

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

## BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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March 19, 2024

9:00 AM

Board of Pembina County Commissioners met in the Commissioners Meeting Room of the Courthouse. Chairperson Cull called the meeting to order at 9:00 AM.

Roll call: Blaine W. Papenfuss, Darin Otto and Andrew Cull. Available by telephone: Jim Benjaminson. Absent: Laverne Doyle. A quorum was declared.

Also, in attendance are: Rachel Ramsay, Public Health Director, Terry Meidinger, Sheriff, Marcus Ramsay, Chief Deputy, Samantha Weeks, IT/911/GIS Coordinator, Samantha Diemert, Emergency Management/Weed Officer, Revel Sapa, Veterans Service Officer and Garret Fontaine, States Attorney.

Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the agenda with the following additions: Bridge Inspection/Load Rating for Project BRC-BRS-0099(015) progress billing and Spring Weight limits. All voting in favor; motion carried.

Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the March 5, 2024 meeting minutes as presented. All voting in favor; motion carried.

Samantha Weeks upgraded two county cell phones, at no cost to the county, one being a Galaxy S22 and the other is a Galaxy Note20 Ultra. Ms. Weeks is requesting to purchase the used cell phones, and presented trade-in values from four companies for each phone. Motion made by Blaine Papenfuss and seconded by Darin Otto to authorize the purchase of the Galaxy S22 for the average price of \$138.50 and the Galaxy Note20 Ultra 5G for the average price of \$120.73. All voting in favor; motion carried.

Commission discussed the Auditor/Treasurer position. Motion made by Darin Otto to advertise for the Auditor/Treasurer position as an elected position to see if any applications are received, and if no applications have been received by the April 16, 2024 meeting the full Board will revisit the issue to see if it should be changed to an appointed position. Second by Blaine Papenfuss. Discussion followed. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Cayden Hurst, part-time custodian, and Kelly Cluchie, Maintenance, met with the Commission to request permission for Cayden to accept a position as a Maintenance Technician at Wedgewood Manor. Discussion followed on changing his current hours from 4pm – 8pm to 5pm – 9pm. Motion made by Blaine Papenfuss and seconded by Darin Otto to allow the secondary employment for Cayden and to change his schedule to 5:00 pm 9:00pm. All voting in favor; motion carried.

Commission reviewed the ND Department of Transportation Certification of Local Match for Bridge Inspection/Load Rating form for Project BRC-BRS-0099(015), PNC 23409. The form certifies that Pembina County provided non-federal funds from the Road and Bridge Levy to cover Pembina County's 19.07% match. Motion made by Blaine Papenfuss and seconded by Darin Otto to authorize the Chairperson to sign the certification as presented. All voting in favor; motion carried.

Lisa Keney, Tax Director, present for abatement hearing. The application is for abatement on property described as Lot 4, Block 5, OT, City of Cavalier; Parcel 27-0960000. The request is for a refund, in the amount of \$390.24, of the 2023 taxes based on the change in the requirements for Homestead Credit. The abatement request was approved by Cavalier City on March 4, 2024. Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the abatement request as presented. All voting in favor; motion carried.

Lisa Keney, Tax Director, present for abatement hearing. The application is for abatement on property described as Lots 8 & 9, S 80' Lot 10, S 80' of the W 5' Lot 11, Block 19, Appleton's 1<sup>st</sup> Add, City of Crystal; Parcel 28-1370010. The request is for a refund, in the amount of \$366.67, of the 2023 taxes based on the change in the requirements for Homestead Credit. The abatement request was approved by Crystal City on March 4, 2024. Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the abatement request as presented. All voting in favor; motion carried.

Water Board members Rick Kendall, Don Kemp, Bill Gunderson, and Randall Emanuelson met with the Commission. LuAnn Kemp, Water Board Secretary, Rob Fleming, Water Board Attorney, and Zach Herman and Paul LaClaire with Houston Engineering also present. Paul updated the Commission on the Tongue River restoration project, the Tongue River Cut-off Channel, the Tongue River Snagging & Clearing project, Drain 81 repairs, the Emergency Action Plan updates for the dams, Drain 16 expansion plan meeting on March 28<sup>th</sup>, and some FEMA projects. Don Kemp stated the Water Board will be providing a 40% cost share for the Bowesmont Bridge project on Old Highway 44.

Devin Johnson, Highway Superintendent, and Jeff Daley, Kadramas, Lee & Jackson, presented a notice of award for replacement of Structure #34-136-22.0, the structure located on Old Highway 44. One bid was received from Swingen Construction, in the amount of \$708,080.20. Motion made by Darin Otto to award the project to Swingen

Construction and authorize the Chairperson to sign the notice as presented. Blaine Papenfuss amended Commissioner Otto's original motion to grant Devin Johnson, Highway Superintendent, authority to sign the contract when it is delivered. Commissioner Otto accepted the amendment to his original motion. Discussion followed. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss - yes; Darin Otto - yes; Andrew Cull - yes. Motion carried.

Jeff presented the Engineering agreement for the Structure #34-136-22.0 replacement, in the amount of \$84,400.00. Motion made by Blaine Papenfuss and seconded by Darin Otto to authorize the Chairperson to sign the Engineering Contract as presented. All voting in favor; motion carried.

Part of the Commissioners Proceedings as of March 19th, 2024

**WEIGHT LIMITS FOR TRUCKS - SPRING BREAK-UP  
2024**

WHEREAS, it is necessary that the Board of County Commissioners prescribe weight limits for Pembina County roads during the 2024 spring break-up period to protect asphalt surfaced highways.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pembina County that the following weight limits is imposed on all vehicles operating on County Highways:

**40 MILE AN HOUR SPEED LIMIT FOR TRUCKS ON ALL COUNTY HIGHWAYS**

**STATE LIMITS NO RESTRICTION**

Load restrictions remain at state limits with no vehicle to exceed 105,500 lbs on the following County roads:

- County Highway #3 from Hensel East to State Highway #18
- County Highway #9 from Warehouse West to Walhalla
- County Highway #44 from Drayton North 2 miles
- County Highway #12 from Hwy 66 south ½ mile
- County Highway #1 from Bathgate West to State Highway #18
- County Highway #3 from State #32 to ¼ mile East
- County Highway #3 from State #81 to 2 miles West

**6 TONS PER AXLE LOAD RESTRICTIONS**

Load restrictions set at 6 tons per axle, with no vehicle to exceed 60,000 lbs. on the following County roads:

- County Highway #1, State Hwy #32 East to Interstate #29
- County Highway #2, from Cavalier to County Highway #1
- County Highway #2, from County Hwy #55 South to County Hwy #1

County Highway #3, from Cavalier County line to Interstate #29  
County Highway #4, Carlisle Road from US Hwy #81 to County Hwy #1  
County Highway #4 from Walsh County Line to State Hwy #66  
County Highway #9, Walhalla Spur to County Hwy #12 at Leroy  
County Highway #11, St Thomas to Interstate #29  
County Highway #12, from County Hwy #1 North to County Hwy #55  
County Highway #12, from County Hwy #3, South to Walsh County Line  
County Highway #44, Sugar Beet Road from Pittsburg overpass South 2 miles  
County Highway #55, Cavalier County Line to Interstate #29  
County Highway #7, (Gardar spur)  
County Highway #12 from State Hwy #5 South to County Hwy #3  
County Highway #12 from State Hwy #5 North to County Hwy #1

### 3 TONS PER AXLE LOAD RESTRICTIONS

Load restrictions set at 3 tons per axle with no vehicle to exceed 30,000 lbs on the following County roads:

County Highway #6 (Concrete Spur)

PENALTY FOR VIOLATION OF ANY OF THE AFOREMENTIONED WEIGHT LIMITS SHALL BE MADE IN ACCORDANCE TO CHAPTER 39-12, NDCC

BE IT FURTHER RESOLVED that all trucks shall be limited to a 40 mile an hour speed on County roads. If violated, trucks will be prohibited on County roads. Drivers are to use caution when starting and when bringing vehicles to a stop.

BE IT FURTHER RESOLVED that such weight and speed limits shall be in force as of Monday, March 18th, 2024, and during the time that there are erected and maintained at each of any highway or portion thereof attached by such restriction, signs designating the provisions of this resolution.

Said resolution proposed by Blaine Papenfuss and second by Jim Benjaminson and upon a vote carried unanimously.

BY ORDER OF THE PEMBINA COUNTY COMMISSIONERS.

Dated this 19th day of March, 2024, at Cavalier, North Dakota.

/s/ Andrew Cull  
Andrew Cull, Chairman  
Board of County Commissioners

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

Commission reviewed the claims. Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the consent agenda as presented. All voting in favor; motion carried.

Motion made by Darin Otto and seconded by Blaine Papenfuss to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:14AM.