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BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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December 2, 2025

9:00 AM

Board of Pembina County Commissioners met in the Commissioners Meeting Room of the Courthouse.

Chairperson Otto called the meeting to order at 9:00 AM. Roll call: Patrick Hardy, Blaine Papenfuss, Darin Otto, Andrew Cull. Absent: Scot Becker. A quorum was declared.

Also, in attendance were: Zelda Hartje, Samantha Diemert, Emergency Manager/Weed Officer; John Emmerson, Tera Emmerson, Garret Fontaine, States Attorney; Bennett Johnson, Vogel Law Firm via phone; Lisa Keney, Tax Director; Devin Johnson, Highway Superintendent; Angelle French, JDA Director.

Auditor Gapp called for nominations for chairman and vice chairman. Motion by Blaine Papenfuss and seconded by Andrew Cull to nominate Patrick Hardy for Chairman and Scot Becker for Vice Chairman. Blaine Papenfuss, Darin Otto and Andrew Cull, aye; Patrick Hardy, Nay. motion carried.

Commissioner Cull thanked Commissioner Otto for a job well done as the chairman for the past year. Chairman Papenfuss seconded those sentiments.

Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the agenda. All voting in favor; motion carried.

The public comment section of the meeting started at 9:03 AM.

The public comment section of the meeting closed at 9:19 AM.

Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the November 18, 2025 meeting minutes. All voting in favor; motion carried.

Motion by Blaine Papenfuss and seconded by Andrew Cull to approve the 2026 liquor licenses as presented and staying at the same rate as 2025. All voting in favor, motion carried.

Motion by Andrew Cull and seconded by Darin Otto to approve and have Chairman Hardy sign all the county deeds from the foreclosure sale as presented. All voting in favor, motion carried.

Board discussed the upcoming 2026 primary and general elections process to be used in Pembina County. Motion made by Darin Otto and seconded by Blaine Papenfuss for Pembina County to continue with vote by mail elections in 2026. 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,
Neche 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

All voting in favor; Motion carried.

The snagging and clearing project discussed. Commissioner Cull stated he is standing by his original statement that he said the whole time, he doesn't think that it was started fair and his vote will be no. Commissioner Otto said he agreed with that but there are areas to the west and he is now getting more phone calls going in the direction of wanting it done. Commissioner Papenfuss said he agrees it wasn't done correctly but we spent money down there on the bridge and they're having problems past the dam. Discussion on areas left to be done. Motion by Blaine Papenfuss and seconded by Darin Otto to place this on the agenda to discuss this with the water board on December 16, 2025. All voting in favor, motion carried.

States Attorney Fontaine addressed the commission on the Joliette Township motion of October 7, 2025. He is asking the commission for clarification of what the commission's intent was with the motion at that meeting. Mr. Fontaine stated he spoke with a commissioner about this and it was indicated to him that the intent was for the commission to voice that it appeared to the commission there was no objection in Joliette Township so therefore the commission had no objection of what Joliette Township was doing. He said he is asking for clarification if that was the intent of the commission or was it the commission's intent to close certain roads to public access. Commissioner Papenfuss stated his intent was to let Joliette Township take care of it and we did not want to close any roads in Joliette Township. Commissioner Otto stated they were following with the township and it was on the record that they did not want to supersede townships on any decisions unless it was gross negligence that they needed to correct. It was just if that's what you want to do, we support you. Mr. Fontaine asked Commissioner Cull and Hardy if that was their intent as well. Commissioner Cull stated yes that was his intent. Commissioner Hardy stated yes, that is how he remembered it and they didn't want to interfere with the business of the township unless it was a problem for the county. Mr. Fontaine stated that is why this was put on the agenda to get clarification in the minutes that the commission is essentially taking no action and just have no issue with what Joliette Township is doing. He stated if the commission did have the intent to close the roads, there are certain procedures that would have to be followed. He stated there is no motion that needs to be done. Bennett Johnson of the Vogel Law Firm addressed the commission and stated for the purpose of closing section line roads, per Century Code 24-07-03 it is the commission's responsibility to close those roads. He stated if the township was coming to them to have them close those roads, there's certain procedures that would need to be followed but this board is the entity to make that decision and that can't be delegated to the township and it needs to come from the commission and there needs to be an order issued from the county commission. He said to put everyone on notice that if that was the intent for the township to do, they can bring a petition back to the commission and they can decide that after a public hearing is held. States Attorney Fontaine stated he was in agreement with Mr. Johnson. Tara Emmerson stated she wants it on record that the roads remain open to public travel. States Attorney Fontaine

stated the commission should send a letter to the township letting them know this agenda item was discussed. The commission asked States Attorney Fontaine to draft the letter to Joliette Township with the auditor clarifying all this information.

States Attorney Fontaine left the meeting at 9:36 AM.

Devin addressed the commission with an update on projects as they're being completed. He passed around a couple pictures of site 10. He stated on site ten they drilled in two Deadman anchors and attached cables. He said they are done except for the pile repairs. Devin will be putting a list together to have the DOT come and inspect all the bridges to see if they can be opened. A bridge by Craig Gunderson's was discussed. Commissioner Cull asked what was wrong with it because it is closed but people were moving the sign and going over it during deer season. Devin stated it was rated below three ton and it had something to do with the north abutment but he'd have to pull the information. Devin stated the Prigge bridge is completed. Commissioner Papenfuss stated it turned out great. Commissioner Otto stated how much all the work done is appreciated and he has received a lot of calls expressing thanks.

Lisa Keney met with the commission regarding a new home exemption for Nick and Ashley Chaput from Walhalla. It is for the two years of 2026 and 2027 in the amount of \$150,000.00. Motion by Darin Otto and seconded by Blaine Papenfuss to approve the exemption. All voting in favor, motion carried.

Lisa stated she is trying to set up a Soils Committee meeting for next week. They will be reviewing modifiers and bringing those to the commission.

Motion by Andrew Cull and seconded by Blaine Papenfuss to reappoint all open positions to all boards with vacancies and put the reorganization committee appointment on hold until the next meeting. All voting in favor, motion carried. Donald Kemp was reappointed to the water board. Jim Benjaminson was reappointed to the Pembina County Housing Authority. Andrew Cull was reappointed to the planning and zoning board and the reorganization committee. Darin Otto, David Monson, Danielle Blair, Teri Stoiber and Lacey Hinkle were all reappointed to the JDA board. Dawn Eckhart, Emily Laaveg and Patricia Hart Cayley were all reappointed to the Pembina County Historic Preservation Commission.

Motion by Darin Otto and seconded by Blaine Papenfuss to nominate Andrew Moquist for the Pembina County Reorganization Committee. All voting in favor, motion carried.

The Commission reviewed the November payroll and claims. Motion made by Blaine Papenfuss and seconded by Andrew Cull to approve the consent agenda as presented. All voting in favor, motion carried.

Motion made by Blaine Papenfuss to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 10:01 AM.