

## **City of Mercer Minutes October 4, 2022**

Meeting was called to order by Jim Privratsky at 7pm. Present for meeting was Randy Zinke, Gary Volochenko, and Kenny Thomsen, Tonya Wellington (Auditor) Jennifer Gooss from Solem Law Firm (City Attorney) Joe Jerkovich not present.

Minutes from Sept. 20, 2022 and Sept 26, 2022 were proved to board members before meeting. Kenny Thomsen asked to make changes to Sept 20<sup>th</sup> minutes. He would like which board members voted yes or no on motions. Not just motion approved. And the Special board meeting on the Sept. 26<sup>th</sup>. Kenny Thompson stated there was no noticed post anywhere. And it was a violation of meeting laws. Also, on the minutes for the 26<sup>th</sup> there wasn't who voted for the motion or not. He would like that include in the minutes.

Gary Volochenko made the motion to approve the minutes for Sept. 20, 2022 and Sept. 26, 2022 with the correction to be made. Randy Zinke seconded the motion. Jim Privratsky asked for all in favor of passing the motion. Gary Volochenko and Randy Zinke stated I. Jim Privasky, asked not in favor of the motion. Kenny Thomsen voted I. Motion Approved.

Annual budget was presented to board members before meeting. Jim Privratsky asked for a motion to approve the annual budget. Gary Volochenko, Randy Zinke and Kenny Thomsen all voted Yes. Motion Approved.

Jennifer Gooss from Solem Law Firm was asked to write a memorandum for the city. Board was presented this memorandum before the meeting. Jennifer stated that regarding the nuisance that followed a notice to remove that was issues by the District Health Unit. The letter and notice was proved and pursuant to city of Mercer ordinance 12.0603 that pacifically said that if the properties isn't brought into compliance by order of the city as well as the Heath District. That the property can be removed or demolished. The property was not brought into compliance at that time. The notice of the Health District did provide an order that it is was a nuisance. Once the city held the meeting and voted to move forwards with the removal at that time. Was in proper compliance with the century code and city ordinance. And in regards to the Special Meeting it was not posted in time. However, that doesn't make anything in the meeting invalids. The North Dakota attorneys general have held many times. Is to have proper minutes and to spell out the topics that were discussed and what the votes were and the decision that was made at that time and must be approved at the next meeting. And the last thing that she was informed on was that the Brewster's were not informed of the special meeting. There is no requirement that anyone be notified any meetings whether special or not. Unless they make pacific request to the city to prove notice of all meetings or a pacific meeting. Jennifer asked if anyone had any questions.

Kenny Thomsen asked about the letter that was sent from Solem Law firm dated Aug. 23, 2022 and from the Public Health. And stated that he had contacted Lisa with the Health Dept. and stated to him that John Brewster was working with them and making progress. He had forwarded photo of the work that he had accomplished. And Kenny Thomsen feels that Brewster's were doing what the Health Dept. had asked him to do. And was making arrangements to get things done. Jennifer Gooss (City Lawyer) stated that the deadline was the deadline. And if it wasn't done by that time the city has the right to move forward. The city nor Jennifer Gooss was not informed that the Health Dept. had extended the deadline. And the order states that if it is not done by the time. It can be removed. And stated that there was no proceeded that was improper about this.

Next was the financial report that was provided to board members before meeting. Gary Volochenko asked if we have gotten the parks accounts situated. Tonya Wellington informed him that Tina Goven is coming on Oct. 20 2022. And are going to work together. The park side of the financial needs work. Do to the park accounts. Financial report was not approved.

Next were the monthly bills. The bills were proved to board before meeting. Did update bills the day of meeting because the city had received more on that day. Randy Zinke made a motion to approve the bills and Gary Volochenko seconded the motion. Jim Privratsky asked for all in favor. Gary Volochenko and Randy Zinke voted me. And not in favor. Kenny Thomsen voted I. Motion Approved.

Next was Old Business for John Brewster's residents to be all cleaned up. Jim Privratsky stated that he has seen that a lot of people just let things go and every time you give a letter just likes the mowing. It seems like a joke. And do you know what rats do to a community? The first time he went down to John Brewster's place to mow. It was 2 ½ feet tall and had torn up the blades on the mower. And if he didn't have a big mower he would have ripped up more. He stated that he isn't looking to take over someone's lot. He has talked to Ray Walt about his proper and has been send 2 letters. And he has taken down the building that was a hazard and is working getting it cleaned up.

Also, we have received a check from Rick Schlack for \$1,262.00 for the aluminum pipe and the motors went to went to North Dakota Science for their diesel mechanic for training.

John Brewster asked if he could say something. He stated that he started all the problems here and doesn't deny that. It got crazy down there and everyone say that and that he neglected for years. He had personal stuff going on and avoided it for too long. And nobody can say that it didn't need to be cleaned up. But, he was working on it after receiving those letters. He figured the appropriate place to call is the city auditor's office because he has not reserved a water bill in over a year. He called about his property and contact Solem Law Office and the only person that calls him back was Lisa Westmen. And that was the only time he got phone numbers for other people. If anyone would have called him back he had figured that you guys wanted it cleaned up. And started with the yard. And if someone had called him back stating the primary focus needs to be on these trailers, he could have switched directions. Granted I'm totally in the wrong here. But this stuff could have been handed like adults. I could have it done by this Saturday. I had talked to you after talking with Lisa. Nope, you got 2 days, or they both got to go if you can get 1 out of here in 2 days the other one can stay. Cathy Schon stated that john had promised her 8 yrs. ago. And Jim Privratsky said John called him back and asked to give him two weeks to move the 1<sup>st</sup> one. And he can't wait 2 weeks. Because it's, not taken care of before and just let it go. So, he decided to cover all his bases. And the city attorney out ways the health dept. He wishes he could have gotten in touch earlier but had no number. John Brewster stated that we can get his address to send letter but can't send water bill. Ultimately, it's my fault and I'm not debating that with anyone. I'll take reasonability for that but I've been down there cleaning it up. And it's a whole lot better than it was. Jim stated that he cut that grass 6 times. And anyone who got there letters from the city, got their lawns mowed. John Brewster stated that shouldn't it be cut the day the letter was written? Jim Privratsky said I don't know about that. John Brewster stated let's be honest here. He was trying to remedy the situation. And this has gotten out of hand. Jim Privratsky agree he has boarded windows on that trailer.

Brewer asked if this meeting is an annual city budget meeting. He asked why our budget wasn't being worked on instead of mowing and getting into people's business. Jim Privratsky respond that is also and regular city meeting.

John Brewster asked if we could get his water bill and update his sister Allison Cudney, Robin Brewster and his address. Because they have not been receiving there water bills. Tonya Wellington asked John

Brewster to meet with her to update information. And she will get it over to Ann Oberg with rural water. Jim Privratsky said Brewster's bill was for \$2,301.43. You're telling me that the other auditor that was in here previous before her had the right address. He wouldn't have this bill then. John Brewster thought that this amount was tacked onto his taxes last year. And Jim Privratsky said that his property taxes are paid up to date but still has his water and sewer bill.

For New Business, John Schumann asked to make the request to have liquor at MCC for his wedding and that Tracie will take care of it from there. Kenny Thomsen made the motion and Gary Volochenko second the motion. All in favor is Gary Volochenko, Kenny Thomsen and Randy Zinke. Motion Approved.

Kenny Thomsen like to address the council. He read a letter. And original copy is attached. Tonya Wellington was given the letter to have put in the minutes.

Gary Volochenko made the motion to close the meeting and Randy Zinke second it. Motion Approved.

October 4, 2022

My name is Kenneth Thomsen. I was elected to the Mercer City Council in June 2020. Tonight, I am addressing the council with concerns I have for the City of Mercer.

Since being elected Mayor in June 2022, James Privratsky has not conducted meetings in an orderly fashion. He has not followed the basic rules of order, meetings have been scheduled to meet his personal schedule, no consistency on dates and some meetings without proper notice and violating open meeting laws.

There have been, in my opinion, instances of malfeasance. The mayor recently removing personal property of a property owner without proper hearings or letters of condemnation from the local health district or communication with the owner.

When the Mayor was elected into office, he claimed there would be more communication. I personally have not been contacted other than at meetings about most of the things that have been done. Unfortunately, I believed what was told at the meetings. Shame on me for not checking things out myself.

When the Mayor was elected, he asked to change the Auditor. The council agreed to his request. The new Auditor has been struggling with the position and has not kept the city in compliance on some items.

For these reasons I am requesting the Mayor and the Auditor resign effective immediately.

Requested this 4<sup>th</sup> day of October 2022

Kenneth Thomsen