

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

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

www.pembinacountynd.gov

October 20, 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, Nick Rutherford, and Hugh Ralston. Absent: Laverne Doyle and Hetty Walker. Ingrid with the Grand Forks Herald available by telephone.

Vice-Chairperson Rutherford called the meeting to order at 8:39 AM.

Motion made by Jim Benjaminson and seconded by Hugh Ralston to approve the October 7, 2021, 2021 meeting minutes with the following correction: the minutes state "Mikka Willits, Tax Director, present for abatement hearing." The minutes should have stated "Mikka Willits, Tax Director, presented an application for tax exemption for improvements on commercial property". All voting in favor; motion carried.

Motion made by Hugh Ralston and seconded by Jim Benjaminson to approve the agenda with the following additions, redistricting and appointed versus elected positions. All voting in favor; motion carried.

Commission reviewed the bridge structure reports from the North Dakota Department of Transportation (NDDOT) for Structure 34-102-31.0, Structure 34-103-31.0, and the CPS Arch Pipe, located between the two structures, in Gardar Township. The NDDOT received the Load Rating reports for the two structures which were completed in accordance with FHWA regulations, the AASHTO Manual for Bridge Evaluation (MBE), and the NDDOT Load Rating Manual. The report states the calculated load rating is less than 3 tons. FHWA regulations require that structures with a load rating less than 3 tons be closed. A spreadsheet, from Kadramas, Lee & Jackson, showing the approximate waterway areas for the two structures and several equivalent sized culverts that could be temporarily installed to prevent closure of these structures was reviewed. Devin Johnson, Highway Superintendent, was unavailable. Motion made by Jim Benjaminson and seconded by Hugh Ralston to install the temporary culverts, if available, and revisit the situation in the spring. All voting in favor; motion carried.

Auditor informed the Commission that Madeleine Smith would not be able to attend the North Dakota State Fair meeting as Pembina County's delegate. Kari Helgoe will be attending the meeting as an alternate for Ms. Smith.

Auditor requested the date of the first November meeting be moved from November 2, 2021 to Thursday, November 4, 2021 due to the Special Recall Election. Motion made by Hugh Ralston and seconded by Jim Benjaminson to change the date of the first meeting in November to November 4, 2021. All voting in favor; motion carried.

Commission placed appraisal values on foreclosed property. The appraisal hearing on foreclosed property will be held Thursday November 4, 2021 at 10:00 AM. The sale of County property will be held on Tuesday, November 16, 2021, beginning at 11:00 AM.

Commission reviewed the email received from Joshua Rau concerning the County Coroner position. Mr. Rau stated he had not been notified of any complaints or had any questions from local Law Enforcement regarding his position. Mr. Rau also stated the Coroner does not need to respond in person to all calls and that he has maintained all records and paperwork as required. Discussion followed on Mr. Rau's residency and the advantages of having an individual that resides in Pembina County serve as County Coroner. Motion made by Jim Benjaminson and seconded by Hugh Ralston to advertise for the position of County Coroner prior to making a final decision. All voting in favor; motion carried.

Commission reviewed the listing of Board appointments that will be expiring December 2021. The ad will be placed in all county newspapers along with the County Coroner position.

Julie Hardy, Public Health Director, informed the Commission that Kallie Christenson resigned her part-time position, effective October 28, 2021. Ms. Hardy has visited with the Human Resource Department and an ad has been placed to fill this position. Ms. Hardy is requesting to develop a new temporary flex nurse position, which will be funded through the Pembina County Funding Equity and Prioritizing Populations Disproportionately Affected by COVID-19 grants: Grant G19.1303 and HE: 4541 HLH: 480301. There is sufficient funding available through the grants through May of 2023. This would be a non-benefited position which would be terminated when grant funding is fully expended. Ms. Hardy asked if she would be required to advertise for the position and it was recommended the position be advertised. Motion made by Jim Benjaminson and seconded by Hugh Ralston to allow the Public Health Department to hire a temporary flex nurse position, utilizing grant funding and terminating the position when grant funding is expended. Discussion followed. All voting in favor; motion carried. Ms. Hardy will contact the Human Resource Department to place the ad for the position.

Auditor reviewed the Census data with the Commission. Per NDCC 11-07-02, districts must be changed if they vary more than 10% from the average population per commissioner. This is determined by dividing the total population of the county by the number of commissioners' districts. Even though Pembina County districts are within the average population per commissioner (-2.45%) a public hearing must be held to review the districts.

Auditor informed the Commission of the receipt of the first half of the American Rescue Plan Act funding. The remaining funding will be sent within one year. Funds must be incurred (obligated) by December 31, 2024 and expended with all work performed and completed by December 31, 2026. The Interim Final Rule stating how funds can be spent was reviewed. The Final Rule has not been issued to date, but it is unlikely to change a great deal. These funds can be deposited in an interest bearing account until they need to be expended. Any interest earned is not subject to the Interim Final Rule or Final Rule compliance. Motion made by Hugh Ralston and seconded by Jim Benjaminson to invest the funds in an interest bearing account. All voting in favor; motion carried.

Commission reviewed the September financial statement and claims submitted for payment. Auditor requested to transfer \$20,000.00 from the State's Attorney budget to the Victim Witness fund. Motion made by Hugh Ralston and seconded by Jim Benjaminson to approve the consent agenda as presented and the transfer of \$20,000.00 from the State's attorney budget to Victim Witness. All voting in favor; motion carried.

Tax abatement hearings for Parcels 07-2080000, 28-0020006, 07-0610005, 28-1640000 and 07-0610010 held. In attendance were Mikka Willits, Tax Director, Lisa Wieler, Deputy Tax Director, Rebecca Flanders, State's Attorney, Terin Riley, Fleming, Dubois, & Fleming, Dave Moquist, Clyde Reilly, Donald Heuchert, Loren Estad, Joshua Heuchert, and Larry McCollum.

Ms. Riley presented a packet of information to the Commissioners and requested it be placed on record. The packet included: a letter written by Commissioner Jim Benjaminson, a letter written by Joshua Heuchert, seven case laws, five Attorney General Opinions, a Staff Report for 2020 State Board of Equalization, a parcel map of the area, and a few pictures of the area. Discussion followed. Motion made by Jim Benjaminson and seconded by Hugh Ralston to table a decision on all of the abatement requests set to be reviewed today until all of the new information presented by Ms. Riley can be reviewed by each of the Commissioners. Discussion followed. Roll call vote: Jim Benjaminson – yes; Nick Rutherford – yes; and Hugh Ralston – yes. Motion carried. Abatement hearings will be rescheduled to a later date.

Ms. Flanders placed the following on record: Exhibit 1: March 2, 2021 letter to the Finance and Taxation Committee regarding SB2041, Exhibit 2: July 15, 2021 letter to Attorney General Wayne Stenehjem requesting an opinion regarding tax

equalization, Exhibit 3: July 21, 2021 letter to Ms. Flanders with the Attorney General's response to her request for an opinion regarding tax equalization, Exhibit 4: emails and comments from Clyde Reilly, and Exhibit 5: August 6, 2021 responses from Commissioner Jim Benjaminson related to the Board of Equalization decisions.

Samantha Weeks, 911/IT/GIS Coordinator, informed the Commission that Wade Hoffart and Myesha Lewis were hired for the Dispatch Department. A letter to Darin Anderson, Public Safety Program Manager, related to the SIRN project, was presented to the Commission. The letter is to request the Pembina County PSAP be included in the SIRN PSAP Replacement Group 4, which will be installing in 2022, and to approve the estimates presented to date in regards to the PSAP equipment cost and the diverse entrance/routing estimate. Motion made by Jim Benjaminson and seconded by Hugh Ralston to authorize the Vice-Chairman to sign the letter as presented. All voting in favor; motion carried.

Motion made by Hugh Ralston and seconded by Jim Benjaminson to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:52 AM.