The septic system must meet Custer Health District standards. The owners must provide a school bus turnaround if needed. All structures must be built above base flood elevation. Roll call vote; Scheurer, "Aye", Gunsch, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Zoning Case #15-08-02 was a preliminary plat issued to Shawn and Heather Stromme for Northview Subdivision located in the E ½ SE ¼ Section 8 T144N R85W that was approved by the zoning commission on August 20, 2015. The subdivision consists of three 10 acre lots where the easements are already in place and SWW is going along the road. The owners will be responsible for the maintenance of the road in the future. No further action was taken.

Motion made by Commissioner Tveit, second by Commissioner Entze to approve zoning case #15-08-03, a certificate of approval of a conditional use issued to Michael and Maria Grimm for a non-farm residence containing a 2.0 acre parcel located within Lot 4 of Tract E of Section 27 T145N R84W. Present and future owners are responsible for snow removal and maintenance of private roads and approaches. The septic system must meet Custer Health District standards. The owners must provide a school bus turnaround if needed. All structures must be built above base flood elevation. Roll call vote; Tveit, "Aye", Entze, "Aye", Scheurer, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Gunsch, second by Commissioner Scheurer to approve zoning case #15-09-01, a statement of approval of a variance issued to Melvin Roth for the approval of two camper pads with hook-ups located on a two acre parcel in Lot A-4 within the SE ¼ of Section 31 T 147N R86W. Roll call vote; Gunsch, "Aye", Scheurer, "Aye", Entze, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Scheurer, second by Commissioner Entze to approve Temporary Use permit #460 issued to Badlands Aggregate for the temporary use of a gravel pit located in the S ½ Section 36 T143N R88W. Work is 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. The haul road must be approved and released by the County Road Superintendent if it is a county maintained road. The permit holder shall control weeds, in an acceptable manner, during the time this permit is in effect. Roll call vote; Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Tveit, "Aye", Murray, "Aye", motion carried.

The board recessed at 9:46 AM.

The board reconvened at 10:03 AM.

In road issues, the board reviewed cost estimates to repair the Ron Isaak Creek Crossing in the amount of \$4,496.00 plus the cost of rebar. Commissioner Tveit stated he is concerned about repairing a single user road, even though it is a section line, how does the board continue to fix private crossings. Commissioner Tveit questioned what the county will do in the future with similar crossings that are private. Commissioner Entze stated there are several throughout the county and the previous commissioners approved them. Although the crossings have lasted a long time, in the future the landowners may have to cost share in these crossings. Entze added a temporary fix could haunt the county, it needs to be fixed to last. Commissioner Tveit stated the county's regular roads need attention and the road budget for 2016 may raise the mill levies the way it is. Tveit added a 50/50 cost share may be in line. Commissioner Gunsch stated his concern is whatever decision the board makes, they need to make sure it is consistent in the future. Commissioner Entze noted this may be case by case management. Commissioner Scheurer stated the county has some responsibility for emergency response, but since this particular road does not go anywhere it may have to be a cost share if the landowner is willing to do so. Ron Isaak stated the county owns that

land, therefore, the county owns the road. Commissioner Tveit stated the board needs to make the best use of county dollars, and asked Isaak if he would be opposed to a cost share. Isaak stated at this point he would be, asking if the road washes out if the county would fix it. Commissioner Tveit stated probably. Isaak asked if the county would rather half do it or do it right in the first place because the road is the county's responsibility, not his. State's Attorney Binder stated the county can maintain the road however it sees fit; the maintenance is at the discretion of the board. Commissioner Gunsch stated if the county is going to fix it, it needs to be fixed right; however, the board cannot set precedence by paying 100%. Isaak stated he is worried about setting a precedence, just as the board is. Motion made by Commissioner Gunsch, second by Commissioner Tveit to repair the crossing at a 50/50 cost share of the concrete estimate of \$1,890.00 with Ron Isaak. Roll call vote; Gunsch, "Aye", Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Murray, "Aye", motion carried.

Motion made by Commissioner Tveit, second by Commissioner Scheurer to close the bids for the Preliminary and Construction Engineering for the Landfill. All members voted "Aye", motion carried. Bids were received from Houston Engineering and Wenck Associates. Motion made by Commissioner Scheurer, second by Commissioner Tveit to table the bids so Landfill Supervisor, Candace Strand, has time to review and bring back a recommendation to the next meeting. All members voted "Aye", motion carried.

Motion made by Commissioner Tveit, second by Commissioner Scheurer to accept the 2016 Federal Aid Program. Roll call vote; Tveit, "Aye", Scheurer, "Aye", Entze, "Aye", Gunsch, "Aye", Murray, "Aye", motion carried.

Commissioner Gunsch discussed County 27. Gunsch stated he has asked several times when the road would be repaired and Interstate Engineering stated it is going to happen and it hasn't. Commissioner Gunsch added it cannot be put off any longer. The county was told it was going to get done and somewhere there has been miscommunication and it was not budgeted for. No further action was taken.

Donna Buchmann, Mercer County Fair Board, presented the budget for 2016. Buchmann stated they are requesting an additional \$10,000 to cover the cost of electrical repairs. No further action was taken.

Darrold Bertsch, Sakakawea Medical Center, gave the board an update on the Capital Campaign again requesting \$250,000 support from the county. The board agreed to look into the possibility of a donation during the following day's budget meetings. No further action was taken.

Angie Sayler, Mercer County Ambulance Board, presented the board her budget asking for \$225,000 in county support. No further action was taken.

There being no further business, on motion duly made and second, the meeting was adjourned at 11:30 AM CST. There will be a special meeting to discuss budgets on September 3, 2015 at 8:30 AM CT in the courtroom of the Courthouse, Stanton, North Dakota. The next regular meeting of the commission will be September 16, 2015 at 9:00 AM CT in the courtroom of the Courthouse, Stanton, North Dakota.

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

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