

Mercer County Commission Minutes August 2, 2023

The meeting was called to order at 9:00 a.m. by Chairman Travis Frey. Present were Commissioners Jamee Folk, Rick Bauman, Gene Wolf, Liza Taylor, Auditor Carmen Reed, and Dan Arens of the Hazen Star. Others present during portions of the meeting were Landfill Supervisor Candy Strand, Sheriff Terry Ternes, Road Superintendent Ken Miller, Maintenance Supervisor Jim Albers, Tax Director Cyndi Zueger, Hazen Community Development Buster Langowski, Westmoreland Mine Representatives Jesse Noel, David Traverso, and Nettie Ore, Interstate Engineer Charlie Hankins, Summit Carbon Solutions Representatives Amanda Hoffer and Jay Volk, Marvin Schwehr, Gwyn Bosch, Ashley Miller, Dave Braun, Terry Milas, Randy Schantz, Bill Galvin, and Jerry Geiger.

Frey requested to add the following items to the agenda; duplicate warrant for Hazen Health Pharmacy, \$73.54, emergency purchase of batteries for \$8,614, landfill wages request, and HR position request. Folk made motion to approve the amended agenda. Bauman seconded. All voted aye. Motion passed.

Wolf made a motion to accept the July 25, 2023, minutes as presented. Taylor seconded. All voted aye. Motion carried.

Bauman made motion to accept the July 19, 2023 minutes as presented. Folk seconded. All voted aye. Motion carried.

Commission held out bill for third party human resource services for \$2,000. Wolf made a motion to approve the human resources service bill for \$2,000. Folk seconded. All voted nay. Motion failed. Marvin Schwehr from audience stated that someone who makes the motion cannot vote no. Frey agreed. Wolf changed his vote to aye.

Bauman made a motion to approve all other bills as presented. Taylor seconded. All voted aye. Motion carried. The following bills were approved for payment. WATER RESOURCE DISTRICT \$3,811.66; ADVANCED BUSINESS METHODS \$2,255.36; BEULAH JOB DEVELOPMENT AUTHORITY \$1,001.00; BRONSONS MARKETPLACE \$8,212.51; BUTLER MACHINERY CO \$2,929.69; CARDMEMBER SERVICE \$926.90; CENTER MACHINE INC. \$2,532.85; CITY OF BEULAH \$187.50; COAL CONVERSION COUNTIES \$6,508.00; CORE FACILITY SOLUTIONS \$43,390.00; CULVER, ROSEMARY \$21.22; DE LAGE LANDEN PUBLIC FINANCE \$36,259.93; ENTZE, CINDY \$35.74; FIRESIDE OFFICE SOLUTIONS \$353.05; GALLS, LLC \$395.36; GRAND HOTEL \$67.00; HAZEN HARDWARE HANK \$83.06; HEART RIVER STABLES \$1,920.00; HYDRO HOTSHOTS, INC. \$4,050.00; KIESLER POLICE SUPPLY \$3,124.94; KRAUSE SUPER VALU \$309.92; MAINSTAY SUITES \$264.60; MERCER COUNTY HIGHWAY DEPARTMENT \$1,976.54; MERCER COUNTY TREASURER \$40.00; MONTANA DAKOTA UTILITIES \$49.19; ND ASSOCIATION OF COUNTIES \$123.00; ND AUDITORS & TREASURERS ASSOCIATION \$100.00; ND DEPT OF HUMAN SERVICES \$16.48; NDACTVSO \$120.00; NEUBERGER OIL COMPANY \$34,219.30; NORTHWEST TIRE AUTO SERVICE INC. \$1,181.08; NORTHWEST TIRE INC. \$534.06; RADISSON HOTEL – BISMARCK \$441.00; RDO EQUIPMENT CO. \$1,544.53; ST ALEXIUS MEDICAL CENTER \$4,485.21; STREET COP TRAINING, LLC \$199.00; TAYLOR, LIZA \$190.92; UNIFORM CENTER \$946.32; VERIZON WIRELESS \$730.38; ZAZESKI, KURT \$121.98; ZUEGER, CYNDI \$42.24 (TOTAL \$165,701.52)

Hazen Community Development Executive Director Buster Langowski requested approval from the board to extend the renaissance zone program for ten years. Folk made motion to approve the renaissance zone program for ten years. Bauman seconded. All voted aye. Motion carried.

Cyndi Zueger, Tax Director/Land Use Administrator, presented the following:

- Conditional Use- 23-07-01- VB BTS II, LLC -Vertical Bridge"-205' self-support lattice Communications Tower. NW4 Section 11, T142N R88W of the 5th Principal Meridian, Mercer County, North Dakota. This permit is void until applicant provides the following to the Land Use Administrator: proof of FAA approval, final construction documents, and geotechnical soils report for the foundation design based on normal soils. Applicant will be responsible for maintenance and improvements of the adjacent section line. Applicant must contact the Mercer County Highway Road Superintendent to ensure compliance with Section 24-07-03.1 of the North Dakota Century Code prior to any such maintenance or improvements. Applicant will reclaim the subject property as described in paragraph 6 of the Option for Easement Agreement executed between the applicant and land owners of the subject property. Upon nonuse of 1 yr. the reclamation will be to 3' below surface and to current conditions.

Bauman made a motion to approve conditional use- 2307-01- VB BTS II, LLC. Taylor seconded. All voted aye. Motion carried.

Vanguard appraisal quote was discussed. No action taken.

Westmoreland Mine representatives David Traverso, Jesse Noel and Nettie Ore gave an update on mining activities and land reclamation south of Beulah. Summit Carbon Solutions representatives Amanda Hoffer and Jay Volk gave an update of road improvement plans at the BK Fischer 1 & 2 sequestration sites south of Beulah near the Barry Fischer farm. Hoffer requested approval of access road improvements to 21 St SW and 62 Ave SW, an application for drive permit (approach to the BK Fischer pad), and speed reduction on 21 St SW. Bauman made a motion to approve the access road improvements and the application for drive permit as presented. Wolf seconded. All voted aye. Motion carried. Wolf made a motion that no speed limit reduction signs be posted on this road. Bauman seconded. Wolf, Bauman, Taylor, Folk all voted aye, Frey nay. Motion carried.

Road Superintendent Ken Miller requested approval of the WRT Utility Permit #1751 for underground boring for new construction just south of crossroads on 47 Avenue SW. Bauman made a motion to approve Utility Permit #1751. Folk seconded. All voted aye. Motion carried.

Interstate Engineer Charlie Hankins stated that the box culvert project north of Golden Valley is completed except for the permanent fencing. The contractor has requested a change order that would be an extra cost of \$9,341.50 to the county. As the county engineer, Hankins has done an investigation and is

advising commission to not pay this bill, it has no grounds. This was tabled until more information is gathered and the states attorney has a chance to look at it. Hankins informed the board that the Mercer County Road 20 bridge state bid letting will be on August 11, 2023.

Jerry Geiger, a contracted Basin Transload trucking company that will haul out oil from the site, discussed possible routes that his trucks could safely use to haul this oil to Killdeer. Wolf made a motion to implement the NDDOT weight limits on all county roads in Mercer County. Folk seconded. All voted aye. Motion passed. Recessed at 11:21 a.m.

Reconvened at 11:27 a.m.

Landfill Supervisor Candy Strand requested that all fines and metal sale revenue be deposited directly into the landfill operations account. Wolf made a motion that all fines and metal sale revenues to be deposited directly into the landfill operations account. Folk seconded. All voted aye. Motion carried.

Strand requested permission to have Houston Engineering start their work on the capping project. Folk made motion for Houston Engineering to start work on the capping project. Taylor seconded. All voted aye. Motion carried.

Strand discussed her department's wages need to come up, it is very difficult to hire new employees. Board tabled this discussion until Strand checks with other landfills to see what rates they charge.

Sheriff Terry Ternes discussed two potential contracts with Dr. Kasper for coroner and medical director and the jail nurse being the assistant coroner, which are requirements for the federal inmate program. Board requested that these documents be reviewed by the states attorney before they take any action. Ternes discussed the need for his personnel be put into the NDPERs Public Safety retirement program. This program is specific to law enforcement and their retirement needs. Taylor made a motion to implement the NDPERs Safety retirement program by October 1, 2023. Bauman seconded. All voted aye. Motion carried.

Commission reviewed the special assessment district procedure. Taylor made motion to accept the Mercer County special assessment district procedure/ ordinance updated draft dated May 25, 2023, with the following amendments; on line number one, the percentage will be changed to seventy percent or more and anywhere in this document, county engineer will be changed to the contracted engineer at the cost of the sponsor of the special assessment. Bauman seconded. All voted aye. Motion carried. Taylor made a motion to set a public hearing on the special assessment district procedure/ordinance for the September 6, 2023 commission meeting at 11:00 a.m. Wolf seconded. All voted aye. Motion carried. A notice for this hearing will be advertised at least two weeks before this meeting and a copy of the procedure will be available upon request.

Auditor Carmen Reed requested a special meeting be held on August 8 or 9 to complete the approval for the preliminary 2024 budget. Wolf made a motion

To have the special budget meeting on Wednesday, August 9, 2023 for the preliminary budget approval. Bauman seconded. All voted aye. Motion carried. Tax Director Cyndi Zueger presented her concerns on wages. Discussion was held on wages and a possible wage study.

Taylor requested that an HR position be added to the preliminary budget at \$65,000.

Taylor made a motion to accept the July Recorder fees for \$4,522.60. Folk seconded. All voted aye. Motion carried.

Folk made a motion to approve the duplicate check warrant #48350 for \$87.11 and check warrant #46236 for \$73.54 both for Hazen Health Pharmacy. Bauman seconded. All voted aye. Motion carried.

Taylor made a motion to appoint the Chairman Travis Frey as delegate to the NDACo Annual Conference. Bauman seconded. All voted aye. Motion carried.

An emergency battery purchase of \$8,614 was done due to loss of all backup power to the main courthouse servers, that included the dispatch computers.

Folk made a motion that the emergency battery purchase of \$8,614 be paid through the county emergency fund. Taylor seconded. Motion carried.

Portfolio updates were given.

There being no further business the meeting was adjourned at 1:07 p.m. The next regular meeting is scheduled for August 16, 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