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BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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August 15, 2023

9:00 AM

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

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

Also in attendance are Zelda Hartje, Marcus Ramsay, Chief Deputy, Samantha Weeks, IT/911/GIS Coordinator, Samantha Diemert, Emergency Manager/Weed Officer, Laurie Fontaine, Assistant States Attorney, and Konor Parker, Human Resources.

Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the agenda with the following changes/additions: discussion concerning Konor Parker, update on Victim Witness Advocate position, utility permit request, gifting of sick leave, Kelly Cluchie with heating system update, Lisa Keney with State Equalization updates, Dennis Biliske with preliminary State Equalization information. All voting in favor; motion carried.

Assistant States Attorney Laurie Fontaine recommended the Commission go into Executive Session to allow her time to provide legal advice and guidance on the legal risks, strengths, and weaknesses of an action of a public entity.

Motion made by Laverne Doyle and seconded by Darin Otto to go into Executive Session per NDCC 44-04-19.1(2) & (5), for attorney consultation. Roll call vote: Jim Benjaminson - yes, Laverne Doyle - yes; Blaine Papenfuss - yes; Darin Otto - yes; Andrew Cull - yes. Motion carried. The Executive Session held on August 15, 2023 began at 9:07 AM and was attended by Jim Benjaminson, Laverne Doyle, Blaine Papenfuss, Darin Otto, Andrew Cull, Assistant States Attorney Laurie Fontaine, States Attorney Garret Fontaine, and Linda Schlittenhard. Motion made by Laverne Doyle and seconded by Darin Otto to adjourn the Executive Session at 9:29 AM and return to open session. Roll call vote: Jim Benjaminson - yes, Laverne Doyle - yes; Blaine Papenfuss - yes; Darin Otto - yes; Andrew Cull - yes. Motion carried.

Assistant States Attorney Fontaine provided information to Mr. Parker regarding his position and informed him of the legal advice provided to the Commission. Motion made by Andrew Cull to terminate Konor Parker immediately. Motion made by Laverne Doyle to amend the motion to allow Mr. Parker the option to resign or be terminated. Commissioner Cull accepted the amendment to his original motion. Commissioner Doyle stated due to the number of complaints presented to the Commission from almost every department that he is not a good fit for the county. Mr. Parker feels the Commission should investigate the complaints before terminating him and stated he will not resign. Roll call vote: Jim Benjaminson - yes, Laverne Doyle – yes; Blaine Papenfuss – no; Darin Otto – no; Andrew Cull – yes. Motion carried. Mr. Parker was requested to turn over his keys and cell phone and Chief Deputy Ramsay was requested to escort him to his office to remove his personal belongings.

Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the August 1, 2023 meeting minutes as presented. All voting in favor; motion carried.

States Attorney Garret Fontaine and Larry DuBois, Fleming, DuBois & Fleming, PLLP, discussed the City of Walhalla's request to transfer the cases of the Walhalla Municipal Court to the District Court. Also present were Mayor John Rock McDonald and Alderman Chris Jackson. Mr. DuBois discussed NDCC 40-18-06.2 (2), the process requiring an agreement of the governing body of the county, the presiding Judge of the Judicial Court in which the city is located, and the State Court Administrator. Mr. DuBois has reached out to NE Judicial Judge Kari Agotness and Sally Holewa, State Court Administrator, to determine if they would have concerns with this change. He also discussed his request with Judge Foughty who had no concerns with the request. Mr. DuBois also discussed his request with States Attorney Fontaine. Mr. Fontaine asked if the 60-20-20 split would be the same in the new contract. States Attorney Fontaine reviewed the County policy with the Commission and as legal counsel for the county recommended Chairperson Benjaminson recuse himself from a vote since he is the Municipal Judge for the City of Walhalla. Discussion followed from Mr. Benjaminson. States Attorney Fontaine does not anticipate this would add substantial costs or time to the county. The county currently has a contract with Walhalla City to handle all DUI cases in District Court. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to approve the request as presented. Discussion followed. Roll call vote: Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – no. Commissioner Benjaminson abstained from voting. Motion carried.

States Attorney discussed the payroll reversion item and, in his opinion, feels the published job description for the Human Resource Director position is vague and should be reviewed to have all job duties clearly stated when advertising for the position.

States Attorney Fontaine updated the Commission on the Victim Witness Advocate position. Motion made by Laverne Doyle and seconded by Andrew Cull to have Mr. Fontaine advertise the position again.

Utility permit received from Nodak Electric to lay new cables along the existing cables under County Road 55 between Section 6 and 7 of Felson Township and Sections 1 and 12 in St Joseph Township. Motion made by Andrew Cull and seconded by Darin Otto to approve the permit as presented. All voting in favor; motion carried.

Motion made by Andrew Cull and seconded by Darin Otto to approve the donation of sick leave to Lisa Wieler and Revel Sapa. All voting in favor; motion carried.

Lisa Keney, Interim Tax Director, updated the Commission on the State Board of Equalization meeting she attended in Bismarck last week. Ms. Keney presented two handouts, prepared by Dustin Bakken with Kompleks Assessment Solutions LLC, related to the Pembina County Modifier Application Policy.

Dennis Biliske discussed information from the State Board of Equalization meeting he attended. Dennis stated he received the same information at the State Board of Equalization that Ms. Keney just presented to the Commission. Mr. Biliske is requesting the Commission revert to the 2022 values and make the modifier adjustments. He is also requesting the Commission notify the State regarding this. Ms. Keney stated at this point we will need to wait until we hear the ruling from the State Board of Equalization in October.

Kelly Cluchie, Maintenance, updated the Commission on the Courthouse heating system project, the repairs needed to the sewer lines in the new addition of the Social Service building, and the rooftop heating unit for the Law Enforcement Center.

Auditor requested the Commission set a date for the 2024 final budget hearing. Motion made by Darin Otto and seconded by Blaine Papenfuss to hold the hearing on Tuesday, September 19, 2023 at 7:00 PM in the Commission Meeting Room. All voting in favor; motion carried.

Board reviewed the July financial statement and claims. Motion made by Andrew Cull and seconded by Darin Otto to approve the consent agenda as presented. All voting in favor; motion carried.

Motion made by Andrew Cull and seconded by Blaine Papenfuss to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:01 AM.