

Mercer County Commission Minutes September 4, 2024

The meeting was called to order at 9:00 a.m. by Chairman Gene Wolf. Present were Commissioners Jamee Folk, Liza Taylor, Travis Frey, Rick Bauman, Auditor Carmen Reed, and Dan Arens of the Hazen Star. Others present during the meeting were Treasurer Dawn Grannis, Sheriff Terry Ternes, HR/EM Director Alice Grinsteinner, Tax Director Jennifer Neumiller, Landfill Supervisor Candy Strand, States Attorney Todd Schwarz, Susan Kobilansky, Margie Stute, Larry Stute, Bruce Kobilansky, Attorney Jennifer M. Gooss, Lewis & Clark Regional Development Council (RDC) Executive Director Brent Ekstrom, and Interstate Engineer Charlie Hankins.

Pledge of allegiance was said.

Folk moved to approve the amended agenda. Taylor seconded. All voted aye. Motion carried.

Frey moved to approve the August 21, 2024, minutes as presented. Folk seconded. All voted aye. Motion carried.

Wolf called for a motion to approve the August 22, 2024, public hearing minutes three times. No motion heard. Wolf called for a motion to approve the August 26, 2024, public hearing minutes three times. No motion heard. Board agreed to postpone any action on the August 22 and August 26, 2024, public hearing minutes until consultation with the States Attorney.

Commission reviewed vouchers. Suspended voucher approval at 9:37 a.m.

Frey recused himself.

Tax Director Jennifer Neumiller presented the following zoning case:

- Zoning Case #24-05-01- Bruce Kobilansky Resolution to amend the Mercer County Zoning District Map from Ag to Commercial with a Conditional Use for RV park & storage unit. Attorney Jennifer Gooss, Bruce Kobilansky, Frey, and comments from the public were heard regarding Zoning Case #24-05-01. Bruce Kobilansky agreed to install a storm shelter at his expense. Taylor moved to approve Zoning Case #24-05-01, Bruce Kobilansky resolution to amend the Mercer County zoning district map from ag to commercial with R-5 conditional use for RV park & storage unit. Folk seconded. Folk moved to amend motion by including the installation of a storm shelter. Taylor seconded. All voted aye. Amended motion carried. All voted aye. Motion carried.

Neumiller requested permission to close the Tax Director office on September 18 and 19, 2024, for Vanguard training. Frey moved to approve the closing of the Tax Director office on September 18 and 19, 2024, for Vanguard training. Folk seconded. All voted aye. Motion carried

Recessed at 10:08 a.m.

Reconvened at 10:13 a.m.

Lewis & Clark RDC Executive Director Brent Ekstrom presented an overview and update of services that the Lewis & Clark Regional Development Group offers to businesses throughout the state.

Interstate Engineer Charlie Hankins gave an update on the Sakakawea Estates road project regarding the cul-de-sac, Army Corps of Engineers requirements, environmental requirements, and a required survey and site plan. Requesting permission to move forward with the survey and site plan that will cost \$7,500. Bauman moved to approve the cost of \$7,500 for the survey and site plan for the Sakakawea Estates road project. Wolf called for a second three times. No second heard. Motion failed.

Board questioned if the county would get any state reimbursement regarding the Interstate Engineering bill of \$74,461.25, that included various engineering services done for the County Road 20 bridge project from July 7, 2024, to August 24, 2024. Hankins stated that this bill is a county expense. The state 80/20 grant was only for construction, not engineering and this was included in the 2024 budget. Presently the County Road 20 bridge project is ongoing and Interstate Engineering is required to be present and available for consultation work until the official closeout.

Hankins stated that the airport road project will begin by end of week and expects this project to be completed within a two-week timeframe. The grant for this project will allow the county to receive state reimbursement before paying the contractors. This process is; the contractors submit bills to county, county submits these bills to state for approval, once approved the state will reimbursement county, and then county will pay contractors.

Bauman requested approval to purchase the T6-180 New Holland tractor from Duppong's Inc. for \$148,000. States Attorney Todd Schwarz stated that he approves this purchase and was aware of this purchase. Frey moved to approve the purchase of the T6-180 New Holland tractor from Duppong's Inc. for \$148,000. Bauman seconded. All voted aye. Motion carried.

Bauman requested the approval to hire Jones Contractors Inc. for \$25,989.11 to fix soft spots on County Road 5 south of Golden Valley. Bauman moved to approve the hiring of Jones Contractors for \$25,989.11 to complete the County Road 5 south of Golden Valley. Frey seconded. Motion tabled.

Folk moved to approve all vouchers as presented. Taylor seconded. All voted aye. Motion carried. The following bills were approved for payment: ADVANCED BUSINESS METHODS \$1,387.22; ANTELOPE CREEK TRUCKING INC. \$92,050.56; ASKIM, CRAIG \$167.50; THE BEACON \$1,641.08; BEULAH JOB DEVELOPMENT AUTHORITY \$1,084.33; BOSCH, GWYN \$63.32; BRONSON'S MARKETPLACE \$7,745.88; BUTLER MACHINERY CO \$9,558.03; CALLYO 2009 CORP. \$3,540.00; CHARM-TEX, INC. \$250.90; COLONIAL RESEARCH CHEMICAL CORP. \$160.07; WESTERN PLAINS PUBLIC HEALTH \$120.00; D & E SUPPLY CO INC. \$2,308.12; DUANE'S CODY SHOP INC. \$13,003.61; DUPPONG'S INC. \$74,000.00; ELECTRONIC COMMUNICATIONS \$2,781.62; EMINETH PLUMBING \$975.00; ERHARDT, MARK \$120.60; FARM & HOME SUPPLY INC. \$147.96; FASTENAL COMPANY \$7.77; FIRE EXTINGUISHING SYSTEMS, INC. \$334.90; FIRESIDE OFFICE SOLUTIONS \$124.58; WEX BANK \$2,899.59; GALLS, LLC \$123.39; GRINSTEINER, ALICE \$127.97; HAZEN HARDWARE HANK \$21.97; HAZEN MOTOR CO \$1,253.00; HAZEN STAR \$75.00;

INTERSTATE ENGINEERING, INC. \$85,506.01; JONES CONTRACTORS, INC. \$50,447.88; KRAUSE SUPER VALU \$113.20; LAKE VIEW SERVICES, LLC \$6,547.50; LIGNITE TIRE SERVICE \$1,440.00; RELX INC. DBA LEXISNEXIS \$277.60; MENARDS \$36.99; MERCER COUNTY HIGHWAY DEPARTMENT \$2,211.10; MINNESOTA VALLEY TESTING LABS INC. \$3,916.00; MONTANA DAKOTA UTILITIES \$65.48; NAPA \$381.31; NELSON INTERNATIONAL \$50.27; NEUBERGER OIL COMPANY \$21,950.86; NOVA FIRE PROTECTION, INC. \$885.00; OFFROAD SOFTWARE, INC. \$2,025.00; OTTER TAIL POWER COMPANY \$596.25; PFLIGER, METTA \$35.00; LINDE GAS & EQUIPMENT, INC. \$246.51; REED, CARMEN \$194.30; ROUGHRIDER ELECTRIC COOPERATIVE, INC. \$175.00; SAKAKAWEA MEDICAL CENTER \$165.00; STERICYCLE, INC. \$21.40; THE HUB CONVENIENCE STORES, INC. \$126.26; THEN & NOW CANDY STORE \$362.50; TYLER TECHNOLOGIES, INC. \$529.46; UNIFORM CENTER \$10,323.97; VERIZON WIRELESS \$1,046.39. (CHECK#s 51016-51070) TOTAL \$405,750.21.

HR/EM Director Alice Grinsteinner presented the Mercer County Commission Conflict of Interest policy. Schwarz explained that in reviewing this policy as written doesn't require an AG's opinion and it does meet with his approval. Folk recused herself stating, "that a lot of employees she has talked to feel it is their right to be able to run, but like Todd said if it is a conflict, whether it goes to the attorney general or whomever, then that is where things will need to be decided." Reed requested clarification if the request for AG's opinion was still being requested and Wolf and Schwarz confirmed that there is no AG's opinion in the process of being requested. Frey moved to approve the Commission Conflict of Interest Policy as presented. Wolf seconded. Frey and Wolf voted aye. Bauman and Taylor voted nay. Tied vote. Motion put on next agenda.

Grinsteinner presented the 2024 Fire Emergency & Burn Ban Restrictions Declarations for Mercer County, ND that is tied to the ND Fire Danger Rating Map and only in effect when conditions are very high, extreme and/or red flag warning has been issued for Mercer County. Frey moved to approve the 2024 Fire Emergency & Burn Ban Restrictions Declarations for Mercer County as presented. Folk seconded. All voted aye. Motion carried.

Folk moved to rescind the preliminary resolution to appoint Auditor, Treasurer & Recorder positions. Taylor seconded. All voted aye. Motion carried.

Board discussed approval and validity of public hearing minutes. Schwarz will review and report back to the commission.

Bauman moved to approve the July Recorder fees of \$6,250.55. Folk seconded. All voted aye. Motion carried.

Landfill Supervisor Candy Strand presented her concerns regarding the commission not receiving their packet of meeting information the Friday before the commission meeting. Reed will email all packet information to the commission on the Friday before regular meetings when the agenda goes out.

Portfolio updates were given.

Frey stated that the Army Corps of Engineers are requesting how the county will be involved in the Bayview Heights road project, which is in our assessment

procedure. Frey will work on gathering requested information and present to the board at the next commission meeting.

As per budget discussions Frey stated that the treasurer's office has received a number of calls asking the difference between the unorganized roads and county road accounts. Unorganized road mills are taxes on rural roads only and county road mills include rural and city roadways.

Recessed at 11:19 a.m.

Reconvened at 11:21 a.m.

Tabled motion where Bauman moved to approve the hiring of Jones Contractors for \$25,989.11 to complete the County Road 5 south of Golden Valley and Frey seconded was brought up. All voted aye. Motion carried.

There being no further business the meeting was adjourned at 11:22 a.m. The next regular meeting is scheduled for Wednesday, September 18, 2024, at 9:00 a.m. in the boardroom of the Mercer County Government Center in Stanton, North Dakota. The meetings can be viewed online at www.mercercounty.com

Approved: _____
Gene Wolf, Chairman

Attest: _____
Carmen Reed, Auditor