

## BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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March 6, 2012

9:00 AM

Board of Pembina County Commissioners met at 9:00 AM in the Commissioners Meeting Room of the Courthouse with the following members present: Andy Adamson, Hugh Ralston, Corene Vaughn, and Hetty Walker. Absent: Gary Nilsson.

Chairman Adamson called the meeting to order.

Barb Whelan, Pembina County State's Attorney, met with the Commission for updates on the operations of her office. Office staff has been working on file retention and, due to the volume of files, Ms. Whelan hired Holly Ytterdahl as a short term temporary hourly employee. Ms. Whelan informed the Commission of the need for new and additional office equipment and technology updates for the office.

Additions to the agenda include discussion on the damaged bridge in Walhalla Township.

Commission informed Ms. Whelan of the circumstances regarding the bridge in Walhalla Township that was damaged in 2008. Discussion followed. Ms. Whelan will research and report back to the Commission.

Norman Becker met with the Commission. Mr. Becker returned cassette tapes of previous Commission meetings that were left at his home. Mr. Becker presented the Commission with a letter describing his reasons for wanting to sign the petition for the removal of former Pembina County State's Attorney, Stuart Askew. Mr. Becker addressed individual Commissioners and the Auditor with his opinions on their service and qualifications. Mr. Becker thanked the Commission for trusting him to serve on the Pembina County Reorganization Committee, but regretfully submitted his resignation from the committee. Chairman Adamson thanked Mr. Becker for his honesty and courage to attend the meeting and publically present his opinions.

Commission discussed the Order to Remand from Administrative Appeal, with respect to Pembina County Water Resource Board V. Pembina County Board of County Commissioners, Being Case #34-2011-CV-105. A meeting will be scheduled with Attorney Dan Gaustad, who is representing Pembina County.

Motion made by Hugh Ralston and seconded by Corene Vaughn to approve the minutes of the February 21, 2012 meeting as presented. All voting in favor; motion carried.

Commissioner Vaughn requested to make a statement concerning the acceptance of Mr. Askew's letter of resignation. Ms. Vaughn feels this letter, due to the content, should have been accepted with reservations.

Motion made by Hetty Walker and seconded by Hugh Ralston to authorize the Chairman to sign the February payroll as presented. All voting in favor; motion carried.

Pembina County Water Board minutes and claims were reviewed as presented.

The Commission was informed of the Clerk of Court contract renewal. There are three options that the Board could choose. The Commission could, by resolution, have the staff designated as state employees, enter into a funding agreement for the 2013-2015 biennium and receive reimbursement for providing clerk services or elect to provide services at the county's own expense. If the Commission continues the contract as is, the state would reimburse for 1.36FTE(s). Motion made by Corene Vaughn and seconded by Hetty Walker to continue the Clerk of Court contract as it has been in the past. All voting in favor; motion carried.

Michelle Manley, Social Service Social Worker, stopped by to introduce herself to the Commission. Ms. Manley gave the Commission a short work history. The Commission welcomed Ms. Manley to the County.

The Court Facilities Improvement Advisory Committee approved the grant application submitted by Pembina County. Pembina County was awarded \$6,716.75 to make improvements to the jury room and add Kevlar protection to the courtroom desks.

Commission discussed a possible date to hold the 100<sup>th</sup> Anniversary celebration of the Courthouse. Discussion followed. Commissioner Ralston suggested Katherine Lunde, Red River Regional Council, be contacted regarding scheduling a speaker from the State Historic Society before they set a definite date.

Commission was informed that Ralph Smith stopped by the Auditor's office with concerns about the abandoned Nowesta cemetery in North Midland Township. Ralph Smith is wondering if there is funding available to maintain this cemetery. Discussion was had on the abandoned Lutheran German Cemetery in North Joliette Township and the abandoned West Point Cemetery in Crystal Township. Commissioner Ralston suggested that the landowner be contacted regarding the situation. Discussion followed. Auditor will contact the landowner to see who is farming the land surrounding the Nowesta cemetery.

Commission was presented with an estimate for replacement of 6 windows and the east entrance door in the Law Enforcement Center. Motion made by Corene Vaughn and seconded by Hugh Ralston to move forward with the replacement of the windows and door in the Law Enforcement Center. Roll call vote: Corene Vaughn – yes; Hugh Ralston – yes; Hetty Walker – yes; Andy Adamson – yes. Motion carried.

Board approved the request from Extension to cover the hotel rates over the state rate for a conference in Bismarck on May 4, 2012 and the State Fair in Minot on July 23, 2012. Discussion followed. Motion made by Corene Vaughn and seconded by Hetty Walker to authorize the additional charges as presented. All voting in favor; motion carried.

Kent Juhl, Lyndon Juhl, Curtis Christenson, Ken Halcrow and Shawn Kerr met with the Commission. These individuals updated the Commission on the meeting they attended at the Water Board concerning proposed projects for Drains 27, 30, 43, and 75. Commission suggested requesting an independent study regarding the County Road 3 culvert issue. Discussion followed. Commission will discuss with Dan Gaustad.

Gerry Wieler, Wieler Construction, presented a list of work that was performed concerning the new windows that were installed by Gleason Construction and an invoice for the remainder owed on the contract. Kerry Peuser, Michael J Burns Architects, will need to do a final walk through prior to final payment. Marvin Window representatives were here Monday to determine what adjustments are needed to correct the air leakage on five windows. Commissioner Vaughn thanked Mr. Wieler for agreeing to finish the project. Mr. Wieler updated the Commission on the window pulls that have been ordered and will be installed.

Commission was presented a letter from Kadramas, Lee & Jackson requesting their input as to any social, economic or environmental factors that should be considered concerning the reconstruction project on Legal Drain 4. No concerns on the proposed project.

Motion made by Hugh Ralston and seconded by Corene Vaughn to authorize the Chairman to sign the North Dakota Department of Transportation agreements as presented. All voting in favor; motion carried.

Motion made by Corene Vaughn and seconded by Hetty Walker to approve the consent agenda of claims as presented. All voting in favor; motion carried.

Commission discussed the option of joining other organizations and entities, as individuals, in educating the public on Measure #2. Discussion followed.

Troy Kittelson, Highway Supervisor, spoke with the Commission regarding a cost estimate for a 60" culvert and installation. Discussion followed. Mr. Kittelson updated them on new FEMA regulations.

Motion made by Hetty Walker and seconded by Hugh Ralston to go into Executive Session per NDCC 44-04-19.2(2) and (5) for attorney consultation regarding and in anticipation of reasonably predictable civil litigation, pertaining to the resignation of former Pembina County State's Attorney, Stuart Askew. Roll call vote: Corene Vaughn – yes; Hugh Ralston – yes; Hetty Walker; yes; Andy Adamson – yes. Motion carried. The Executive Session began at 12:03PM and was attended by Corene Vaughn, Andy Adamson, Hugh Ralston, Hetty Walker, Barb Whelan, Linda Schlittenhard, and on behalf of NDIRF, Attorney Ron Fisher (by telephone). Motion made by Hetty Walker and seconded by Corene Vaughn to adjourn the Executive Session at 12:40PM and return to open session. Roll call vote: Corene Vaughn – yes; Hugh Ralston – yes; Hetty Walker – yes; Andy Adamson – yes. Motion carried.

No further business; meeting adjourned.