

**Mercer County Commission Minutes
May 15, 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 portions of the meeting were Treasurer Dawn Grannis, States Attorney Todd Schwarz, HR Director Alice Grinsteinner, Road Superintendent Ken Miller, Tax Director/Land Use Administrator Jennifer Neumiller, Sheriff Terry Ternes, Interstate Engineer Charlie Hankins, Solem Law Office Attorney Jennifer Gooss, Home & Land Company Realtor Vickie Steiner, Butler Machinery Representative Kasey Erickson, John Deere Representative Scott Owens, Donovan & Kaffar PLLP Attorney Mark Kaffar, Oliver County Commissioner Darrell Berger, Pick City Mayor Arvid Anderson, Gwyn Bosch, Scott Bather, and Lori Davis.

Pledge of allegiance was said.

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

Frey moved to close the acceptance of bids on the chip seal bid letting. Bauman seconded. All voted aye. Motion carried.

Bauman moved to approve the May 1, 2024, minutes as presented. Taylor seconded. All voted aye. Motion carried.

Frey moved to approve the May 1, 2024, special EM position minutes as presented. Taylor seconded. All voted aye. Motion carried.

Folk moved to approve the May 1, 2024, special EM discussion minutes as presented. Taylor seconded. All voted aye. Motion carried.

Bauman moved to approve the May 8, 2024, special road contractor minutes as presented. Frey seconded. Bauman requested to amend the minutes by replacing "Beaver Brinkman's," with "Bieber's." Folk moved to approve the minutes as amended. Taylor seconded. All voted aye. Amendment to motion carried. All voted aye. Motion carried.

Bauman moved to approve the May 8, 2024, special truck purchase minutes as presented. Frey seconded. All voted aye. Motion carried.

Frey moved to approve all bills except the WRT bill, which will be discussed later in the meeting. Bauman seconded. All voted aye. Motion carried. The following bills were approved for payment: ADVANCED BUSINESS METHODS \$341.12; AED EVERYWHERE \$556.00; ARMOR INTERACTIVE \$2,461.00; ASKIM, CRAIG \$431.70; BENCO EQUIPMENT COMPANY \$307.50; THE BEACON \$666.90; BEULAH DRUG \$9.99; THE BISMARCK TRIBUNE \$314.30; BOBCAT OF MANDAN INC. \$15.00; BRONSON'S MARKETPLACE \$8,007.04; LUCKYS TOWING AND REPAIR \$450.00; BURLEIGH-MORTON DETENTION CENTER \$200.00; BUTLER MACHINERY CO \$450.65; CHADWICK, DAVID D. \$195.00; CHARM-TEX, INC. \$379.55; CITY AIR MECHANICAL, INC. \$426.17; CITY OF BEULAH \$100.00; CITY OF GOLDEN VALLEY \$29.75; CITY OF STANTON \$6,160.09; CORE FACILITY SOLUTIONS \$92,632.00; WESTERN PLAINS PUBLIC HEALTH \$4,366.01; D & E SUPPLY CO INC. \$611.25; DACOTAH PAPER CO \$1,162.16; DECOTEAU, CAMREN \$150.00; ELECTION SYSTEMS & SOFTWARE INC. \$1,921.74; ELECTRONIC COMMUNICATIONS INC. \$1,540.98;

EVERSPRING INN AND SUITES \$192.60; FARMERS UNION OIL CO \$2,002.00; FARMERS UNION SERVICE ASSOCIATION \$1,289.00; HAZEN HEALTH PHARMACY \$191.36; HAZEN HARDWARE HANK \$253.67; INFORMATION TECHNOLOGY DEPARTMENT \$5,621.74; ISTATE TRUCK CENTER \$79.62; J & M HARDWARE, INC. \$468.11; JOHN DEERE FINANCIAL \$4,222.48; KIESLER POLICE SUPPLY \$181.82; KRAUSE SUPER VALU \$139.79; LANGOWSKI, GONTRAN \$70.37; LANGUAGE LINE SERVICES \$90.00; M & B RENTALS LLP \$705.00; MARQUART, ANDREW \$333.00; RELX INC. DBA LEXISNEXIS \$205.00; MENARDS \$22.99; MERCER COUNTY HIGHWAY DEPARTMENT \$2,227.62; MIDCONTINENT COMMUNICATIONS \$180.54; MOTOROLA SOLUTIONS \$10,360.00; NAPA \$5,443.26; OFFICE OF ATTORNEY GENERAL \$1,520.00; ND DEPARTMENT OF TRANSPORTATION \$11.50; NELSON INTERNATIONAL \$41,599.44; QUADIENT FINANCE USA, INC. \$5,073.48; NEUBERGER OIL COMPANY \$16,150.44; PFLIGER, METTA \$320.01; PHARMCHEM, INC. \$495.60; POSTMASTER \$72.00; LINDE GAS & EQUIPMENT, INC. \$700.44; RDO EQUIPMENT CO. \$1,890.00; ROTH, KENT \$81.89; ROUGHRIDER ELECTRIC COOPERATIVE, INC. \$1,160.79; S & M LAWN SERVICE \$350.00; SAILER, MICHELLE \$19.13; SOUTHWEST WATER AUTHORITY \$57.91; STOREY KENWORTHY - MATT PARROTT \$221.03; TAYLOR PRINTING & VISUAL IMPRESSIONS \$9,007.72; THE HUB CONVENIENCE STORES, INC. \$126.35; THE MEAT SHOP \$36.00; UNDERGROUND VAULTS & STORAGE INC. \$364.80; VERIZON WIRELESS \$210.13; WEST RIVER TELECOMMUNICATIONS \$1,025.00; WILMINGTON TRUST NA \$400.00 (CHECK #s 50330-50399) TOTAL \$239,059.53.

Tax Director/Land Use Administrator Jennifer Neumiller presented questions and concerns from Pick City and Golden Valley regarding the Vanguard Appraisals, Inc. contract that was approved by the commission on 09/20/2023. This appraisal contract was made for the purpose of equalizing assessment in the cities of Pick City and Golden Valley and the rural townships located in Mercer County, in compliance with the State Laws of North Dakota, and the rules and policies laid down by the North Dakota State Tax Department. Values established shall be the fair and reasonable true and full values as of February 1, 2026. Initial fees are \$47,484.00 will cover Pick City, \$42,709.00 will cover Golden Valley and \$271,362.00 will cover all rural township portions of the county.

Frey moved to approve the county pays for Pick City and Golden Valley's initial assessment set up fees, but the cities will retain their responsibility for their annual assessment maintenance fees. Frey moved to rescind his motion. Folk seconded. All voted aye. Motion rescinded. Board will seek States Attorney's opinion and address this at another meeting.

Interstate Engineer Charlie Hankins opened the two bids received for the Chip Seal bid letting. Once bids are verified, recommendations will be brought to the commission for approval.

Highway Superintendent Ken Miller presented his recommendations for the motor grader bid. Bauman moved to accept the John Deere motor grader bid. Taylor seconded. All voted aye. Motion carried.

Hankins presented the 51ST Ave SW (Airport Road) project low bidder as Bechtold Paving Inc. Frey moved to accept the base bid (.6 mile road) and alternate

number two (Airport road project) from Bechtold Paving Inc. Taylor seconded. All voted aye. Motion carried.

Miller presented permit #1761 and #1762 for Roughrider Electric Cooperative. Folk moved to approve permit #1761 for boring a 2" primary cable under County Road 27, located 12 miles north of Hazen. Taylor seconded. All voted aye. Motion carried.

Frey moved to approve permit #1762 for boring a 2" primary cable under County Road 21, located 1.5 miles north of Beulah. Folk seconded. All vote aye. Motion carried.

Miller presented the NextEra Road Use and Maintenance Agreement for approval. States Attorney Todd Schwarz assured the commission that this agreement was specific to the construction of the transmission line and company is held liable for any road damage during this time. Frey moved to approve the road use and maintenance agreement as presented. Bauman seconded. Frey, Bauman, Taylor, and Wolf voted aye. Folk voted nay. Motion carried.

Recessed at 10:51 a.m.

Reconvened at 10:58 a.m.

Mercer County Water Board Attorney Mark Kaffar gave an update on the status of the Lazy H8 Subdivision usage of the water drainage system. No action was taken.

Folk moved to accept the Recorder March Fees of \$3,595.60 and April Fees of \$5,586.50. Taylor seconded. All voted aye. Motion carried.

Taylor moved to accept the Sheriff April Fees of \$12,896.33. Frey seconded. All voted aye. Motion carried.

The 2025 Budget Calendar was presented by Auditor Carmen Reed, Treasurer Dawn Grannis and HR Director Alice Grinsteinner. Budgets will go out to Mercer County Department heads on June 7, 2024 and returned to Auditors Office by June 30, 2024. Commission agreed that department head budget reviews will be scheduled on July 22, 2024.

Board members and Oliver County Commissioner Darrell Berger discussed the EM position. Bauman moved to offer the parttime EM position to Alice Grinsteinner, and upon acceptance a salary increase will be negotiated. Taylor seconded. All voted aye. Motion carried.

Solem Law Attorney Jennifer Gooss representing Jim Kasper, States Attorney Todd Schwarz, and commission board discussed possible terms in order to maintain public access to Pebble Beach. Kasper will convey the Pebble Beach Trail to Mercer County, conditioned on the following: (1) It will continue to be used for public trail, (2) County will solely have any responsibility for maintenance and liability, (3) Reservation of right of use and entry to landowner, including two lots and Kasper's additional acreage, (4) County guarantees approach off County's paved road for both lots; County shall work with landowner for reasonable location, (5) County shall not enact any regulations to inhibit or prohibit development of these properties that is not currently in place, and (6)

County will grant variance for both lots as follows: (a.) 75' setback from center of paved road, (b) 25' setback from Pebble Beach Trail, and (c) 10' setback from crop land. No formal action was taken.

States Attorney Todd Schwarz discussed the status of the Tyler financial software installation and reported confusing communications. Schwarz requested approval from the board to investigate the Tyler Software contract. Frey moved to authorize the States Attorney to investigate the contract with Tyler Software. Taylor seconded. All voted aye. Motion carried.

Folk moved to approve the S and G LLC Liquor License Application as presented. Frey seconded. All voted aye. Motion carried.

Frey moved to move the June 19, 2024 Commission meeting to June 20, 2024, due to June 19 being a holiday. Taylor seconded. All voted aye. Motion carried.

Frey moved to approve duplicate warrant #49867 for \$18,933 for Fort Clark Irrigation. Bauman seconded. All vote aye. Motion carried.

A Bayview Heights Association letter requesting Mercer County Commission support in establishing a special assessment district for their road improvement project was presented. Frey moved to approve Bayview Heights Association moving forward with establishing a special assessment district for a road improvement project. Taylor seconded. All voted aye. Motion carried.

The Department of Environmental Quality-Waste Management 1-941919, Abandon Vehicle Program was discussed. Frey will email out more information to the commission. No further action taken.

Board agreed to hold off on depositing the annual NDACO WSI premium discount checks when received to further discuss putting towards risk management and employee training purposes. No further action was taken.

WRT Bill was discussed regarding department head concerns of high installation charges of the newly installed phone system. Wolf recused himself and turned meeting over to Vice Chairman Bauman. Schwarz discussed various concerns regarding the installation, questioning the necessity of this new phone system verses the old system, and the cost to the county. It was decided that the States Attorney will officially dispute this bill and will request WRT representation at the next commission meeting to address the board's questions and concerns. Frey moved to hold the WRT bill from payment and authorize the States Attorney to contact their billing department. Folk seconded. Frey, Folk, Taylor, and Bauman voted aye. Motion carried.

Portfolio updates were given.

There being no further business the meeting was adjourned at 12:42 p.m. The next regular meeting is scheduled for June 5, 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