

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

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

www.pembinacountynd.gov

November 16, 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, and Andrew Cull. Available by telephone: David Moquist. Also in attendance is Terin Riley, Fleming, Dubois & Fleming.

Chairperson Doyle called the meeting to order at 8:32 AM.

Motion made by Nick Rutherford and seconded by Jim Benjaminson to approve the minutes of November 4, 2021, as presented. All voting in favor; motion carried.

Motion made by Andrew Cull and seconded by Nick Rutherford to approve the agenda with the following additions: County repurchaser deeds, Camburn Shephard, and Dan Aubol with Colonial Life. All voting in favor; motion carried.

Motion made by Nick Rutherford and seconded by Andrew Cull to authorize the Chairman to sign the repurchaser deeds, for foreclosed property that was redeemed prior to the County Sale date, as presented. All voting in favor; motion carried.

Commission discussed amendments to the Soils Committee Policy. Motion made by Nick Rutherford and seconded by Jim Benjaminson to add the following amendments to the Soils Committee Policy:

The Commission has the authority to dissolve the Soils Committee at any time, without cause.

The Commission has the authority to remove any member from the Soils Committee, without cause.

All official meetings of the Soils Committee will be held in the Farmer's Room of the Courthouse during regular working hours (8:00am – 4:30pm). Discussion followed. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; David Moquist – yes; Andrew Cull – yes, Motion carried.

Commission discussed a proposed plan to designate the Office of the Auditor/Treasurer and the Office of the Clerk/Recorder to an appointed position. A Preliminary Resolution was reviewed.

Preliminary Resolution
Plan to Designate
The Office of Pembina County Auditor/Treasurer
To an Appointed Office

The Pembina County Commission believes it is in the best long-term interest of Pembina County to provide for the employment of qualified, experienced, knowledgeable and technically competent county officeholders. The Pembina County Auditor/Treasurer serves as the chief financial officer of Pembina County, and has specific knowledge concerning the operations and fiscal affairs of the County. It is in the County's best interest to ensure continuity of personnel and to consider contingency and transitional planning for the position of Pembina County Auditor/Treasurer. For those reasons, the Commission believes it is in the best long-term interests of Pembina County to exercise its authority to designate the Office of Pembina County Auditor/Treasurer as an appointed position, whereby the Pembina County Commission will appoint the Pembina County Auditor/Treasurer. The Commission has composed the following plan to accomplish this change.

THEREFORE, BE IT RESOLVED BY THE Pembina COUNTY BOARD OF COMMISSIONERS that it gives preliminary approval of the following plan: To designate the office of County Auditor/Treasurer from an elected to appointed position. The Pembina County Board of Commissioners has the authority to accomplish this plan through the Tool Chest Provisions pursuant to N.D.C.C. 11-10.2.

ANALYSIS:

The County Auditor/Treasurer is currently elected for a term of four years and takes office the first Monday of April succeeding the election. (N.D.C.C. 11-13-01) The position of County Auditor/Treasurer covers a wide spectrum of duties and responsibilities enumerated throughout the Century Code, but found primarily in N.D.C.C. 11-13 AND 11-14. The County Auditor/Treasurer is the chief financial officer of the county responsible for keeping complete and detailed records of all financial transactions of the county. These include investment of county funds, pledge of securities, bank reconciliations, county budget preparation and monitoring, maintaining accurate accounts of all receipts and expenditures, including tax monies, monthly appropriation of funds to all political subdivisions, preparation of monthly financial statements, payroll and all associated reports, tax levy calculations for all taxing districts, maintaining property assessment rolls and outstanding tax list, administering tax title actions, conducting tax sales, and generating annual reports for all townships, cities and schools. The Auditor/Treasurer serves as secretary to the County Commission and several other related county boards and committees. Every other year the Auditor/Treasurer is the Elections Administrator, responsible for all phases of federal, state and local elections.

THE PLAN:

The office of Pembina County Auditor/Treasurer will hereafter be designated as an appointed position at the end of the current term, occurring April 4, 2023. The person

appointed to the position of Pembina County Auditor/Treasurer at the end of the term of the current officeholder, shall continue in the same capacity, and there will be no changes in duties and/or responsibilities of the Pembina County Auditor/Treasurer. Upon appointment, the Pembina County Auditor/Treasurer shall become an “employee” of Pembina County, subject to the terms and conditions of employment as found in the Pembina County Personnel Policy Manual. The salary will be determined at the time of the appointment, and the Pembina County Auditor shall be granted benefits as an employee equal to the years of service for the County as an employee and/or elected official.

PROPOSED OFFICE ORGANIZATION:

There are no changes in office organization contemplated by the designation of the Pembina County Auditor/Treasurer as an appointed position.

EFFECTIVENESS AND EFFICIENCY:

There are no changes in effectiveness and efficiency contemplated by the designation of the Pembina County Auditor/Treasurer as an appointed position. The responsibilities and duties assigned to the Pembina County Auditor/Treasurer will be carried out in a manner consistent with the law and without disruption of services provided to the public. The long-term effectiveness and efficiency will be increased, however, insofar as the Pembina County Commission will have the ability to do transition planning to ensure that changes in the Pembina County Auditor/Treasurer’s Office can be addressed based upon the needs of the office as opposed to an election schedule.

Preliminary Resolution

Plan to Designate

The Office of Pembina County Clerk/Recorder To an Appointed Office

The Pembina County Commission believes it is in the best long-term interest of Pembina County to provide for the employment of qualified, experienced, knowledgeable and technically competent county officeholders. The Pembina County Clerk/Recorder is the custodian of the court’s files, maintaining accurate, updated and accessible records for the court and the keeper of the land records for Pembina County. It is in the County’s best interest to ensure continuity of personnel and to consider contingency and transitional planning for the position of Pembina County Clerk/Recorder. For those reasons, the Commission believes it is in the best long-term interests of Pembina County to exercise its authority to designate the Office of Pembina County Clerk/Recorder as an appointed position, whereby the Pembina County Commission will appoint the Pembina County Clerk/Recorder. The Commission has composed the following plan to accomplish this change.

THEREFORE, BE IT RESOLVED BY THE Pembina COUNTY BOARD OF COMMISSIONERS that it gives preliminary approval of the following plan: To designate the office of County Clerk/Recorder from an elected to appointed position. The

Pembina County Board of Commissioners has the authority to accomplish this plan through the Tool Chest Provisions pursuant to N.D.C.C. 11-10.2.

ANALYSIS:

The County Clerk/Recorder is currently elected for a term of four years and takes office the first business day of January succeeding the election. The position of County Clerk/Recorder covers a wide spectrum of duties and responsibilities enumerated throughout the Century Code, but found primarily in N.D.C.C. 11-18. The County Clerk/Recorder maintains the District Court's files; acts as Clerk during court trials; issues all process and notices (executions, subpoenas, etc); maintains an accurate public judgment docket; juror management; passport agent; maintains marriage records; maintains a full and true record of each patent, deed, mortgage, bill of sale, security agreement, judgment, decree, lien, certificate of sale, and other instruments required to be filed or admitted to record and receive and secure wills as stated by NDCC 30.1-11.

THE PLAN:

The office of Pembina County Clerk/Recorder will hereafter be designated as an appointed position at the end of the current term, occurring January 3, 2023. The person appointed to the position of Pembina County Clerk/Recorder at the end of the term of the current officeholder, shall continue in the same capacity, and there will be no changes in duties and/or responsibilities of the Pembina County Clerk Recorder. Upon appointment, the Pembina County Clerk Recorder shall become an "employee" of Pembina County, subject to the terms and conditions of employment as found in the Pembina County Personnel Policy Manual. Salary will be determined at the time of the appointment, and the Pembina County Clerk/Recorder shall be granted benefits as an employee equal to the years of service for the County as an employee and/or elected official.

PROPOSED OFFICE ORGANIZATION:

There are no changes in office organization contemplated by the designation of the Pembina County Clerk/Recorder as an appointed position.

EFFECTIVENESS AND EFFICIENCY:

There are no changes in effectiveness and efficiency contemplated by the designation of the Pembina County Clerk/Recorder as an appointed position. The responsibilities and duties assigned to the Pembina County Clerk/Recorder will be carried out in a manner consistent with the law and without disruption of services provided to the public. The long-term effectiveness and efficiency will be increased, however, insofar as the Pembina County Commission will have the ability to do transition planning to ensure that changes in the Pembina County Clerk/Recorder's Office can be addressed based upon the needs of the office as opposed to an election schedule.

Motion made by Nick Rutherford and seconded by Jim Benjaminson to adopt the preliminary resolution as presented and set a hearing date. Roll call vote: Jim

Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; David Moquist – yes; Andrew Cull - yes. Motion carried.

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

Water Board members meeting with the Commission included Randall Emanuelson and Ted Juhl. Also attending were LuAnn Kemp, Water Board Secretary, Robert Fleming, Water Board Attorney, and Zach Hermann and Paul LeClaire, Houston Engineering. Mikka Willits, Tax Director and Soils Committee Secretary, also present.

Zach presented two options Houston Engineering thought would be applicable to the county, which would add an additional layer of flood information and flood risk comparisons to the shape file to the public GIS map on the Pembina County website. Ms. Willits is looking at creating a flood plain map option to assist the Soils Committee in determining if the flooding is seasonal or occasional, which will be used to develop a flood modifier for the soils. Ms. Willits explained the Soils Committee requirements for the use of this information. Option 1 is based on hydraulic modeling, which is used to develop the flood plain extents, and Option 2, information available through the ND Department of Water Resources, is used to determine flood risk using various rainfall events. Zach reviewed the pros and cons of both options. One of the cons of Option 1 is it is confined to flood risk adjacent to riparian areas. One of the pros of Option 2 is that the information is available for all of Pembina County, excluding the Red River area. Commissioner Moquist asked what the estimated cost would be for each option. The estimated cost is approximately \$3,000.00 for either Option 1 or Option 2. The cost for both options is estimated at \$4,000.00-\$5,000.00. Ms. Kemp stated that this would result in a huge time savings for the Tax Office, as this would allow them to filter the parcels that are involved in the flood plain area to determine if flood modifiers should be utilized. Motion made by Andrew Cull and seconded by Nick Rutherford to accept both Option 1 and Option 2 for an estimated cost of \$4,500.00. All voting in favor; motion carried.

Zach updated the Commission on the progression of the Tongue River Cut-off project. Houston Engineering is doing final design and are hoping to have the project shovel ready within the next year. Zach also gave updates on the snagging and clearing project and rehabilitation projects on three county dams. Discussion followed on the problem with the gate on Renwick Dam.

Sale of County Property set for 11:00AM:

Bid received on property described as, Lot 6, Block 18, OT, City of Bathgate. Bid of \$100.00 received from Eric Morrison.

Bid received on property described as, Lot 20, Block 31, Comstock's & White's Add, City of Bathgate. Bid of \$300.00 received from Eric Morrison.

Bid received on property described as, Lot 11, Block 44, OT, City of Bathgate. Bid of \$100.00 received from Eric Morrison.

Bid received on property described as, Lot 2, Block 1, OT, City of Crystal. Bid of \$100.00 received from Cheap Home Finders, Inc.

Bid received on property described as, Lot 7, Block 2, OT, City of Crystal. Bid of \$100.00 received from Cheap Home Finders, Inc.

Bid received on property described as, Lots 35-36, Block 5, OT (Exc N 50' Lot 36), City of Crystal. Bid of \$250.00 received from Cheap Home Finders, Inc.

Bid received on property described as, Lots 27-30, Block 9, OT, City of Crystal. Bid of \$500.00 received from Daniel & Deidre O'Keefe.

Bid received on property described as, Lots 4-5, Block 30, City of Neche. Bid of \$100.00 received from Cheap Home Finders, Inc.

Bid received on property described as, Lot 14, Block 40, OT, City of Neche. Bid of \$150.00 received from Jared & Christy Hanson.

Bid received on property described as, Lots 8-9 & S½ Lot 10, Block 13, OT, City of Pembina. Bid of \$100.00 received from Cheap Home Finders, Inc.

Bid received on property described as, Lot 6, Block 17, OT, City of Pembina. Bid of \$550.00 received from Ryan Moe.

Bid received on property described as, W 32' Lot 16 & all Lots 17-18, Block 21, City of Pembina. Bid of \$1,550.00 received from Erik & Samantha Bute.

Bid received on property described as, Lots 16-19, Block 17, OT, City of St Thomas. Bid of \$350.00 received from Cheap Home Finders, Inc.

Bid received on property described as, Lots 1-6, Block 53, OT, City of St Thomas. Bid of \$1,250.00 received from John Spencer.

Bid received on property described as, Lots 7, Block 18, OT, City of Walhalla. Bid of \$150.00 received from Cheap Home Finders, Inc.

Bid received on property described as, W ½ Lot 8 and all Lot 9, Block O, OT, City of Walhalla. Bid of \$1,250.00 received from Ryan Moe.

Bid received on property described as, W 3' Lot 7 and all Lot 8, Block Q, Emmerling's 1st Addition, City of Walhalla. Bid of \$1,250.00 received from Ryan Moe.

Bid received on property described as, All Block U, Emmerling's 1st Addition, City of Walhalla. Bid of \$100.00 received from Cheap Home Finders, Inc.

Motion made by Nick Rutherford and seconded by Jim Benjaminson to accept the high bids as listed above for the above described properties. All voting in favor; motion carried.

Dan Aubol, Colonial Life Independent Agent, met with the Commission to request permission to meet with interested employees regarding coverage through Colonial Life. Colonial Life offers coverage for accident insurance, cancer insurance, critical illness insurance, dental insurance, disability insurance hospital insurance and life insurance. With most plans coverage is available for your spouse and eligible dependent children, benefits are payable directly to the employee, coverage can continue when employees retire or change jobs with no increase in premiums and employees may receive benefits regardless of any insurance they may have with other companies. Motion made by Andrew Cull and seconded by Nick Rutherford to allow Mr. Aubol to meet with interested employees. All voting in favor; motion carried. Mr. Aubol will work with the Auditor to set up the permission documents.

Camburn Shephard, Soils Committee Chairman, presented an application for a new Soils Committee member to fill the vacancy left by the resignation of Roy Paton. An application from Joel Smith of District 2 was presented. Motion made by Nick Rutherford and seconded by Jim Benjaminson to appoint Joel Smith as the District 2 Soils Committee representative. Nickolaus Heuchert will remain as an alternate Soils Committee member. All voting in favor; motion carried.

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