

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

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

www.pembinacountynd.gov

February 21, 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 9:01 AM.

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

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

Motion made by Andrew Cull and seconded by Darin Otto to approve the February 7, 2023 meeting minutes as presented. All voting in favor; motion carried.

Commission discussed the concerns presented by Billie Joe Swift at the February 7, 2023 meeting. Garret Fontaine, Pembina County States Attorney, Sheriff Terry Meidinger and Chief Deputy Marcus Ramsay also present. Commission reviewed the letter presented by Sheriff Meidinger in response to Ms. Swift's concerns. States Attorney Fontaine explained he was unable to find anything of concern since there were no incidents that occurred during her tenure. His suggestion is to have the Sheriff Department have a policy in place to ensure all deputies are certified in a timely manner. Commissioner Benjaminson stated he feels there should be no liability to the county to reimburse Drayton City for the cost of her certification or late fees. Motion made by Darin Otto and seconded by Blaine Papenfuss to deny her request to reimburse Drayton City for her sidearm qualification fee and late fees. Discussion followed. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull - yes. Motion carried.

Commission discussed the concerns presented by Tom Zaharia at the February 7, 2023 meeting. Devin Johnson, Highway Superintendent, also in attendance. Devin visited the site and presented LIDAR elevation maps showing the elevation profile of 151st Ave NE, the elevation profile of County Road 55 from the old driveway to 151st Ave NE, the elevation profile of the old driveway from County Road 55 and a map showing where the Pembina River breaks out during major flooding. There is an elevation difference of

roughly 2 – 2½ feet. Jim Moris reviewed the maps and elevations. Others attending were Tom Zaharia, Jim Meagher and David Lembke. Devin presented three options; one would be to have Mr. Symington have a hydraulic study completed for the area, another would be to shave the area down to a certain elevation and the third option would be to remove the driveway altogether. Motion made by Andrew Cull and seconded by Blaine Papenfuss to require Mr. Symington have a hydraulic study completed for the area, shave the area down when the thaw allows and authorize the Highway Department to cut the new driveway if it presents a threat of flooding in the spring. Discussion followed. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull - yes. Motion carried.

Commission discussed the request received from Zelda Hartje at the February 7, 2023 meeting regarding a one-time donation of \$500.00 for the Talking Trail project, which she is interested in starting for the Pembina County Courthouse. Motion made by Darin Otto and seconded by Andrew Cull to grant the \$500.00 match for the Talking Trail project. Discussion followed. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – no; Darin Otto – yes; Andrew Cull - yes. Motion carried.

Water Board members Randall Emanuelson and Bill Gunderson, Water Board Secretary Luann Kemp, and Water Board Attorney Rob Fleming met with the Commission. Zach Hermann and Paul LaClaire, Houston Engineering, also in attendance. Luann informed the Commission that the FEMA projects have gone well and they are beginning to receive reimbursement for these projects. Luann updated the Commission on Drain 34 and the RFQ process for engineers. Paul LaClaire gave general updates on the Tongue River Cut-off Channel and the Tongue River Snagging & Clearing project, which are joint projects between the Water Board and County Commission. Other projects discussed by Paul were the Bourbanis Dam project, the dam rehabs on Senator Young, Olson, Bourbanis and Herzog, Drain 16, Drain 66, Drain 81, and the FEMA drain cleanouts. Zach Hermann informed the Commission the Pembina/Walsh Joint Water Board, along with Houston Engineering, will be holding a meeting at 10:30 am on Thursday, February 23, 2023 in the Farmer's Room of the Pembina County Courthouse, regarding the proposed Cart Creek/North Branch-Park River retention project.

Mikka Willits, Tax Director, and Lisa Keney, County Assessor, met to discuss the 2023 soils valuations. Ms. Keney passed out a handout with the 2023 assessment information. Ms. Willits reviewed the information, focusing on the fact that Pembina County soils valuations are out of compliance due to updated soils values not being rolled over into the tax system. Mikka also discussed the approved land use modifier valuations, inconsistencies in residential and commercial property valuations, Native Woodland and Watershed Easement programs, notices of increases (NOI's) and the process landowners would be required to follow if they disagree with the productivity indexes (PI) on their land. The Tax Office, per NDCC 57-02-27.2, recommends the approval and rollover of soil valuations into the tax system. Discussion followed on compliance with the state and landowner soils cards. Robert Vivatson questioned if the

arbitrary increase in values and the inequities due to land use modifications would be addressed. Don Heuchert questioned how WRP and EWP parcels are being taxed. Motion made by Darin Otto to table a decision to the next meeting. Second by Andrew Cull. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – no; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Motion made by Andrew Cull and seconded by Blaine Papenfuss to go into Executive Session, per NDCC 44-04-19.2, for attorney consultation and negotiations with Walsh County and The Samuels Group. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried. The Executive Session began at 10:55 AM and was attended by Jim Benjaminson, Blaine Papenfuss, Darin Otto, Andrew Cull, Terry Meidinger, Marcus Ramsay, Garret Fontaine and Linda Schlittenhard. Motion made by Blaine Papenfuss and seconded by Darin Otto to adjourn the Executive Session at 11:28 AM and return to open session. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Motion made by Blaine Papenfuss and seconded by Andrew Cull to table The Samuels Group proposal to the March 7, 2023 meeting, if the Samuels Group is available. All voting in favor; motion carried.

Commissioner Benjaminson read a letter from Don Heuchert, questioning if the Commissioners are performing job performance evaluations for department heads, to be entered into the record.

Commissioner Otto informed the Commission the 911 Advisory Board/LEPC Task Force will be meeting on Tuesday, February 28, 2023 at 3:00 pm in the Farmer's Room of the Courthouse.

Commission reviewed the January 2023 financial statement and claims. Motion made by Andrew Cull and seconded by Blaine Papenfuss 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 11:35 AM.