

Mercer County Commission Minutes September 6, 2023

The meeting was called to order at 9:00 a.m. by Vice Chairman Gene Wolf. Present were Commissioners, Jamee Folk, Rick Bauman, Liza Taylor, Auditor Carmen Reed, and Dan Arens of the Hazen Star. Travis Frey was absent. Others present during portions of the meeting were Deputy Auditor Gwyn Bosch, Tax Director Cyndi Zueger, Treasurer Dawn Grannis, States Attorney Todd Schwarz, Dakota Gasification representative Erin Fox Dukart, Coyote Properties representatives Rylan Sandsbak and Darren Hellman, Interstate Engineer Charlie Hankins, Sheriff Terry Ternes, Ashley Miller, Dave Braun, Randy Schantz, Bill Galvin, Scott Decker, R. B. Albertson, Andrea Thrall, Brad Thrall, Robert Treitline, David Wanner, Jeanne Wanner, Sharon Moon, Donna Boehm, Dale Jacobson, Rick Thompson, Paul Bosch.

Wolf requested to add the following items to the agenda: trees at Beulah Bay on the Hafner property and Social Services building update. Bauman made motion to approve the amended agenda. Folk seconded. All voted aye. Motion carried.

Taylor made a motion to accept the August 16, 2023, minutes as presented. Bauman seconded. All voted aye. Motion carried.

Board reviewed bills.

Bauman made motion to approve bills as presented. Folk seconded. All voted aye. Motion carried. The following bills were approved for payment. ADVANCED BUSINESS METHODS \$1,167.25; AED EVERYWHERE \$540.40; ANTELOPE CREEK TRUCKING INC. \$38,487.10; ASKIM, CRAIG \$555.06; BEULAH JOB DEVELOPMENT AUTHORITY \$1,001.00; BRONSON'S MARKETPLACE \$8,544.96; BUTLER MACHINERY CO \$1,234.44; CALLYO 2009 CORP. \$3,540.00; CARDMEMBER SERVICE \$621.30; CHADWICK, DAVID D. \$100.00; CHARM-TEX, INC. \$281.40; CITY OF STANTON \$9,335.64; COLONIAL RESEARCH CHEMICAL CORP. \$1,310.09; CPS \$445.29; WESTERN PLAINS PUBLIC HEALTH \$4,594.58; DAKOTA PUMP & CONTROL CO., INC. \$495.00; DIRECT MED \$270.33; DISTRIBUTION NOW \$38.09; DOOLEY ENTERPRISES INC. \$340.34; ELECTRONIC COMMUNICATIONS INC. \$1,791.40; FARM & HOME PUBLISHERS, LTD. \$150.00; FARMERS UNION OIL CO \$102.00; FARMERS UNION SERVICE ASSOCIATION \$76.00; FIRESIDE OFFICE SOLUTIONS \$47.05; WEX BANK \$3,259.00; FOLK, JAMEE \$259.24; GALLS, LLC \$120.40; GRANNIS, DAWN \$29.04; HAZEN HARDWARE HANK \$197.85; HAZEN MOTOR CO. \$1,242.28; AUTO VALUE \$360.56; INTERSTATE ENGINEERING INC. \$74,158.64; J & M HARDWARE, INC. \$401.45; JOHN DEERE FINANCIAL \$4,222.50; KIESLER POLICE SUPPLY \$1,918.10; KRAUSE SUPER VALU \$30.97; LANGUAGE LINE SERVICES \$90.00; MARQUART, ANDREW \$288.00; RELX INC., DBA LEXISNEXIS \$271.60; MERCER COUNTY HIGHWAY DEPARTMENT \$2,414.58; BRODKORB, VICKIE \$1,581.66; MONTANA DAKOTA UTILITIES \$61.57; MOTOROLA SOLUTIONS \$8,068.57; NDCHCA \$100.00; ND ASSOCIATION OF COUNTIES \$126.00; ND DEPARTMENT OF TRANSPORTATION \$591.17; NDLTAP \$100.00; NELSON, PHILIP \$20.00; NEUBERGER OIL COMPANY \$4,780.73; NOVA FIRE PROTECTION, INC. \$770.00; OFFROAD SOFTWARE, INC. \$2,025.00; ODP BUSINESS SOLUTIONS, INC. \$50.70; PFLIGER, METTA \$43.38; POITRAS,

RACHEL \$62.70; POSTMASTER \$49.00; PCCS, INC. \$2,706.00; LINDE GAS & EQUIPMENT, INC. \$217.75; PRO-VISION VIDEO SYSTEMS \$543.76; RED RIVER REGIONAL DISPATCH CENTER \$250.00; REDWOOD TOXICOLOGY LABORATORY INC. \$318.88; ROUGHRIDER ELECTRIC COOPERATIVE, INC \$175.00; RUD PROPANE LLP \$3,213.60; S & M LAWN SERVICE \$320.00; SOUTHWEST WATER AUTHORITY \$61.79; TAO INTERACTIVE INC. \$314.90; TYLER TECHNOLOGIES INC. \$275.68; VERIZON WIRELESS \$1,415.75; VOLK, GINGER R. \$289.21; WOLF, GENE \$263.84; ZUEGER, CYNDI \$121.44 (TOTAL \$193,251.01).

Cyndi Zueger, Tax Director/Land Use Administrator, presented two (2) conditional use permits and two (2) zoning cases to the board;

- Zoning case 23-08-01 Dakota Gasification Company zoning change from Agricultural District to Industrial District. If the following parcel has not been improved upon within two years, it shall revert back to Agricultural District: Property Description Coteau 5: A tract of land located in the southeast quarter of Section 12, Township 145 North, Range 88 West of the 5TH Principal Meridian, Mercer County, North Dakota. Folk made a motion to approve zoning case 23-08-01. Taylor seconded. All voted aye. Motion carried.
- Conditional Use Permit 23-08-02 Dakota Gasification CO2 injection well & associated facilities located within the SE4 of Section 12 T145N R88W of the 5th Principal Meridian, Mercer County ND (Coteau No. 5). Folk made a motion to approve conditional use permit 23-08-02. Taylor seconded. All voted aye. Motion carried.
- Zoning case 23-08-03 Dakota Gasification Company zoning change from Agricultural District to Industrial District. If the following parcel has not been improved upon within two years, it shall revert back to Agricultural District: Property Description Coteau 6: A tract of land located in the southwest quarter of Section 11, Township 145 North, Range 88 West of the 5th Principal Meridian, Mercer County, North Dakota. Bauman made a motion to approve zoning case 23-08-03. Taylor seconded. All voted aye. Motion carried.
- Conditional Use Permit 23-08-04 Dakota Gasification CO2 injection well & associated facilities located within the SE4SW4 of Section 11 T145N R88W of the 5th Principal Meridian, Mercer County ND (Coteau No. 6). Taylor made a motion approve conditional use permit 23-08-40. Folk seconded. All voted aye. Motion carried.

Financial software update was given by Treasurer Dawn Grannis.

Recessed 9:45 a.m.

Reconvened 10:00 a.m.

Highway department is requesting approval of WRT Utility Permit #1752 for installing new fiber optic line for Zach Kessler. Bauman made a motion to approve WRT utility permit #1752. Folk seconded. All voted aye. Motion carried. Interstate Engineer Charlie Hankins was here to give an update on the status of the Jon Schield's bridge change order request, discussion was tabled until the States Attorney could be present.

Coteau Properties representatives Rylan Sandsbak and Darren Hellman gave a mine update and requested a petition for road closure hearing be set for the October 4, 2023, commission meeting at 11:00 a.m. Folk made a motion that the petition for road closure hearing be set for the October 4, 2023, commission meeting at 11:00 a.m. Bauman seconded. All voted aye. Motion carried. Interstate Engineer Charlie Hankins states the Co Rd 20 Bridge project will be bid out on Friday, September 8, 2023, and the Co Rd 27 to Hwy 1806 overlay project began today. States Attorney Todd Schwarz discusses the Jon Sheild's bridge change order request for an extra \$9,341.50 cost to the county. Schwarz states that he would like to meet with the construction company representative and begin negotiations regarding this extra charge and Hankins agreed to set this up as soon as possible. Schwarz has requested that this be put on the September 20, 2023, commission meeting agenda.

Auditor Carmen Reed reports that the Social Services building will be paid for by end of week, as per new owner.

Folk reports that she is working on an emergency declaration for the August 1, 2023, storm and will be using emergency funds to help pay for cleaning up trees on the Hafner properties at the lake near Beulah Bay.

Recessed 10:55 a.m.

Reconvened 11:00 a.m.

Folk made a motion to open the Public Hearing for the Special Assessment District Procedure at 11:00 a.m. Taylor seconded. All voted aye. Motion carried. Residents discussed different aspects of the procedure. Taylor made a motion to strike "Please note: Private roadways or roadways not meeting minimum published standards are not eligible for improvement under the special assessment program." from the procedure. Folk seconded. All voted aye. Motion carried. Taylor made a motion to close the Public Hearing at 12:33 p.m. Folk seconded. All voted aye. Motion carried.

Vanguard tabled until next meeting.

Portfolio updates were given.

There being no further business the meeting was adjourned at 12:41 p.m. The next regular meeting is scheduled for September 20, 2023, 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.mercercountynd.com

Approved: _____
Gene Wolf, Vice Chairman

Attest: _____
Carmen Reed, Auditor