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BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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March 17, 2020

9:00 AM

Board of Pembina County Commissioners met at 9:00 AM in the Commissioners Meeting Room of the Courthouse with the following members present: Laverne Doyle, Nick Rutherford, Hugh Ralston, and Hetty Walker. Absent: Jim Benjaminson.

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

Motion made by Laverne Doyle and seconded by Nick Rutherford to approve the March 3, 2020 minutes as presented. All voting in favor; motion carried.

Pembina County JDA minutes of January 8, 2020 were reviewed.

Request to purchase property described as Lots 13 & 14, Block 7, O.T., City of St Thomas (Parcel 34-0670000). Motion made by Nick Rutherford and seconded by Hetty Walker to approve the sale of said property. All voting in favor; motion carried.

Commissioner Doyle discussed the property described as Pt NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 161, Range 54, City of Cavalier (Parcel 27-0400000). The City of Cavalier may be interested in purchasing the property. Motion made by Nick Rutherford and seconded by Hetty Walker to authorize the sale of said property to the City of Cavalier for \$1.00. Discussion followed. Roll call vote: Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Kelly Cluchie, Maintenance, unable to attend. Auditor informed the Commission that different keyless entry locks will need to be purchased for the offices in the lower level of the Law Enforcement Center. The doors currently have an automatic locking mechanism, which will require a complete entry door lock replacement.

Bids were received from the following to furnish Pembina County with a heavy Duty double wing rotary mower, at least 15' wide with walking tandem, independent spring loaded axle, CV driveline, front and rear chains, foam filled tires, rock or stump jumper pans, and 1 3/8 1000 PTO, with a trade-in of one 15' Woods BW15600:
Butler Machinery Co – \$12,000.00

Cavalier Equipment – \$8,000.00
Langdon Implement Co –\$9,000.00
RDO Equipment Co – \$8,599.04
Ironhide Equipment - \$11,000.00

Devin Johnson, Highway Superintendent, opened and reviewed the bids. Motion made by Laverne Doyle and seconded by Nick Rutherford to accept the bid of \$8,000.00 from Cavalier Equipment for a 2020 Woods BW 15.60Q mower. Roll call vote: Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Devin discussed spring load limits. Devin informed the Commission that spring weight limits should be going into effect in a couple of weeks.

Commission reviewed the claims. Motion made by Laverne Doyle and seconded by Hetty Walker to approve the consent agenda as presented. All voting in favor; motion carried.

Commission discussed the County Library Board. Katherine Lunde, current Library Board member, also in attendance. Information from Trevor Martinson of the North Dakota State Library, regarding the structure of the Pembina County Library Board was brought in by Brenda Fletcher, Walhalla Public Library. Per Mr. Martinson's information, the County Library Board is essentially a board without a library. Because of that, the board lacks certain legal authority that a library board needs to have (outlined in Library Law). The structure and model that the board currently uses for its county library service is not functional. The board will likely have to reorganize and may have to dissolve altogether. The model of the county-wide library service needs to change. Katherine reviewed the determination of the North Dakota State Library with the Commission. Katherine is proposing the current members are formed into an advisory committee who will report the status of each library served to the Commission on a quarterly basis. Discussion followed on payment to Saralee Hoselton and the Cavalier Library. Commission contacted Mr. Martinson by telephone and he suggested they contact a library that has some sort of county-wide library system. Mr. Martinson supplied contact information for three facilities in North Dakota that may be able to answer questions. Auditor will work with the State's Attorney to set up a new system, drawing up a contract or memorandum of understanding with the local libraries.

Andrew Kirking, Emergency Manager/ Weed Officer, met at Commission request regarding an Emergency Declaration. Andrew attended a meeting yesterday with staff from Public Health, the local hospital, and other emergency entities regarding local jurisdictions declaring emergencies. Andrew informed the Commission that the Emergency Declaration declared by the Governor is a broad declaration and will cover the county. Andrew stated if the county were to put a declaration in effect now, it may affect the federal funding that would be available and suggested the Commission wait to declare an emergency.

Rachel Ramsey, Public Health, informed the Commission that there are two Pembina County individuals that are currently being tested for Covid-19. The results are not available at this time. Rachel updated the Commission on information from the coronavirus webinars Public Health has participated in over the past few days. Rachel presented a notice to the public regarding the coronavirus that she would like to display on the front and rear entry doors. Rachel presented recommendations she believes Pembina County should put in place to protect county employees. Discussion followed on emergency preparedness. Commission requested Rachel present an Emergency Health Declaration for review.

Loren Estad met, as follow-up of the March 3rd meeting, to discuss the Commission's findings after their review of the Estad Farm Corp, LLC parcel in Crystal Township. Mikka Willits, Tax Director, Lisa Wieler, Deputy Tax Director/GIS Specialist, and Robert (Kayo) Vivatson also present. Ms. Willits presented and reviewed several documents, Attorney General Opinions and GIS maps related to this parcel. Discussion followed on NDCC 57-02-01, which gives the definition of "Agricultural Property" prior to and after March 30, 1981. Lands platted after March 30, 1981 are not considered agricultural property when any four of seven criteria exist. In the review of said parcel, it was determined that six of the seven conditions exist. Mr. Estad had several questions regarding the determination made by the Commission. Discussion followed on the meaning of public improvements, building usage, and ownership of property. Commission is following the law and feels a change from the legislature would be required to change the assessment type back to an agricultural assessment. Motion made by Laverne Doyle and seconded by Hetty Walker to leave the parcel as commercial and add the building value to the parcel. No further discussion. Roll call vote: Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Ms. Willits discussed the remaining potato warehouses that lie along railroad property and have been in question of being added to the tax rolls. Some parcels are still owned by BNSF and leased and others have been purchased from BNSF. The same criteria that was applied to Mr. Estad's parcel applies to each of these properties. Kayo Vivatson feels this is a "slippery slope" and feels there are real inequities that need to be addressed by the legislature. Kayo agrees with the Commission that a legislative change is needed to change the current law. Currently, District Representative Janne Myrdal will be reviewing these requests during the next legislative session. Motion made by Nick Rutherford and seconded by Laverne Doyle to leave these properties as commercial and add the building value to the parcels, throughout Pembina County. Discussion followed. Roll call vote: Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Commission discussed the possibility of closing all Pembina County buildings in an effort to protect employees and the public from possible exposure to COVID-19. To ensure the continuity of county government services, employees will remain working and will be able to assist citizens by phone, email or

appointment, if access to the building is absolutely necessary. Motion made by Nick Rutherford and seconded by Laverne Doyle to close the Courthouse to the public for 15 days, effective March 18, 2020. This timeline will be reevaluated in 15 days. Discussion followed on employees that have voluntarily traveled internationally or out of state. These employees must self-quarantine for 14 days and will be required to use accrued leave. Roll call vote; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Rachel presented a Pembina County Employee Policy related to the Coronavirus (COVID-19) for Commission review. Motion made by Laverne Doyle and seconded by Hetty Walker to authorize the Chairman to sign the policy as presented. Discussion followed. Roll call vote; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Mikka Willits informed the Commission that Stanley Dick, Cavalier County Commissioner, contacted her office to discuss Cavalier County's legislative proposal on Native Woodland. Currently there are six counties that have Native Woodland including Cavalier, Pembina, Walsh, Grand Forks, Ramsey and Bottineau. Cavalier County has the highest number of Native Woodland acres and Pembina follows. Per Commissioner Dick, they would like to change to a Native Woodland Program, making it similar to the CRP Program. He would like the State Forestry Department to manage the program. Commissioner Dick would be willing to visit with the Pembina County Commission if they are interested.

Sheriff Terry Meidinger presented an amendment to Contract No. 12191208, the speed enforcement contract that was approved in October 2019. Pembina County requested additional funding for the contract and since there was additional funding available the ND Department of Transportation awarded an additional \$1,400.00 for the speed enforcement grant. The total contract amount is now \$13,750.00. Motion made by Hetty Walker and seconded by Nick Rutherford to authorize the Chairman to sign the amended contract as presented. All voting in favor; motion carried.

Motion made by Laverne Doyle and seconded by Hetty Walker to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 12:35 PM.