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## BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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November 7, 2017

9:00 AM

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

Chairperson Rutherford called the meeting to order.

Motion made by Hugh Ralston and seconded by Hetty Walker to approve the October 17, 2017 regular meeting minutes as presented. All voting in favor; motion carried.

Pembina County Fair Board minutes of August 30 and September 20, 2017, were reviewed.

Pembina County Fair Board financial report from October 1, 2016 to September 30, 2017 was reviewed.

County Deed for the purchase of property described as the W 1/2 of Lot 8 & all of Lot 9, Block 60, OT, City of Walhalla (Parcel 35-2480010) was presented. Motion made by Hugh Ralston and seconded by Hetty Walker to authorize the Chairman to sign the deed as presented. All voting in favor; motion carried.

Commission discussed the Proposed Plan to designate the Office of the Auditor/Treasurer and the Office of the Clerk/Recorder to an appointed position. Appointment to take effect at the end of the current terms. Motion made by Hetty Walker and seconded by Hugh Ralston to adopt the following resolutions:

**Preliminary Resolution**  
**Plan to Designate**  
**The Office of Pembina 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 is 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 NDCC 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 sale; 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 1, 2019. 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. Salary will be determined at the time of the appointment, and the Pembina County Auditor/Treasurer 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 1, 2019. 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.

Upon a vote: Hugh Ralston – yes; Hetty Walker – yes; Nick Rutherford – yes. Motion carried. A public meeting will be held on December 5, 2017 at 7:00PM in the Farmer’s Room of the Pembina County Courthouse.

Travis Dearing, Ironhide Equipment, appeared in place of Chuck Regan. Discussion followed on the advertised specs for the Skid steer. Travis is requesting the bid be reconsidered. Commission will wait for full Board participation prior to making a decision.

Board discussed the upcoming 2018 primary and general elections process to be used in Pembina County. Motion made by Hetty Walker and seconded by Hugh Ralston for Pembina County to continue with vote by mail elections in 2018. For those choosing to vote in person on Election Day, rather than in advance by

mail, there will be one polling place available in the county for the primary and general election. The polling site will be in the Farmer's Room of the Pembina County Courthouse in Cavalier. County election precincts to remain as follows:

Precinct #1

01-01 Pembina Township, Joliette Township, Carlisle Township,  
Neché Township, Hamilton Township, Bathgate Township

01-02 Pembina City

01-03 Neche City

01-04 Hamilton City

01-05 Bathgate City

Precinct #2

02-01 Walhalla Township, St Joseph Township, Felson Township,  
LaMoure Township, Advance Township

02-02 Walhalla City

Precinct #3

03-01 Beaulieu Township, Akra Township, South Cavalier Township,  
Thingvalla Township, Park Township, Lodema Township,  
Gardar Township, Crystal Township

03-02 Mountain City

03-03 Canton City (Hensel)

03-04 Crystal City

Precinct #4

04-01 North Cavalier Township

04-02 Cavalier City

Precinct #5

05-01 Elora Township, St Thomas Township, Midland Township

05-02 St Thomas City

Precinct #6

06-01 Drayton Township, Lincoln Township

06-02 Drayton City

Roll call vote: Hugh Ralston-yes, Hetty Walker – yes; Nick Rutherford – yes.  
Motion carried.

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

Appraisal hearing on foreclosed property was held at 10:00 AM. No attendance by city or township individuals. Commission placed a minimum bid value on each

parcel. The sale of County property will be held on Tuesday, November 21, 2017, beginning at 11:00AM.

Motion made by Hetty Walker and seconded by Hugh Ralston to authorize the Chairman to sign the Request for a Duplicate Warrant received from Michael & Judy Stellan. All voting in favor; motion carried.

One bid was received from Triple D Construction for the removal of silt from the ditches located in the County right of way for approximately 3 miles along County Road #3. The project is located in the SE of Section 10, the S ½ of Section 11, the N ½ of Section 14 and the SW of Section 12 of Thingvalla Township. Motion made by Hugh Ralston and seconded by Hetty Walker to accept the bid from Triple D Construction. Discussion followed on the completion date. Roll call vote: Hugh Ralston – yes; Hetty Walker – yes; Nick Rutherford – yes. Motion carried.

Devin presented the Final Project Certification for Project CNOB-CNOC - 3410(057). Motion made by Hugh Ralston and seconded by Hetty Walker to authorize the Chairman to sign the certification as presented. All voting in favor; motion carried.

Drainage applications received from Johnson Farms to remove silt from the ditch along County Road #55 in the SW¼ of Section 2, SE¼ of Section 3, and the NE ¼ of Section 10 of Felson Township. The application has been approved by the Water Board and Devin Johnson, Highway Superintendent. Motion made by Hugh Ralston to approve the request. Second by Hetty Walker. All voting in favor; motion carried.

Drainage application received from Joshua Heuchert to remove 2 approaches and reinstall the culvert at the ½ mile line, between Sections 16 & 17 of Lodema Township. The application has been signed by the landowner and approved by the Water Board and Devin Johnson, Highway Superintendent. Motion made by Hetty Walker to approve the request. Second by Hugh Ralston. All voting in favor; motion carried.

Drainage application received from Landis McDonald to clean the bottom of the ditch to 6' wide on the north side of County Road #1 in the SW¼ of Section 6 of Bathgate Township. The application has been approved by the Water Board and Devin Johnson, Highway Superintendent. Motion made by Hugh Ralston to approve the request. Second by Hetty Walker. All voting in favor; motion carried.

Culvert requests received from Robert Vivatson to add one 36" X 50' culvert and one 36" X 20' culvert in the NW¼ of Section 10 of Hamilton Township. The application has been signed by two township officers and approved by the Water Board and Devin Johnson, Highway Superintendent. Motion made by Hugh Ralston and seconded by Hetty Walker to approve the request as presented. All voting in favor; motion carried.

Culvert request received from Andrew Moquist to replace an existing damaged 18" x 40' culvert with one 24" x 40' culvert in the NE¼ of Section 19 of Lodema Township. The application has been signed by two township officers and approved by the Water Board and Devin Johnson, Highway Superintendent. Motion made by Hetty Walker and seconded by Hugh Ralston to approve the request as presented. All voting in favor; motion carried.

Culvert request received from Jeff Anderson to replace an 18" x 60' culvert with one 24" x 60' culvert in the NE¼ of Section 17 of Park Township. The application has been signed by two township officers and approved by the Water Board and Devin Johnson, Highway Superintendent. Motion made by Hetty Walker and seconded by Hugh Ralston to approve the request as presented. All voting in favor; motion carried.

Culvert request received from Scott Gunderson to band two 36" X 30' culverts together diagonally in the NE¼ of Section 18 and SW¼ of Section 8 of Hamilton Township. The application has been signed by two township officers and approved by the Water Board and Devin Johnson, Highway Superintendent. Motion made by Hetty Walker and seconded by Hugh Ralston to approve the request as presented. All voting in favor; motion carried.

Auction item bids were opened. High bids are as follows:

18" Husqvarna Chainsaw - \$100.00

Set of Plastic Fenders - \$30.00

Ryobi Weed eater - \$40.00

MTD Pro 4 Cycle Weed eater - \$40.00

Stihl FS65 Weed eater - \$100.00

Solideal Rubber Skid steer Tracks - \$200.00

Brine Tailgate Tanks - \$120.00

2 Winterbrand Blockbuster Cutting Edges - \$10.00

Dayton Pressure Washer - \$45.00

Quick Attach Plow for Skid steer - \$315.00

Walker 7-Ton Bumper Jack - \$330.00

Lawn Chief 42" Riding Mower - \$10.00

10' Pull behind Disc - \$50.00

Rust Colored 300 Gallon Tank - \$50.00

Black 500 Gallon Tank - \$5.00

Etnyre Chip Spreader - \$200.00

2000 Sterling with Plow, Wing and Sander - \$10,400.00

2000 Dodge Ram 1500 - \$1,020.00

Motion made by Hugh Ralston and seconded by Hetty Walker to approve the sale of the auction items at the above listed bids. All voting in favor; motion carried.

Jeff Daley, Kadramas, Lee & Jackson, presented an estimate of \$131,050.00 for proposed safety projects in Pembina County, including chevrons, destination

lights, curve warning signs and edge lines. Jeff discussed combining Walsh County, Cavalier County and Pembina County for bid estimates as it could possibly give better pricing costs. Discussion followed on plans and costs for County Road #1 repairs. Commission stated County Road #1 is the priority project and those costs will determine if there will be sufficient funding available for the safety projects.

Jeff presented the Engineering contract for project BRO-0034(033), the bridge 2 mile west and 1 miles south of Hamilton. Motion made by Hetty Walker and seconded by Hugh Ralston to authorize the Chairman to sign the agreement as presented. All voting in favor; motion carried.

Motion made by Hetty Walker and seconded by Hugh Ralston to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 12:10PM.