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BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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June 6, 2023

9:00 AM

Board of Pembina County Commissioners met in the Commissioners Meeting Room of the Courthouse. Chairperson Benjaminson called the meeting to order at 9:00 AM.

Roll call: Jim Benjaminson, Laverne Doyle, Blaine W. Papenfuss, Darin Otto and Andrew Cull. A quorum was declared.

Others in attendance include States Attorney Garret Fontaine, Samantha Weeks, Samantha Diemert, Zelda Hartje, Rachel Ramsay and Marcus Ramsay.

Motion made by Laverne Doyle and seconded by Blaine Papenfuss to approve the agenda with the following changes/additions: the removal of the discussion on the Rental of Road Machinery bids, Lisa Keney will be available by phone for the abatement requests, discussion on updating the depreciation policy for vehicles, building valuations for the North Dakota Fire and Tornado policy, Cattle Feed Lot Zoning regulations, Zelda Hartje, and Marcus Ramsay. All voting in favor; motion carried.

Motion made by Blaine Papenfuss and seconded by Laverne Doyle to approve the May 16, 2023 minutes as presented. All voting in favor; motion carried.

States Attorney Fontaine discussed the Commission request to change the county policy to reflect the autonomy allowed non-elected department heads when speaking on behalf of their department. Discussion followed on procedural protocol for legislative testimony. Further discussion followed on speaking on behalf of their department or speaking to the public. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to have States Attorney Fontaine draft a policy related to legislative issues and a policy related to speaking on behalf of their department and to the public. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

States Attorney Fontaine stated he has no concerns with the Public Participation at Board Meetings policy which was presented at the May 16, 2023 meeting. Motion made by Andrew Cull and seconded by Darin Otto to approve the Public Participation at Board Meetings Policy as presented. Discussion followed. Roll call vote: Jim Benjaminson –

yes; Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

A decision regarding the Rental of Road Machinery Bid is tabled to the June 20, 2023 meeting.

Commissioner Benjaminson read a petition being circulated by the Svold Community Hall members requesting all roads illegally closed by the ND Game & Fish Department be reopened. Auditor was contacted by Bruce Werven regarding the original letter of support sent to the Svold Community Hall members to keep the road in LaMoure and Advance townships open for trail rides. The members are requesting a revision to the letter stating they would like to have all of the roads previously closed reopened to trail rides. Motion made by Darin Otto and seconded by Laverne Doyle to approve the revision to the letter of support. Discussion followed. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Auditor informed the Commission of three reimbursements Pembina County received from Workforce Safety and Insurance for 2022. The first refund, in the amount of \$1,202.75, is for the Learning Management System (LMS) program. The second refund, in the amount of \$1,202.75, is a premium safety discount for the Claims Management and Drug Free Workplace Training program. The third refund, in the amount of \$6,347.46, is for a premium dividend credit refund. This is a total refund of \$8,752.96 from Workforce Safety & Insurance.

Motion made by Laverne Doyle and seconded by Darin Otto to authorize the Chairperson to sign the Request for a Duplicate Warrant received from P. F. a/k/a or d/b/a Banco Foreclosures Sales LLC, in the amount of \$498.30. Discussion followed. All voting in favor; motion carried

Raffle permit request received from Pembina County Memorial Hospital Foundation. Motion made by Andrew Cull and seconded by Blaine Papenfuss to approve the raffle permit as presented. All voting in favor; motion carried.

States Attorney Fontaine discussed the letter, dated April 19, 2023, received from Russell Edgar related to an expansion to his current cattle feeding operation. States Attorney Fontaine is advising the Commission to send a letter of objection to Mr. Edgar, within 60 days from the date of his letter, due to the fact that he has not requested a conditional use permit for the project. By sending a letter of objection the Commission will reserve any right to add additional conditions pertaining to feedlots. Discussion followed. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to have States Attorney Fontaine draft a letter of objection and forward to Mr. Edgar and the North Dakota Livestock Association. Roll call vote: Jim Benjaminson – yes; Laverne

Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Zelda Hartje presented the Pembina County Preservation Commission grant agreement for Commission approval. The total grant is \$25,164.00 with the State Historic Preservation Society awarding a National Park Service's Historic Preservation grant in the amount of \$8,459.00. The Pembina County Preservation Commission will match the \$8,459.00 of in-kind labor, equipment and materials. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to authorize the Chairperson to sign the contract as presented. Discussion followed. All voting in favor; motion carried.

Commission received bids from the following to furnish Pembina County with asphalt products for the 2023 work season:

Flint Hill Resources, LP - \$3.08/gallon delivered

Motion made by Laverne Doyle and seconded by Blaine Papenfuss to accept the bid of Flint Hills Resources, LP. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Commission received bids from the following to furnish Pembina County with chips for the 2023 work season:

North West Aggregate - \$18.05/ton with a .22/ton mile hauling charge. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to accept the bid of North West Aggregate. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Culvert request received from Randy Keney to remove one 24" and one 30" culvert from an existing approach, move the approach and install a 36" x 50' culvert in the new approach. This is located in the S½NE¼ of Section 19 of North Carlisle Township. The request has been approved by two township officers, the Water Board, and Devin Johnson, Highway Superintendent. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to authorize the Chairperson to sign the permit as presented. All voting in favor; motion carried.

Culvert request received from Bryce Keney to install a 24" culvert along County Road 1 in the SW¼ between Section 1 and Section 2 of North Cavalier Township. The request has been approved by two township officers, the Water Board, and Devin Johnson, Highway Superintendent. Motion made by Darin Otto and seconded by Laverne Doyle to authorize the Chairperson to sign the permit as presented. All voting in favor; motion carried.

Devin presented a quote of \$29,856.60 from True North Steel for three 72" x 60' culverts, per the hydraulic study completed by Houston Engineering for the road east of Bourbanis Dam. Motion made by Andrew Cull and seconded by Darin Otto to approve the purchase of three 72" x 60' culverts. Discussion followed. Roll call vote: Jim

Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Devin presented a utility permit, from Polar Communications, for installation and maintenance of said facilities on highway right of way along County Road 55 in the SW¹/₄ of Section 6 of Felson Township. Motion made by Andrew Cull and seconded by Darin Otto to approve the permit as presented. All voting in favor; motion carried.

Devin presented two utility permits from Nodak Electric Cooperative. The first permit is a request to bore under County Road 3 to add a new service on the south side of County Road 3 from the existing overhead on the north side, between Section 9 and Section 16 of Park Township. The second permit is a request to bore under County Road 11 to add a new service on the south side of County Road 11 from the existing overhead on the north side, between Section 5 of Drayton Township and Section 32 of Lincoln Township. Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the permits as presented. All voting in favor; motion carried.

Devin presented a Tree Planting Agreement between Pembina County and David Wieler to plant two 500' rows of lilacs at the bottom of Cook Hill along County Road 1 for a cost of \$320.00. Motion made by Blaine Papenfuss and seconded by Laverne Doyle to accept the agreement as presented. All voting in favor; motion carried.

Lisa Keney, Tax Assessor, available by telephone for abatement hearing. The application is for abatement on Parcel 28-1680000 in the City of Crystal. The property was previously a BNSF leased site. The building was removed in 2011 and the land value was added to Parcel 28-1700000 for tax year 2023. The request is to lower the true and full value from \$82,973.00 to \$0.00 for the 2021 tax year and \$87,122.00 to \$0.00 for the 2022 tax year, due to demolition of the dwelling on the property and the land being added to Parcel 28-1700000. Crystal City Board approved the abatement request at their May 10, 2023 meeting. Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the abatement requests by reducing the true and full value by \$82,973.00 for tax year 2021 and \$87,122.00 for tax year 2022. Discussion followed. All voting in favor; motion carried.

Chief Deputy Marcus Ramsay discussed changing the NDPERS retirement for Law Enforcement employees to the Public Safety Retirement Plan. Motion made by Laverne Doyle and seconded by Andrew Cull to table a decision to the June 20, 2023 meeting. Discussion followed. All voting in favor; motion carried.

Auditor received information from the State Auditor's Office regarding the county depreciation policy. The policy currently has a 3-5 year estimated useful life span on vehicles but it could be updated to a 3-10 year estimated useful life span. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to change the vehicle depreciation policy to a 3-10 year estimated useful life span. All voting in favor; motion carried.

Board discussed building valuations for the North Dakota State Fire and Tornado Policy (NDFT). The North Dakota Insurance Reserve Fund (NDIRF) is suggesting the county consider increasing the valuations of all county buildings to be fully insured in case of a catastrophic event. Discussion followed on advertising for bids for insurance coverage. Motion made by Blaine Papenfuss and seconded by Andrew Cull to place a Request for Bids for insurance coverage in all county papers. All voting in favor; motion carried.

Board reviewed the May payroll and claims. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to approve the consent agenda as presented. All voting in favor; motion carried.

Motion made by Andrew Cull and seconded by Blaine Papenfuss to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 10:33 AM.