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BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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July 7, 2020

8:30 AM

Board of Pembina County Commissioners met at 8:30 AM in the Commissioners Meeting Room of the Courthouse with the following members present: Jim Benjaminson, Laverne Doyle, Nick Rutherford, Hugh Ralston and Hetty Walker.

Chairman Ralston called the meeting to order. Corrective deeds were added to the agenda.

Motion made by Nick Rutherford and seconded by Hetty Walker to approve the June 16, 2020 minutes as presented. All voting in favor; motion carried.

Motion made by Hetty Walker and seconded by Jim Benjaminson to authorize the Chairman to sign the Request for a Duplicate Warrant received from Action Parcels & Storage LLC. All voting in favor; motion carried.

Commission reviewed the letter from the City of Walhalla regarding the JDA 2021 budget request. Commission will review at budget time.

Commission was presented with the Final Certification of Local Match for project BRO-0034(033), for the replacement of the structure 5 miles south and 4 miles west of Pembina. Motion made by Laverne Doyle and seconded by Nick Rutherford to authorize the Chairman to sign the certification as presented. All voting in favor; motion carried.

Commission reviewed the letter from Laurie Fontaine, Judge of the District Court. A felony jury trial is scheduled to begin July 28, 2020, which will require a large number of potential jurors. Due to the COVID-19 pandemic, procedures will be implemented in an effort to protect potential jurors. District Court has reserved the Farmer's Room for the jury because the regular jury room does not allow for the space required to practice social distancing. Due to the additional procedures implemented, the trial may extend to August 4, 2020, which is a regular commission meeting day. Judge Fontaine is requesting the Commission move the August 4, 2020 commission meeting to another date. Motion made by Nick Rutherford and seconded by Jim Benjaminson to move the first meeting of August to Thursday, August 6, 2020. All voting in favor; motion carried.

Commission reviewed the documents presented by Samantha Weeks, 911/IT/GIS Coordinator and Sergeant Daniel Garvens, Pembina County Sheriff's Office, related to a proposal for city cost share of SORN 2020 dispatch radio equipment. Motion made by Laverne Doyle and seconded by Hetty Walker to authorize the Chairman to sign the letters to the cities of Cavalier, Walhalla and Drayton. All voting in favor; motion carried.

Mikka Willits, Tax Director, and Lisa Wieler, Deputy Tax Director/GIS Specialist, present for abatement hearing. The application is for 2019 abatement or refund of taxes on property located in Crystal Township (Parcel 07-2080000). Also present were Donald Heuchert and his attorney Larry DuBois, Larry McCollum, and Brian Hanson. Available by telephone were Terin Riley, David Moquist, Paul O'Toole, Loren Estad, David Hartz, Craig Vaughn, Joshua Heuchert and Rebecca Flanders, Pembina County State's Attorney. The request is to lower the value of the property from \$60,747.00 to \$2,194.00. The township approved the abatement request, however there is no supporting documentation explaining the reasoning behind their decision. Ms. Willits presented a parcel review and findings. Mikka reviewed NDCC 57-02-01, relating to the definition of agricultural property and NDCC 57-02-08(15) (a) (3) relating to structures located on railroad operating property. Attorney DuBois presented his interpretation of NDCC 57-02-01. Mr. Heuchert stated that simply because this property has always been assessed as commercial property does not mean it is assessed correctly or that it should maintain a commercial assessment. Motion made by Jim Benjaminson to table the decision on the abatement until an Attorney General's opinion clarifying NDCC 57-02-01 is received. Motion seconded by Nick Rutherford. Discussion followed. All voting in favor; motion carried.

Randall Emanuelson, Water Board member and Rob Fleming, Water Board Attorney, presented a few pictures and short video of damage that occurred after the installation of the box culvert on Drain 13 north of Drayton. The contractor did not dig an adequate diversion around the worksite which, following the heavy rainfall that hit the area, literally ate the bank away and caused silt to fill in the legal drain for approximately 1/2 mile. Discussion followed on the specifications for the project. Since this is a joint project between the Water Board and the County, the Water Board feels the contractor needs to clean the silt from the drain prior to the county signing off on the project. The county will inspect the area and visit with the Water Board prior to signing off on the project.

Tanya Wieler, Human Resource Advisor, discussed the decision that was made at the May 19, 2020 meeting regarding the change made to Policy 409 – Overtime/Compensatory Time. Tanya reviewed the Fair Labor Standards Act ruling that employees must physically work 40 hours prior to receiving any overtime hours. Devin Johnson, Highway Superintendent, Andrea Stegman, Highway Administrative Assistant, and Highway Technicians Mitchell Einarson, Noel Tharalson, Jerry Yeado, and Dean Benoit also in attendance. Discussion followed on the 50 hour work week for highway department employees from the

end of May through October or mid-November, which requires employees to work five ten hour days. If employees take vacation or sick leave they would be required to use ten hours of accrued leave to cover the scheduled ten hour day. Highway employees are requesting the Commission allow them to not use paid time off if they have worked their 40 hours and need to take a day off. Ms. Wieler informed the employees that it would not be an option when they are scheduled for a 50 hour work week. Motion made by Jim Benjaminson to change the work schedule to four ten hour days, with the understanding employees will be required to work Friday if the Highway Superintendent deems it necessary. Motion seconded by Nick Rutherford. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Julie Hardy, Public Health Administrator, and Tanya discussed funding reimbursement through the CARES Act for COVID-19 related expenses, including salaries. Discussion followed on exempt employees versus non-exempt employees. It was determined that Ms. Hardy and the public health nurses in the office qualify as exempt employees. Policy 409, Overtime/Compensatory Time, regarding allowing additional pay in emergency situations for exempt level employees, was reviewed. Motion made by Nick Rutherford and seconded by Hetty Walker to allow additional pay to exempt employees, at straight time, over their regular scheduled hours during the COVID-19 pandemic. Roll call vote; Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Tanya requested a proposed change to the policy manual. The change would make sick leave unavailable for personal use or donation once a two week notice has been turned in. Motion made by Laverne Doyle and seconded by Nick Rutherford to approve the policy change as presented. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

Devin presented a utility permit from Steve Breidenbach with Nodak Electric Cooperative to go under County Road #3, at the corner of State Highway #32 and County Highway #3 in Thingvalla Township. Motion made by Laverne Doyle and seconded by Jim Benjaminson to authorize the Chairman to sign the application as presented. All voting in favor; motion carried.

Commission reviewed the June payroll and claims. Motion made by Jim Benjaminson and seconded by Hetty Walker to approve the consent agenda as presented. All voting in favor; motion carried.

Commission reviewed the correcting tax deed and county deed for Parcel 35-1610020, which required a more detailed legal description. Motion made by Laverne Doyle and seconded by Nick Rutherford to authorize the Chairman to sign the deeds as presented. All voting in favor; motion carried.

Request for a raffle permit received from Devon Grube Memorial Scholarship Fund. Motion made by Nick Rutherford and seconded by Laverne Doyle to approve the request. All voting in favor; motion carried.

Duane Littlejohn, Insurance Associates, was contacted by telephone to discuss the building insurance for all county offices. The Social Service building was insured through TR Waind Insurance under the Northern Valley Human Service Zone policy. Duane stated that the Northern Valley Human Service Zone is unable to insure a building they do not own. Duane suggests the Commission contact the Northern Valley Human Service Zone to let them know that since they do not own the building and Pembina County will need to insure the building. Commissioner Doyle will visit with Jill Denault, Northern Valley Human Service Zone Director, prior to the Commission sending a letter.

Township Road Mileage certification form for 2020 was reviewed. Motion made by Laverne Doyle and seconded by Hetty Walker to authorize the Chairman to sign the certification form as presented. All voting in favor; motion carried.

Motion made by Nick Rutherford and seconded by Jim Benjaminson to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 1:10 PM.