

The following are "unofficial minutes" subject to change at the next meeting.

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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March 1, 2022

8:30 AM

Board of Pembina County Commissioners met in the Commissioners Meeting Room of the Courthouse. Chairperson Rutherford called the meeting to order at 8:32 AM. Roll call vote: Jim Benjaminson, Laverne Doyle, Nick Rutherford, Dave Moquist and Andrew Cull. A quorum was declared.

Motion made by Laverne Doyle and seconded by Jim Benjaminson to approve the February 15, 2022 meeting minutes as presented. All voting in favor; motion carried.

Motion made by Jim Benjaminson and seconded by Dave Moquist to approve the agenda with the following additions: February payroll and security concerns for second floor of Law Enforcement Center. All voting in favor; motion carried.

Commission reviewed the updated Law Enforcement Contract between Pembina County and Pembina City, prepared by Robert Fleming, Pembina City Attorney. Law Enforcement contracts are population based. The 2020 Census numbers were released, which show a decrease in population for Pembina City from 600 residents to 512 residents. The updated contract will become effective April 1, 2022 with the city agreeing to pay the county the sum of \$6,144.00 per year in monthly installments of \$512.00. Motion made by David Moquist to authorize the Chairperson to sign the contract with Pembina City, revisit the Law Enforcement contracts with Crystal City, Mountain City and St Thomas City, using the 2020 census numbers, and have the contracts effective April 1, 2022. Second by Laverne Doyle. All voting in favor; motion carried.

Linda Schlittenhard, Auditor/Treasurer discussed the Clerk of Court contract renewal with the Commission. There are three options that the Board could choose. The Commission could, by resolution, have the staff designated as state employees, enter into a funding agreement for the 2023-2025 biennium and receive reimbursement for providing clerk services or elect to provide services at the county's own expense. If the Commission continues the contract as is, the state would reimburse for 1.16 FTE(s). Motion made by Andrew Cull and seconded by Laverne Doyle to enter into a funding agreement with the state for the 2023-2025 biennium. All voting in favor; motion carried.

A request for liquor and beer licenses for Bonesy's Bar, Inc. was received from Jesse Schurman. Mr. Schurman purchased Chizzy's in Leroy Village and is requesting a county license for both on/off sale of liquor and beer. The license will be pro-rated for 10 months. Motion made by Andrew Cull and seconded by Jim Benjaminson to grant the liquor and beer license request as presented. All voting in favor; motion carried.

Auditor Schlittenhard presented the following resolution to increase the current mill levy of $\frac{1}{4}$ mill for the Pembina County Historical Society to the maximum mill levy of $\frac{3}{4}$ mill upon 60 percent approval of those voting on the question.

PEMBINA COUNTY, NORTH DAKOTA
RESOLUTION TO INCREASE TAX LEVY AUTHORITY FOR
PEMBINA COUNTY HISTORICAL SOCIETY

WHEREAS, the Pembina County Commission believes it is beneficial to assist the Pembina County Historical Society with the promotion of historical works within the borders of the county and in general, defray the expense of carrying on historical work in the county; and

WHEREAS, North Dakota Century Code 11-11-53 provides a process for the board of county commissioners, by resolution, to submit the question of a voter-approved tax levy to the qualified electors of the county at the next countywide general, primary or special election; and

WHEREAS, if sixty percent of the qualified electors voting on the question approve, a tax may be levied not exceeding the limitations in subsection 3 of North Dakota Century Code 57-15-06.7, which tax may be expended as provided in NDCC 11-11-53.

THEREFORE BE IT RESOLVED, that the Pembina County Board of Commissioners proposes an increase of the existing $\frac{1}{4}$ mill tax levy for the Pembina County Historical Society to the maximum $\frac{3}{4}$ mill tax levy, and directs that the measure be placed on the county ballot for the statewide primary election scheduled for June 14, 2022 and, if approved, shall become effective January 1, 2023.

Dated this 1st day of March, 2022

/s/ Nick Rutherford
Nick Rutherford, Chairperson
Pembina County Board of Commissioners

/s/ Linda Schlittenhard
ATTEST: Linda Schlittenhard
Pembina County Auditor/Treasurer

Motion made by Laverne Doyle and seconded by Jim Benjaminson to adopt the resolution as presented. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Dave Moquist – yes; Andrew Cull – yes. Motion carried.

Water Board members Rick Kendall, Randall Emanuelson, Don Kemp, and Bill Gunderson, LuAnn Kemp, Water Board Secretary, and Robert Fleming, Water Board Attorney met with the Commission. Landowners in attendance were Carlton Heck, Scott Gunderson, Paul Gunderson, Michael Brown, Troy DeMars, Ed Stremick, Lorraine and Doug Wessels,

and Wade Klindt. Also present were Jarret Johnson, Fleming, DuBois & Fleming and Lisa Keney, Tax Assessor. Paul LaClaire, Houston Engineering, presented a handout for the Tongue River Cutoff Channel project. Paul reviewed the project background timeline showing the informational meeting dates, joint meetings with the Board of Commissioners, coordination with the landowners on Cutoff issues, notices published for hearings and approval of the project. No appeals filed to date. Paul also reviewed the final design and the ND State Water Commission cost share approval for the project. The survey data has been completed and inspections, hydrology and hydraulics, structural engineering, geotechnical engineering, design work and construction plans are ongoing. Project management updates will continue throughout the project. Paul updated the Commission on Drain 66, the Tongue River Snagging and Clearing project, and Drain 80. Carlton Heck, Ed Stremick and Wade Klindt discussed the Tongue River Cutoff assessment area with the Commission, Water Board and Mr. LaClaire. All properties in the Tongue River Watershed that benefit from the project were assessed.

The following bids were received for the 2016 Ford Explorer Interceptor:

Ringwood Motors - \$2,680.00

Nancy Carpenter - \$3,500.00

Seth Heck - \$4,600.00

Soeby Ford - \$3,501.00

Jeremy Bushee - \$2,630.77

Motion made by Andrew Cull and seconded by Jim Benjaminson to accept the high bid of \$4,600.00 from Seth Heck. All voting in favor; motion carried.

Brian Kiner met with the Commission to discuss his payment for the 2021 real estate taxes. Mr. Kiner's payment for his 2021 taxes was postmarked February 16, 2022, received and receipted on February 17, 2022. Mr. Kiner is requesting the Commission approve the 5% discount even though his payment was postmarked one day late. The mail service in his area is not consistent, as he placed his payment in his mailbox but it was not picked up and postmarked February 15, 2022. Since the county does accept postmark dates to determine if the payment qualifies for the discounted amount any payments postmarked February 15th or prior would be allowed the 5% discount. Mr. Kiner's envelope is clearly postmarked February 16, 2022. NDCC 57-20-09 specifically states "the county treasurer shall allow a five percent discount to all taxpayers **who shall pay all of the real estate taxes** levied on any tract or parcel of real property in any one year **in full on or before February fifteenth prior to the date of delinquency**. Discussion followed on continuing to accept postmark dates to determine if the payment qualifies for the 5% discount. Motion made by Laverne Doyle to follow NDCC 57-20-09, **requiring all payments be received on or before February 15th and no longer accept postmark dates**. Second by Dave Moquist. All voting in favor; motion carried.

Missy Morden, Clerk/Recorder, discussed the COVID 19 mask policy with the Commission. In September 2021 a policy was put in place that all large groups (consisting of 10 or

more individuals) are required to wear masks. Ms. Morden is requesting the decision be lifted due to the significant drop in cases. Motion made by Andrew Cull and seconded by Dave Moquist to lift the large group mask requirement due to the drop in cases. Discussion followed. All voting in favor; motion carried.

Auditor presented the Commission with a request from county personnel to allow employees to use the county credit card to cover the cost of gas or emergency situations when using a county vehicle. Motion made by Laverne Doyle and seconded by Jim Benjaminson to allow employees to use the credit card when traveling in a county vehicle. All voting in favor; motion carried. Auditor will request two additional credit cards for the account.

Commission reviewed the January financial statement, February payroll and claims submitted for payment. Motion made by Laverne Doyle and seconded by Jim Benjaminson to approve the consent agenda as presented. All voting in favor; motion carried.

Mikka Willits, Tax Director, was requested to attend the meeting in reference to the discussion held at the February 15, 2022 meeting regarding the requirement for assessors to obtain valuations for all exempt property requiring an annual application. Lisa Wieler, Lisa Keney and Casey Krieg also in attendance. Ms. Willits asked why the discussion was not included on the agenda, why her office wasn't notified and why the decision made four years ago is being revisited again. Assessors were allowed three years to obtain valuations for all exempt properties requiring an annual application. Commissioner Moquist apologized for not requesting it be added to the agenda and asked why, in his opinion, the tax office would want to make more work for the office personnel if these properties are exempt. Ms. Willits explained that the applications are reviewed annually to determine if they qualify as exempt for that tax year and that the tax office receives several calls from realtors, mortgage companies, appraisers, potential buyers and sellers and insurance companies requesting valuations for comparisons and estimated tax amounts. Without the valuation information they need to refer these individuals to the local assessors. Ms. Willits also stated it is more work for her office to obtain a valuation for an exempt property once it is sold, since most of the local assessors have other jobs and are not always able to determine a valuation in a short timeframe. Commissioner Rutherford stated that if something is not included on the agenda or added to the agenda the day of the meeting it will be added to the next scheduled Commission meeting. In the future all department heads will be notified with agenda items pertaining to their office.

Revel Sapa, Samantha Weeks, and Kelly Cluchie discussed safety concerns for the second floor of the Law Enforcement Center. Veterans Service, Water Board and Domestic Violence offices are located on the second floor. All offices have panic buttons but they would like to have security cameras installed on the second floor. Motion made by Andrew

Cull to purchase three security systems for the second floor. Second by Laverne Doyle. All voting in favor; motion carried.

Motion made by Jim Benjaminson and seconded by Laverne Doyle to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:55 AM.