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BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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December 21, 2021

8:30 AM

Board of Pembina County Commissioners met at 8:30 AM in the Farmers Room of the Pembina County Courthouse with the following members present: Jim Benjaminson, Laverne Doyle, Nick Rutherford, David Moquist, and Andrew Cull. Terin Riley, Fleming, Dubois & Fleming, PLLP, Melissa Morden, Clerk Recorder, and Revel Sapa, Human Resources, also in attendance.

Chairperson Doyle called the meeting to order at 8:38 AM.

Motion made by Dave Moquist and seconded by Nick Rutherford to approve the minutes of December 7, 2021, as presented. Discussion followed. All voting in favor; motion carried.

Motion made by Nick Rutherford and seconded by Jim Benjaminson to approve the Public Hearing minutes of December 7, 2021, as presented. All voting in favor; motion carried.

Motion made by Andrew Cull and seconded by Jim Benjaminson to approve the agenda with the following addition: discussion on office relocations. All voting in favor; motion carried.

Commissioner Rutherford discussed the possibility of relocating the Veteran's Service Office to the third floor. Mikka Willits, Tax Director, would move into the current Veteran's Service office and the new employee in the Tax Director's office would utilize the office space currently occupied by Ms. Willits. Revel Sapa informed the Commission she visited with Judge Agotness regarding using the Juvenile Coordinator Office on a permanent basis. Judge Agotness agrees to allow occasional use of the Juvenile office, however the office would not be available for full time use.

Board discussed the appointments and reappointments made at the December 7, 2021 meeting. The following individuals have returned their Certificates of Appointment:

County Coroner - Wendy Adams

Water Resource Board – Randall Emanuelson and William Gunderson

Board of Health – Kristi Midgarden

Planning & Zoning Board – Nick Rutherford, Thomas Cummings and Dave Moquist
County Arbitration Board –Melissa Morden
Red River Regional Council –Andrew Cull (alternate)
911 Advisory Board/LEPC Task Force –Jim Benjaminson

County Auditor contacted Vickie Lenz regarding possible appointments to the Housing Authority Board, and Dawn Mandt, for possible appointments to the JDA Board. Ms. Lenz will contact a couple of individuals and notify the Auditor of possible appointees. Ms. Mandt requested the Commission postpone appointments until she can determine if the number of individuals on the Board could be fewer than fifteen. To date no Certificates of Appointments were returned for the Reorganization Board. Motion made by Andrew Cull and seconded by Nick Rutherford to approve the appointments and reappointments that have been returned to date and postpone the appointments and/or reappointments for the Housing Authority Board, JDA Board and Reorganization Committee until the next meeting. All voting in favor; motion carried.

Commission reviewed the 2022 Fire Sprinkler Inspection Contract, with Dakota Fire Protection, for the Law Enforcement Center. Motion made by Jim Benjaminson and seconded by Dave Moquist to authorize the chairman to sign the contract as presented. All voting in favor; motion carried.

Motion made by Dave Moquist and seconded by Andrew Cull to approve the corrective county deeds for property sold at the annual County Sale. The correction was for the spelling of the purchaser's name. All voting in favor; motion carried.

Motion made by Jim Benjaminson and seconded by Nick Rutherford to approve the processing of a year-end batch of claims, with the checks being held until the next meeting for approval. All voting in favor; motion carried.

Commission discussed the information received at the December 7, 2021 Public Hearing regarding re-designating the offices of the Auditor/Treasurer and the Clerk/Recorder to appointed positions. Melissa Morden, Clerk/Recorder, stated she sees the pros and cons of both sides but in her opinion she would leave the Clerk/Recorder position as an elected position. Discussion followed on the pros and cons of both positions. Motion made by Dave Moquist and seconded by Nick Rutherford to adopt the final resolutions to make the Auditor/Treasurer and Clerk/Recorder positions appointed. Further discussion was held. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Dave Moquist – yes; Andrew Cull – no. Motion carried.

Julie Hardy, Public Health Director, presented the electronic traffic sign she purchased using grant funds which will be used to announce vaccine clinics, immunization clinics, etc. Ms. Hardy stated the sign could be used by other

county offices, such as the Auditor's Office for elections, or the Extension Office for special events.

Robert W. Vivatson gave a short report from the Soils Committee. The Soils Committee would like to recommend a 20% productivity index reduction for acres along the rivers and streams that flood frequently. Robert discussed the decision made at the Board of Equalization to maintain the valuations on acres that have Native Woodland and EWP/WRP. Discussion followed and Robert explained he meant land use modifiers and not productivity index. Casey Kreig, Certified Assessor, informed the Commission of land use modifiers that are currently being used, the AMU's utilized, cropland and non-cropland. The water and streams land use modifiers were sent to the state for approval for the 2022 tax year assessments, which will be paid in 2023. The Soils Committee is attempting to be fair and equitable to all taxpayers. The numbers cannot be changed at this time due to tax statements being mailed. The only recourse for the landowner, at this time, would be to file an abatement with the Tax Director for the 2021 tax statement. Discussion followed on the shape file layers, available through Houston Engineering, related to historic flooding in these areas.

Tom Beard, Cavalier School Board member, Dawn Mandt, Red River Regional Executive Director, Mike Hanson, North Valley Career and Technology Center, Lacey Hinkle, Cavalier City Mayor and Rachel Ramsay, Cavalier School Board President met to discuss the proposal for Cavalier School to become a satellite site for the North Valley Career and Technology Center. There has been great progress in achieving their goal of \$1.3M. The committee has also reached out to Cavalier County and will be visiting with their Commission today. Mike Hanson explained what additional costs would be involved. The \$2.6M is strictly for the building, it does not include items such as tables, desks, shelving, etc. There will be ongoing fund raising to help cover the costs of these additional items. This expansion would serve all of Pembina County and beyond. There is a possibility to spread cost over a 3 year period. Mr. Hanson explained the programs that will be available through the satellite site. Discussion followed on utilizing some of Pembina County's ARPA funding to assist with the project. Motion made by Andrew Cull to authorize a donation of \$10,000.00 per year payable over a period of 3 years. Second by Jim Benjaminson. Commissioner Moquist amended the motion to authorize a donation of \$50,000.00 per year over a three year period. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Dave Moquist – yes; Andrew Cull – yes. With no objection to the amended motion the amendment is declared adopted. Roll call vote on amended motion: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Dave Moquist – yes; Andrew Cull – yes. Motion carried.

Water Board members meeting with the Commission were Don Kemp, Randall Emanuelson, and Ted Juhl. LuAnn Kemp Water Board Secretary, and Robert Fleming, Water Board Attorney. Zach Hermann and Paul LaClaire, Houston

Engineering, also present. Chairman Kemp updated the Commission on Drain 66 outlets, the cost share of \$441,000.00 secured through the State Water Commission for the NRCS Tongue River project, upstream of Renwick Dam, to control erosion and provide some minor retention, the Renwick Dam gate repair and the Tongue River snagging and clearing project. Zach presented a map and the final design plans for the Tongue River Cutoff Channel improvements. Zach reviewed the timeframe, permitting, land acquisition and discussed the issues throughout the cutoff area. The project is in the early design phase and they are hoping to be able to submit the project to the State Water Commission for cost share by the end of 2022. Attorney Fleming informed the Commission that the State Water Commission recently determined the Kippen Coulee is not a distinctive defined channel or a natural watercourse. This is a fundamental change in how water issues will be handled in the future.

Motion made by Jim Benjaminson and seconded by Nick Rutherford to go into Executive Session per NDCC 44-04-19.1 and 44-04-19.2 to seek and receive the advice of its legal counsel concerning the opioid crisis litigation. Roll call vote; Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Dave Moquist – yes; Andrew Cull - yes. Motion carried. The Executive Session began at 10:54 AM and was attended by Jim Benjaminson, Laverne Doyle, Nick Rutherford, Dave Moquist, Andrew Cull, Rebecca Flanders and Linda Schlittenhard. Motion made by Nick Rutherford and seconded by Dave Moquist to adjourn the Executive Session at 11:09 AM and return to open session. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Dave Moquist – yes; Andrew Cull - yes. Motion carried.

Motion made by Dave Moquist to opt into the opioid settlement agreement, having legal counsel complete the paperwork, and opt out of the Memorandum of Understanding with the Attorney General's Office. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Dave Moquist – yes; Andrew Cull – yes. Motion carried.

Sheriff Terry Meidinger was requested to attend to discuss the overspending on the Correctional Center budget. At the end of November the fund was overspent by \$40,618.61. Additional spending will be needed for December which will increase the deficit significantly. Discussion followed on several purchases that have been made recently. Commission requested the Sheriff department receive Commission approval for purchases outside the scope of the budget and to watch the budget closely.

Devin Johnson, Highway Superintendent, and Jeff Daley, Kadramas, Lee & Jackson, updated the Commission on the engineering for the two structure replacements on County Road #4, the paving project for the north segment of County Road #2, the paving project for the 4 mile segment of County Road #55, and the paving project on the 4 mile stretch of County Road #1 from State Highway #18 east.

Devin reviewed House Bill 1505, the County Bridge Replacement/Rehab Project (BRP), with the Commission. HB 1505 states that \$24,652,429 is available for grants to counties for county bridge projects based on an application process. Each selected project will have a total BRP funding limit of \$1.25M and each county will have a limit of \$2.0M. There are two projects ready, Structure 126-10.1 and Structure 130-32, to be included on the BRP application, due January 15, 2022. Devin presented a map with the structures that have had the load ratings dropped tremendously and discussed which additional structure or structures should be added to the application for replacement or rehab. It would be possible to replace one additional structure or rehab 10-15 structures. Motion made by Jim Benjaminson and seconded by Andrew Cull to have Devin include Structure 126-10.1, Structure 130-32 and Structure 126.08 replacements on the BRP application. All voting in favor; motion carried.

Devin presented a quote, from On the Level Construction, Inc., to repair Structure 112-28, west of Crystal, and Structure 128.31, south of Highway #66, at a cost of \$18,000.00 per structure. The repair would consist of adding lateral bracing to the structures. Motion made by Nick Rutherford and seconded by Andrew Cull to accept the quote from On The Level Construction, Inc for the repairs on Structure 112-28 and Structure 128.31. All voting in favor; motion carried.

Devin presented a picture of a log jam on the Pembina River in Section 2 of Neche Township. Devin is waiting to hear back from the Corp of Engineers regarding removal of the debris from the area. The log jam needs to be removed before spring.

Jeff Daley thanked the Commission for their business over the past year.

Commission made the following Board reappointments:

Water Resource Board – Richard Kendell to fill the unexpired term of Chuck Thacker

Housing Authority Board – Edna Sharp to a four (4) year term

Motion made by Andrew Cull and seconded by Nick Rutherford to approve the above reappointments. All voting in favor; motion carried.

Commission reviewed the November financial statement and claims submitted for payment. Motion made by Nick Rutherford and seconded by Jim Benjaminson to approve the consent agenda as presented. All voting in favor; motion carried.

Commission discussed the January meeting dates. Due to the Martin Luther King holiday, the Commission will move the second meeting in January to Wednesday, January 19, 2022.

Motion made by Jim Benjaminson and seconded by Andrew Cull to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 12:36 PM.