

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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September 7, 2010

8:30 AM

Board of Pembina County Commissioners met at 8:30 AM in the Commissioners Meeting Room at the Courthouse with the following members present: Gary Nilsson, Corene Vaughn, Andy Adamson, Hugh Ralston and Hetty Walker.

Meeting called to order by Chairman Walker.

American Crystal Sugar representative, Tom Newcomb, met with the Board regarding construction on County Road 11. Troy Kittelson, Highway Supervisor, Rick Bigwood, Tom Kennelly, Kevin Lee, and Randy Prigge also present. Mr. Newcomb is requesting that the Board consider delaying the start of construction due to timing; it will be happening immediately prior to the 2010 campaign. Troy informed the Board that the plant is to be moved in this week and the project should be completed by September 23, 2010, which is prior to the October 1st start date of the 2010 campaign. Due to the bid letting timing and the Stimulus funding which will be used for the project, the Board is unable to delay the project.

Toungue River Dam Rehabilitation Assessment Hearing was held at 8:45 AM. Jerry Juhl, Pembina County Water Resource Board, presented the assessment specifications. Neil Fleming, Pembina County Water Resource Attorney, also present. The proposed assessment for the rehabilitation of Renwick Dam has been set at \$1.00/acre/year for agricultural or \$1.00/\$500.00 taxable valuation/year for residential and commercial properties for a period of 5 years. Woodland acres will be assessed at .03/acre/year. Total project cost is projected to be approximately \$7.5 million. No individuals present to protest the assessment. Motion made by Corene Vaughn and seconded by Gary Nilsson to approve the assessment as presented. Roll call vote: Gary Nilsson - yes, Corene Vaughn - yes, Andy Adamson - yes, Hugh Ralston - yes, Hetty Walker -yes. All voting in favor; motion carried.

Water Resource Board discussed the specifications for the detour which will be placed on County 12. The detour will be from Highway 5, north for 2 miles on County 12. Highway crew will install the required signs. Motion made by Corene Vaughn and seconded by Hugh Ralston to have the speed limit lowered to 40 MPH with a no passing zone for 2 miles for the duration of the project. All voting in favor; motion carried.

Motion made by Gary Nilsson and seconded by Hugh Ralston to approve the August 17, 2010 minutes as presented. All voting in favor; motion carried.

Board reviewed and allowed county claims.

Motion made by Gary Nilsson and seconded by Andy Adamson to approve the raffle permit request from North Valley Riders Snowmobile Club. All voting in favor; motion carried.

Request by Brent Nabben for a ditch cleaning variance on the north side of County Road 55 for 1 mile in Section 2 of St Joseph Township. Motion made by Gary Nilsson and seconded by Hugh Ralston to approve the request. All voting in favor; motion carried.

Motion made by Gary Nilsson and seconded by Corene Vaughn to authorize the Chairman to sign the August 2010 payroll as presented. All voting in favor; motion carried.

Pembina County Water Board met with the Commission to discuss the damaged bridge on Drain 16. Neil Fleming, Pembina County Water Resource Board Attorney, and Stuart Askew, States Attorney, also present. Mr. Fleming suggested that a civil lawsuit be brought against the farmer for the amount of the bridge replacement. Mr. Askew stated that he could contact the insurance company to see if there could be a settlement agreed upon. Motion made by Gary Nilsson and seconded by Hugh Ralston to have Mr. Askew start collection proceedings. All voting in favor; motion carried. Upon further discussion, motion made by Andy Adamson and seconded by Gary Nilsson to start the same collection proceedings on damaged bridge in Walhalla Township. All voting in favor; motion carried. Mr. Fleming updated the Commission on the Canadian Dike lawsuit.

Motion by Hugh Ralston and seconded by Corene Vaughn to approve the July 2010 financial report as presented. All voting in favor; motion carried.

Wayne Newell met with the Board to request a ditch variance in the SW ¼ of Section 2 and the SE ¼ of Section 3, Twp 163, Range 54W of Felson Township, on the north side of County 55. Motion made by Corene Vaughn and seconded by Gary Nilsson to approve the request. All voting in favor; motion carried.

Russell Edgar met with the Board to request a ditch variance in the Highway 1 right of way along Sections 9 & 10, Twp 162, Range 52W in North Carlisle Township on the north and south sides. There will be 2 culverts needed for the north side and two culverts for the south side of County Road 1. Enbridge Pipeline would need to be contacted to see if they could cross. The Board will respond to Mr. Edgar's request after contacting Troy Kittelson, Highway Supervisor regarding the culverts.

Hetty Walker discussed concerns regarding the O'Hara Bridge. Concerns will be discussed at the NDACo Conference in October.

The Board discussed the Red River Diversion Downstream Impact Group Joint Powers Agreement letter. Hetty Walker and Andy Adamson plan on attending the meeting in East Grand Forks on Wednesday, September 29, 2010 to discuss the agreement in more detail.

Liz Beck, IT/911/GIS Coordinator met with the Board regarding Excel Training for employees. With updated software there is a need for training on Excel Office 2007. The training would consist of two 4 hour sessions. The cost would be approximately \$760.00. Motion made by Gary Nilsson and seconded by Andy Adamson to approve the training for employees. All voting in favor; motion carried.

A conference call was made to Arntson & Stewart, PC regarding Recovery Zone Facility Revenue Bonds for American Crystal Sugar Company. Motion made by Corene Vaughn and seconded by Andy Adamson to apply to the Industrial Commission of North Dakota for additional volume cap to allocate to American Crystal Sugar Company. All voting in favor; motion carried.

Scott Schluchter, D & M Industries, updated the Board on the window project. Windows will be delivered to the Fargo warehouse on Thursday, September 9, 2010. Windows will then be stained and delivered to the Courthouse. Board chose to have the windows for the Commission Room delivered and stained onsite, so the project can get started.

Brian Thompson and Marlowe Coulthart met with the Board to request a ditch variance in Sections 25 & 26, Twp 159N, Range 52W from Highway 66 south on County Road 4 for 1 mile. Motion made by Andy Adamson and seconded by Corene Vaughn to approve the ditch cleaning variance. All voting in favor; motion carried.

Board will meet in Special Session on Monday, September 13, 2010 to continue work on budgets.

No further business; meeting adjourned.