

Mercer County Commission Minutes October 4, 2023

The meeting was called to order at 9:00 a.m. by Chairman Travis Frey. Present were Commissioners Jamee Folk, Rick Bauman, Liza Taylor, Gene Wolf, Auditor Carmen Reed, and Dan Arens of the Hazen Star. Others present during portions of the meeting were Tax Director Cyndi Zueger, Treasurer Dawn Grannis, Clerk of Court Wanda Knutson, States Attorney Todd Schwarz, Mercer Hazen Community Development Executive Director Buster Langowski, Beulah City Economic Development Director Beaver Brinkman, Transload representative Ray Sheldon, Coyote Properties representatives Rylan Sandsbak and Darren Hellman, Maintenance Supervisor Jim Albers, Sheriff Terry Ternes, Ashley Miller, Gwyn Bosch, Bill Galvin, Paul Bosch, Joe Grannis, and Darwin Knutson. Requests were made to add the following item to the agenda: Sheriff requests. Wolf a made motion to approve the amended agenda. Folk seconded. All voted aye. Motion carried.

Wolf made a motion to accept the September 20, 2023, minutes as presented. Bauman seconded. All voted aye. Motion carried.

Bauman made a motion to accept the September 26, 2023, minutes as presented. Folk seconded. All voted aye. Motion carried.

Bauman made a motion to accept the September 29, 2023, minutes as presented. Taylor seconded. All voted aye. Motion carried.

Board reviewed bills. Bauman made a motion to approve bills as presented.

Taylor seconded. All voted aye. Motion carried. The following bills were approved for payment. ADVANCED BUSINESS METHODS \$1,131.99; ANTELOPE CREEK TRUCKING INC. \$16,830.00; ASKIM, CRAIG \$223.74; BADGEPASS \$1,165.00; BAUMAN, RICK \$342.72; BEULAH LUMBER CO. \$3.49; BRONSON'S MARKETPLACE \$9,670.83; BUTLER MACHINERY CO. \$1,065.00; CARDMEMBER SERVICE \$4,073.74; CITY OF BEULAH \$97.01; CITY OF STANTON \$7,896.21; DIRECT MED \$354.01; DIRT PRO SERVICES \$165.00; EGGERS ELECTRIC MOTOR CO. \$303.58; ELECTRONIC COMMUNICATIONS INC. \$1,200.00; FIRESIDE OFFICE SOLUTIONS \$71.92; WEX BANK \$3,975.57; FREY, TRAVIS \$81.68; GRANNIS, DAWN \$79.20; HAZEN HEALTH PHARMACY \$120.47; HAZEN HARDWARE HANK \$322.85; AUTO VALUE \$88.66; HEINE, MICHAEL \$10.00; HIRSCH, JESSICA \$203.00; INTERSTATE ENGINEERING INC. \$38,227.12; KRAUSE SUPER VALU \$59.11; KREBS AUTO BODY LLC \$394.87; DONOVAN & KAFFAR PLLP \$1,414.68; LIGNITE TIRE SERVICE \$564.00; RELX INC. DBA LEXISNEXIS \$915.57; MENARDS \$105.32; MERCER COUNTY HIGHWAY DEPARTMENT \$2,006.31; MIDWEST DOORS INC. \$294.80; MILLER, ASHLEY \$54.38; MONTANA DAKOTA UTILITIES \$55.14; OFFICE OF ATTORNEY GENERAL \$1,600.00; ND DEPT OF ENVIRONMENTAL QUALITY \$630.00; ND STATE RADIO COMMUNICATIONS \$720.00; NDSU \$150.00; NEUBERGER OIL COMPANY \$6,671.35; NEUMILLER, JEN \$141.24; NORTH DAKOTA ENVELOPE COMPANY \$329.70; NORTHWEST TIRE AUTO SERVICE INC. \$675.86; NSC MINERALS LTD \$3,387.02; PERFECT PETALS FLOWER SHOP \$40.00; PFLIGER, METTA \$1,008.68; PHARMCHEM, INC. \$557.55; POITRAS, RACHEL \$53.23; PCCS, INC. \$8,614.00; LINDE GAS & EQUIPMENT, INC. \$217.75; RDO EQUIPMENT CO. \$194.09; RETTERATH REAL ESTATE, LLP \$675.00; SCUBA ONE INC. \$875.00;

SOUTHWEST WATER AUTHORITY \$61.15; SPRINGHILL SUITES - GRAND FORKS \$432.00; STUTSMAN COUNTY AUDITOR \$304.00; SUHR/MERKENS LAW PLLC \$540.00; TERNES, TERRANCE \$225.00; TOWER COMMUNICATIONS INC. \$555.00; VERIZON WIRELESS \$1,126.83; VOLK, GINER R. \$44.13; ZUEGER, CYNDI \$42.24. (TOTAL \$123,437.79). Mercer Hazen Community Development Executive Director Buster Langowski, Beulah City Economic Development Director Beaver Brinkman and Transload representative Ray Sheldon discussed the importance of the Mercer County Economic Development Board that positively effects the whole county. Requested the county to look at milling or provide an allocation to support this program.

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

- Conditional Use Permit 23-09-01 Derrick Kessler-Non-farm residence. The parcel is approximately 2.58 acres and is described as Tract A in SE4NE4 in Sec. 31 T146N R86W of the Fifth Principle Meridian, Mercer County, North Dakota. Bauman made a motion to approve conditional use permit 23-09-01 for Derrick Kessler non-farm residence. Folk seconded. All voted aye. Motion carried.
- The Planning and Zoning Board proposed a 4-month moratorium on any new gravel pit applications in order to review and update the present associated zoning ordinances. Commission took no action on this request.

Cyndi Zueger discussed ongoing ND PERS retirement issues relating to her position. Frey stated that he had gotten new information regarding this issue but still needs to review it with the state's attorney. No action was taken by the board.

Highway department tabled motions from the September 20, 2023 meeting were acted on as follows:

- Tabled motion to allow automatic issuance of overload permits, applied for on the load pass system up to 150,000 lbs. Permits exceeding 150,000 lbs. will be reviewed by the Mercer County Road Superintendent and will be allowed or denied by the county commission. In the case of an emergency or time restraints, the County Road Superintendent may approve the permit. All voted nay. Motion failed.
- Tabled motion of starting at 12:00 a.m. on the first Monday in October until 11:59 p.m. on the last Friday in April, the Mercer County Road Department will work Monday through Friday, eight hours per day, starting at 7:00 a.m. and ending at 4:00 p.m. respectfully. All voted nay. Motion failed.

Recessed 10:22 a.m.

Reconvened 10:32 a.m.

Bauman made a motion to approve the Special Assessment District Procedure/Ordinance as presented. Wolf seconded. All voted aye. Motion carried. A thirty-day public comment period notice will be put in official paper and posted on the county webpage.

Folk made a motion to appoint Jeff Klein, Rick Skraba, and Rick Bauman as Mercer County delegates for the State Fair Association's Annual Meeting. Wolf seconded. All voted aye. Motion carried.

Bauman made a motion to declare an emergency disaster declaration for the September 4, 2023, storm that occurred south of Zap. Folk seconded. All voted aye. Motion carried.

Folk made a motion to start the design project for both the airport roadway to just the airport entrance and airport roadway past the entrance. Taylor seconded. All voted aye. Motion carried.

Bauman made a motion for Mercer County Sheriff's Office to affirm to North Dakota Public Employees Retirement System that Mercer County Sheriff's Office is formed pursuant to N.D.C.C. Section 11-01 and is neither a non-profit corporation nor a for-profit corporation, to join the NDPERS Public Safety Defined Benefit Retirement Plan and offer the plan to all eligible employees of the Mercer County Sheriff's Office. Wolf seconded. All voted aye. Motion carried. The Board approved joining the NDPERS Public Safety Defined Benefit Retirement Plan effective November 1, 2023.

Bauman made a motion to add \$5.00 administration fee per civil paper service on all billable civil papers, taking effect on November 1, 2023. Wolf seconded. All voted aye. Motion carried.

Bauman made a motion to increase mileage rate charged in billable civil process papers to \$.66 per mile, taking effect on November 1, 2023. Taylor seconded. All voted aye. Motion carried.

Portfolio updates were given.

Portfolio updates were suspended.

State's Attorney Todd Schwarz discussed the Jon Schield's bridge change order request. Bauman made a motion to accept the change order costs of \$9,341.50, forgive the liquidated damage costs of approximately \$10,000 and advise the State's Attorney to draft a letter for the contractor to sign in agreement of those amounts. This motion will be in effect when agreement is signed. Wolf seconded. Bauman and Wolf voted aye. Taylor, Folk and Frey voted nay. Motion failed.

11:00 a.m. Folk made a motion to close the regular meeting for the public hearing on the Coteau Properties Petition for Closing Public Roads. Taylor seconded. All voted aye. Motion carried.

Coyote Properties representatives Rylan Sandsbak and Darren Hellman requested the following roads to be closed for surface mining activities;

- The section line road between Section 33, Township 145 North, Range 88 West, and Section 1, Township 144 North, Range 89 West;
- The undeveloped section line between Section 6, Township 144 North, Range 88 West, and Section 1, Township 144 North, Range 89 West;
- The undeveloped section line between Section 6 and Section 7, Township 144 North, Range 88 West;
- The east half of the undeveloped section line between Section 1 and Section 12, Township 144 North, Range 89 West;

- The undeveloped section line between Section 7, Township 144 North, Range 88 West and Section 12, Township 144 North, Range 89 West.

After the completion of surface coal mining and reclamation operations, the petitioner will restore the closed roads to as good a condition as existed prior to the closing of such roads to the extent required by the Board of Mercer County Commissioners.

11:12 a.m. Bauman made motion to close public hearing and return to the regular meeting. Folk seconded. All voted aye. Motion carried.

Folk made a motion to accept the resolution to temporarily close the section line roads as depicted on the map and describe in the Public Hearing. Taylor seconded. All voted aye. Motion carried.

Portfolio Updates were given.

Folk made a motion to amend a previous motion made at the September 20, 2023, meeting from the cost of hiring LeeRoy Fischer to haul scoria for \$100/load to \$400/load as needed for the landfill. Wolf seconded. All voted aye. Motion carried.

Recessed 11:37 a.m.

Reconvened 11:30 a.m.

Budget discussion began.

Discussion of the Special Assessment District Procedure/Ordinance was held. Status of the solar ordinance and solar moratorium were discussed and put on next agenda for further review.

Budget discussion continued. Folk made a motion to have county pay all but three percent of employee retirement costs regardless of the plan. Taylor seconded. Bauman amended the motion to read four percent instead of three percent. Wolf seconded the amended motion. Bauman, Wolf, Taylor, and Folk voted aye. Frey voted nay. Motion carried. Main amended motion. All voted aye. Motion carried.

Taylor made a motion to add \$65,000 to the general fund budget for an HR position. Folk seconded. Taylor, Folk, Bauman, and Frey voted aye. Wolf voted nay. Motion carried.

Bauman made a motion to add \$130,000 to the general fund budget for wage step ups. Taylor seconded. All voted aye. Motion carried.

Bauman made a motion to add \$50,000 in the general fund budget for an allocation to the Mercer County Economic Development. Wolf seconded. Bauman, Taylor, and Frey voted aye. Wolf and Folk voted nay. Motion carried.

Frey made a motion to add into the general fund, \$50,000 for ordinance rating and \$100,000 for comprehensive land use planning. Taylor seconded. Frey and Taylor voted aye. Folk, Wolf and Bauman voted nay. Motion failed.

Taylor clarified that the \$65,000 for HR position is only salary and will also need to add the benefits costs of \$31,440 for a total of \$96,440.

A special budget meeting was set for October 5, 2023, at 7:00 p.m. to update the 2024 budget with the approved changes.

There being no further business the meeting was adjourned at 1:26 p.m. The next regular meeting is scheduled for October 18, 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: _____
Travis Frey, Chairman

Attest: _____
Carmen Reed, Auditor