

City of Mercer Minutes

March 14th, 2024

Interim Mayor Ken Thomsen called the meeting to order with council members Barb Stute, Gary Volochenko, Erika Lorenz and Randy Zinke and Tonya Wellington-Auditor all present.

Ken Thomsen Led the Pledge of Allegiance.

Ken Thomsen read the minutes from February 8th, 2024. Erika Lorenz made the motion to approve the minutes and Barb Stute seconded. Barb Stute, Gary Volochenko, Erika Lorenz, and Randy Zinke all voted Aye. Motion Carried.

Financial Report

Tonya Wellington explained that the state requires that we have \$52,000.00 in our water and sewer reserve combined at the end of 2023. Water reserve is \$35,000 and Sewer reserve \$9,500. By the end of 2024 we are required to have \$61,002.00 in our sewer and water reserves combined. The total amount needed by the end of the year is \$16,106.53. Council members did have discussions on their options. We will continue this discussion at our next meeting.

Gary Volochenko made the motion to approve the Financial Report and Randy Zinke seconded.

Barb Stute, Gary Volochenko, Erika Lorenz, and Randy Zinke voted Aye. Motion Carried.

Bills

Barb Stute made the motion to pay the credit card bill if it comes in after the monthly Council meeting date to avoid late fees and Gary Volochenko seconded. Barb Stute, Gary Volochenko, Erika Lorenz and Randy Zinke voted Aye. Motion Carried.

Gary Volochenko made the motion to approve the bills for the month and Erika Lorenz seconded. Barb Stute, Gary Volochenko, Erika Lorenz, and Randy Zinke voted Aye. Motion Carried.

Water Bills

We have three accounts that were sent letters last month for

30 days past due. Accounts 11, 28 and 51 have till March 15th to pay their bills current.

Park Minutes

Erika Lorenz stated that the park committee has not met.

Old Business

The election is in June. The positions that are available are Mayor for a remaining two year term, one council position for a remaining two year term and two council positions for four year terms. All paperwork needs to be handed in to Tonya Wellington at Mercer City Hall by 4pm on April 8, 2024. The polling stations will be at American Legion in Turtle Lake, ND, the City Auditorium in Washburn, ND, or the City in Garrison, ND. Residents can also mail in the ballot if they have requested one from the ND Secretary of State.

New Business

Joel Stradinger contacted the City about the property to the west of the Lutheran Church. The Lutheran Church would like to have the first option to buy the property if it ever went up for sale. Jim Wilson, City Attorney, stated that if the property is valued over \$2,500.00, the City is required to put the land up for bids. Ken Thomsen stated we could inform the Lutheran Church if the property does go up for sale. Mr. Wilson stated that bidding must be open to the public and bids opened publicly.

Mr. Wilson, City Attorney, stated that he met with Barb Stute and Randy Zinke and asked them to bring any documents available on the water project. In 2015 the city created a water and street improvement district. Typically, the improvement district and the engineers decide what properties are going to benefit through the improvements and those properties have a special assessment added to their property taxes. A new water system benefits every property in the city.

In the resolution, it states all properties within the city are to be assessed for a Special Assessment for the improvement. During this same time, there were changes the Council and base rates were changed to all the properties. Mr. Wilson stated that based on his opinion, and a previous Attorney General's opinion, the City has the right to levy the base rates. However, because the improvement district was created, that is not the way the funding should have happened. Because the improvement district should have levied with Special Assessments for the improvements.

Megan Schlafman stated that she is one of the property owners that is affected by this. Megan would like to clarify they do not have water access on the lot. They have a curb stop but no water meter pit. She is not being billed for this property currently. The City is looking at options and Schlafman could be billed in the future. Megan Schlafman would like to clarify that they would require to have water access and not just the curb stop.

Jim Wilson stated that he does not know the correct course of action to be able to move ahead at this point.

He stated that the city should request an Attorney General's opinion on this matter. The Attorney General's opinion has the force of law and would provide answers and the way to move forward.

Ken Thomsen asked for a motion to have the City Attorney go through the water improvement district binder so he can provide us with the correct information and to request the Attorney General's opinion because that is equivalent to the law.

Erika Lorenz made the motion and Randy Zinke seconded. Barb Stute, Gary Volochenko, Erika Lorenz, and Randy Zinke all voted Aye. Motion Carried.

Our next meeting is on April 22, 2024, at 6:30pm for the annual Equalization Meeting and Regular City Council Meeting to follow.

Adjourn Meeting

Erika Lorenz made a motion to adjourn the meeting and Barb Stute seconded. Barb Stute, Gary Volochenko, Erika Lorenz, and Randy Zinke all voted Aye. Motion Carried.