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## BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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April 21, 2020

8:30 AM

Board of Pembina County Commissioners met at 8:30 AM in the Commissioners Meeting Room of the Courthouse with the following members present: Laverne Doyle and Nick Rutherford in person. Hugh Ralston, Hetty Walker and Jim Benjaminson by telephone.

Chairman Ralston called the meeting to order. No additions to the agenda.

Motion made by Hetty Walker and seconded by Nick Rutherford to approve the April 7, 2020 minutes as presented. All voting in favor; motion carried.

The NDDOT Construction Engineering Services Agreement for Project BRC-3428(056), the structure replacement 2½ miles north of ND Hwy 66, was reviewed. Motion made by Jim Benjaminson and seconded by Laverne Doyle to authorize the Chairman to sign the agreement as presented. All voting in favor; motion carried.

Pembina County Fair Board minutes of January 8, 2020 were reviewed.

Board received the Funding Agreement for Clerk of District Court Services from the ND Supreme Court. Agreement is for reimbursement in the amount of \$12,169.00 per month for July 1, 2021 through June 30, 2023. Agreement is reviewed every two years. Reimbursement is based on 1.19 FTEs. This is down from the previous biennium which was based on 1.27 FTEs. Motion made by Jim Benjaminson and seconded by Hetty Walker to authorize the Chairman to sign the agreement as presented. All voting in favor; motion carried.

Commission was presented with the Rental of Road Machinery listing from the bid opening held on April 7, 2020. There are twelve contactors that qualified for the listing.

Auditor informed the Commission that the Social Service office will be contracting with Docu-Shred for future records disposal. Jill informed the Auditor that the City of Cavalier is interested in purchasing their used shredder for \$800.00 and the exchange of Cavalier City's shredder. Motion made by Laverne Doyle and seconded by Jim Benjaminson to authorize the sale of the shredder to Cavalier City for \$800.00 plus the shredder. All voting in favor; motion carried.

Commission reviewed the March financial statement and claims. Motion made by Hetty Walker and seconded by Jim Benjaminson to approve the consent agenda as presented. All voting in favor; motion carried.

Kay Braget requested the Auditor update the Commission on Administrative Order 25, issued by the North Dakota Supreme Court. It was originally ordered to suspend all civil and criminal jury trials not already in progress through April 24, 2020. The order has been changed to suspend **all** civil and criminal jury trials through July 1, 2020 unless otherwise ordered by the Court. Kay also stated that almost all local court appearances are now by teleconference, using Global Meet.

Devin Johnson, Highway Superintendent, present for bid openings. Commission received bids from the following to furnish chips for the 2021 working season:  
Strata Corporation: \$10.25/ton with .20/ton mile hauling charge  
Killchowski Trucking & Construction: \$10.50/ton with .20/ton mile hauling charge  
Motion made by Laverne Doyle and seconded by Jim Benjaminson to accept the bid of Strata Corporation for chips for the 2021 work season. Delivery to be made after November 15, 2020 and before spring weight limits go on in 2021.  
Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Hetty Walker – yes. Commissioner Rutherford recused himself from voting. Motion carried.

Commission received bids from the following to furnish Pembina County with asphalt products for the 2020 work season:  
NorMont Equipment: \$2.32/gallon delivered  
Flint Hills Resources, LP – Bid rejected due to not bidding per specifications.  
Motion made by Laverne Doyle and seconded by Nick Rutherford to accept the bid of NorMont Equipment. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Devin informed the Commission that individuals are interested in the used garage doors. Devin would like to advertise the doors for sale on bids. Commission suggested Devin advertise the sale of the garage doors for two weeks, with the bid opening set for May 19, 2020.

Devin discussed installing tracking devices on the five county plow trucks, at a cost of \$250.00/unit and \$20.00/month. The device also notifies the driver of any mechanical errors with the vehicle. There is a two month free trial period that Devin will utilize. Motion made by Nick Rutherford and seconded by Laverne Doyle to authorize the purchase of the devices for the County plows. All voting in favor; motion carried.

Discussion followed on a call from Bryan Uggerud regarding a section of road along County Road 4 in Section 36 of South Midland Township, which has been closed for some time. Bryan wants to know when the road will be opened. Devin suggested Bryan contact the Water Board with any questions. Auditor will contact LuAnn Kemp, Water Board Secretary, regarding the concerns.

Scott Hartje, Pembina County Fair Board President, and Kari Helgoe, NDSU Extension Agent, met to discuss scheduling options for the Pembina County Fair. Due to the COVID-19 pandemic, the Fair Board requested Scott contact the Commissioners for their suggestions regarding the scheduling of the Pembina County Fair. Current options are to leave the Fair schedule as it was originally set or to postpone the Fair to August 6<sup>th</sup> – 8<sup>th</sup>. The Fair Board will be meeting tonight to discuss these options further. Commissioner Rutherford asked if they had to make deposits on the carnival, food vendors and entertainment. Contracts were not due until March and due to the pandemic the Fair Board has not signed any contracts, so they are not obligated at this time. Commissioner Rutherford suggested they postpone until August. Scott stated that this would give them additional time to complete various projects and repairs. The Fair may need to be scaled down, doing more 4-H achievement days and having local talent versus out of state talent. Another concern of the Fair Board is if the mill levy would be lowered if they do choose to scale down. The Commission stated they would not lose the one mill if the Fair Board had to scale the event down this year. Kari stated that her office is under direction of NDSU to do no face to face until May 15<sup>th</sup>, but they could do virtual meetings. Whatever happens with the pandemic they will do something, putting safety first.

Mikka Willits, Tax Director, present for abatement hearing. Available by telephone were Zelda Hartje, Cavalier City Assessor, Kelli Truver, Cavalier City Auditor and Marlene Kemnitz, homeowner. The application is for abatement on property described as Pt Lots 10-11, City of Cavalier– Parcel 27-6400005. The request is to lower the true and full value from \$187,393.00 to a value of \$174,873.00, for a difference of \$12,520.00. Mikka reviewed the valuations for the past ten years on the property. Zelda Hartje reviewed comparisons of similar residences she used to determine the valuation for the property. Kelli stated the City of Cavalier advised Zelda to increase all properties in Cavalier City to their full value for 2020 instead of making gradual changes. The City of Cavalier denied the abatement request at a Special Meeting of the Cavalier City Council on April 6, 2020. Motion made by Laverne Doyle and seconded by Nick Rutherford to deny the request as presented. Discussion followed. Jim Benjaminson abstained from voting. Roll call vote: Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Mikka Willits, Tax Director, present for abatement hearing. Available by telephone were Zelda Hartje, Cavalier City Assessor, Kelli Truver, Cavalier City Auditor and Shirley Gustafson, homeowner. The application is for abatement on property described as Easterly 36.89' of Lot 6 and Westerly 53.03' of Lot 7, Block 3, Bjornson's 1<sup>st</sup> Addition, City of Cavalier– Parcel 27-6540000. The request is to lower the true and full value from \$196,309.00 to a value of \$182,000.00, for a difference of \$14,309.00. The assessor did find a calculation error on depreciation and the value was decreased based on this information. The City of Cavalier approved the \$9,590.00 adjustment based on the depreciation calculation error but denied the abatement at a Special Meeting of the Cavalier City Council on April 6, 2020. Motion made by Nick Rutherford and seconded by

Jim Benjaminson to approve the calculation adjustment for 2020 and deny the abatement for 2019. Discussion followed. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Mikka Willits, Tax Director, present for omitted property hearing. The hearing is on property described as Pt S $\frac{1}{2}$ NW $\frac{1}{4}$  and Pt N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 10 in Cavalier Township - Parcels 06-1350010 and 06-1380005. Under NDCC 57-02-26, Possessory Interest – these agricultural parcels are currently leased and farmed and are to be added to the tax rolls. Agricultural property used for production is not exempt, even though owned by a political subdivision. The taxes become the responsibility of the leaseholder. Motion made by Laverne Doyle and seconded by Nick Rutherford to add the above described properties to the tax rolls for tax year 2020. Discussion followed. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Commission reviewed a property tax exemption application for remodeling improvements on property described as Pt E $\frac{1}{2}$ SW $\frac{1}{4}$ , Tract in the SW corner, 450' x 450' in Section 20 of Advance Township, Parcel 02-1180020. Motion made by Laverne Doyle to approve the remodeling exemption, per NDCC 57-02.2-03, for a maximum of 5 years with the parcel being reviewed annually. The exemption will become effective for tax year 2020. Motion seconded by Jim Benjaminson. Discussion followed. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Julie Hardy, Public Health Director, updated the Commission on the status of the COVID-19 pandemic. Public Health is meeting a couple times a week with Andrew Kirking, Emergency Manager, Lisa Letexier, Pembina County Memorial Hospital and the Commander of the Cavalier Air Force Station to discuss roles and responsibilities of Emergency Responders if there is a COVID-19 surge in Pembina County. Public Health employees are assisting with case investigation and contact tracing for individuals that test positive with COVID-19. Julie discussed CDC intentions to complete 10,000 tests this week and approximately 6,000 additional every day, focusing on residents and staff in nursing homes and the vulnerable population on tribal lands. Julie asked the CDC of the possibility of having a testing site in Pembina County to have all residents tested. Minnesota is not actively doing contact investigation, therefore any employees working in North Dakota but living in Minnesota that have tested positive for COVID-19 are not having individuals they have come in contact with being monitored. Julie discussed possible reimbursement from FEMA through the state office. Julie let the Commission know that it is still working fine having the two RN's working remotely. Public Health has been notified of some individuals not abiding by the social distancing requirements.

Rebecca Flanders, Pembina County State's Attorney, and Terry Meidinger, Pembina County Sheriff, presented a Pembina County Asset Forfeiture Fund and Procedure Policy. During the last legislative session there was legislation that required that counties be more transparent regarding asset forfeitures. Ms.

Flanders reviewed the policy, which relates to NDCC 19-03.1. The Pembina County Asset Forfeiture Board will receive, review and approve all applications requesting property or funds of an amount under \$2,500.00 and submit recommendations to the Commission for all expenditures or disbursements of property or funds in an amount of \$2,500.00 and over, and expenditures in excess of \$30,000.00 in aggregate for final approval. There is an annual reporting period, which runs from August 1 to July 31 each year. Motion made by Nick Rutherford and seconded by Laverne Doyle to adopt the policy as presented. All voting in favor; motion carried.

Discussion followed on signatory authority for the County Library Board.

Tanya Wieler, Human Resource Advisor, presented a Families First Coronavirus Relief Act (FFCRA) update. Tanya presented a memo for Commission review and presented four items for the Commission to consider. The first item is in reference to the motion made at the March 20, 2020 Special Meeting. Tanya is requesting the Commission consider moving the effective date of the motion from March 23<sup>rd</sup> to March 16<sup>th</sup> for those employees that took leave that was directly related to COVID-19 concerns. Motion made by Laverne Doyle and seconded by Hetty Walker to move the effective date back to March 16, 2020. All voting in favor; motion carried.

The second item is in reference to the motion made at the March 17, 2020 meeting, requiring all employees who had travelled out of state to self-isolate for a period of two weeks. Tanya is requesting the Commission waive the use of leave time for anyone who was impacted by this decision and required to self-isolate due to travel that was initiated prior to the date of this motion. Motion by Jim Benjaminson and seconded by Hetty Walker to waive the use of leave time for anyone impacted by this decision and required to self-isolate prior to the March 17<sup>th</sup> motion. All voting in favor; motion carried.

The third item is in reference to the Families First Coronavirus Response Act (FFCRA). There are six criteria under this act and certain criteria allow employees to receive only 2/3's their normal rate of pay. Tanya is requesting the Commission allow the remaining 1/3 to be paid out of their accrued leave balance if they so choose. Motion made by Laverne Doyle and seconded by Nick Rutherford to allow employees to use their accrued leave balance to supplement the 2/3's pay. All voting in favor; motion carried.

The fourth item is in reference to a new set of federal regulations allowing employers to exempt certain essential employees from being eligible to receive the federal leave in order to ensure continuity of essential services. Tanya is requesting the Commission designate Law enforcement, Corrections, Emergency Management, Dispatch and Public Health as exempt from receiving leave for qualifying reasons 1, 5 and 6 under the FFCRA, however they would still be eligible to receive leave under qualifying reasons 2, 3, or 4. Motion made by Jim Benjaminson and seconded by Laverne Doyle to designate the above named

essential employees as exempt for the reasons listed above. All voting in favor; motion carried.

Kay Braget, Clerk/Recorder, questioned if the decision the Commission made to have employees work four eight hour days with Friday being treated as a storm day was ever reviewed after the Special meeting held on March 26, 2020, which overturned that decision. It was decided at that time that it was at the department heads discretion to determine how their employees would work to achieve a 40 hour work week, whether it be 4 ten hour days, 5 eight hour days or working remotely.

Gretta Ohmann discussed concerns with the township road to their home in Joliette Township. Gretta is concerned about emergency responders (firefighters, ambulance) being able to reach their location safely, if at all, during flooding situations. The Ohmann's have lived 2 miles north of Joliette or 2 miles south of the MacArthur beet piler for 21 years and have had issues with the road being washed out when the river reaches 50'. In the past 14 years the road has been flooded 6 times. The water not only goes over the road, but washes it out so it is impassable. Commissioner Walker contacted Joliette Township Supervisor Charlie Hart regarding the Ohmann's concerns. Charlie stated he would contact the Ohmanns. Gretta contacted Don Emerson on Sunday regarding her concerns and he informed her that the road was rebuilt in 1997 and that it was illegal to rebuild the road. There was a new, larger culvert installed on the road three years ago, but it has not made any difference. The road is also a bus route. They have requested assistance from the Joliette Township Board of Supervisors, but have not received any relief. Gretta feels she needs to request assistance from someone other than the township since she has not received assistance from them in the past. Commission suggested Gretta contact Andrew Kirking, Emergency Manager, for assistance.

Motion made by Laverne Doyle and seconded by Jim Benjaminson to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 1:00 PM.