

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

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

www.pembinacountynd.gov

May 2, 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.

Motion made by Laverne Doyle and seconded by Blaine Papenfuss to approve the agenda with the following changes/additions: a letter of resignation from Mikka Willits. All voting in favor; motion carried.

Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the April 18, 2023 minutes as presented. All voting in favor; motion carried.

Request for a gaming site authorization, at the Cavalier Country Club, received from Cavalier Hook & Ladder Society. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to approve the gaming site request as presented. All voting in favor; motion carried.

Commission discussed the letter received from Russell Edgar, Dakota Valley Growers. Mr. Edgar is informing the Commission of a diversified agricultural project in North Carlisle Township. Dakota Valley Growers is planning on expanding their current cattle feeding operation, which will increase his cattle numbers from 3,000 head to 18,000 head of cattle. Dakota Valley Growers has partnered with the North Dakota Livestock Alliance to assist with community outreach and consulted with the North Dakota Department of Environmental Quality to ensure they are complying with all state CAFO setbacks, requirements and regulations. Motion made by Darin Otto and seconded by Laverne Doyle to have the Auditor contact Mr. Edgar and inform him he would be required to submit a conditional use permit prior to the proposed expansion. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes, Darin Otto – yes; Andrew Cull – yes. Motion carried.

Commission discussed concerns with the removal of culverts from a railroad line between Hamilton and Carlisle Townships. Commissioner Cull stated that two culverts

were removed from the railroad without permission from the railroad. A complaint was sent to the railroad previously but did not mention that landowners downstream are being affected by the removal of the culverts. Commissioner Cull contacted Blake Jung, a JLL representative for this area, who suggested the Commission draft a letter of recommendation to have the culverts reinstalled in the original location. Motion by Blaine Papenfuss and seconded by Darin Otto to draft a letter of recommendation to Blake Jung upon approval from the States Attorney. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes, Darin Otto – yes; Andrew Cull – yes. Motion carried. Discussion followed from Robert Vivatson, Robert Fleming and States Attorney Fontaine.

Commission was presented with the Rental of Road Machinery listing from the bid opening held on April 18, 2023. There are twelve contactors that qualified for the 2023 listing.

Commission discussed spring load limits. Auditor informed the Commission that spring weight limits went into effect Monday, April 24, 2023. Motion made by Laverne Doyle and seconded by Blaine Papenfuss to approve the weight limits as presented. All voting in favor; motion carried.

Part of the Commissioners Proceedings as of May 2nd, 2023

WEIGHT LIMITS FOR TRUCKS - SPRING BREAK-UP 2023

WHEREAS, it is necessary that the Board of County Commissioners prescribe weight limits for Pembina County roads during the 2023 spring break-up period to protect asphalt surfaced highways.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pembina County that the following weight limits is imposed on all vehicles operating on County Highways:

40 MILE AN HOUR SPEED LIMIT FOR TRUCKS ON ALL COUNTY HIGHWAYS

STATE LIMITS NO RESTRICTION

Load restrictions remain at state limits with no vehicle to exceed 105,500 lbs on the following County roads:

- County Highway #3 from Hensel East to State Highway #18
- County Highway #9 from Warehouse West to Walhalla
- County Highway #44 from Drayton North 2 miles
- County Highway #12 from Hwy 66 south ½ mile
- County Highway #1 from Bathgate West to State Highway #18
- County Highway #3 from State #32 to ¼ mile East

County Highway #3 from State #81 to 2 miles West
6 TONS PER AXLE LOAD RESTRICTIONS

Load restrictions set at 6 tons per axle, with no vehicle to exceed 60,000 lbs. on the following County roads:

County Highway #1, State Hwy #32 East to Interstate #29
County Highway #2, from Cavalier to County Highway #1
County Highway #2, from County Hwy #55 South to County Hwy #1
County Highway #3, from Cavalier County line to Interstate #29
County Highway #4, Carlisle Road from US Hwy #81 to County Hwy #1
County Highway #4 from Walsh County Line to State Hwy #66
County Highway #9, Walhalla Spur to County Hwy #12 at Leroy
County Highway #11, St Thomas to Interstate #29
County Highway #12, from County Hwy #1 North to County Hwy #55
County Highway #12, from County Hwy #3, South to Walsh County Line
County Highway #44, Sugar Beet Road from Pittsburg overpass South 2 miles
County Highway #55, Cavalier County Line to Interstate #29
County Highway #7, (Gardar spur)
County Highway #12 from State Hwy #5 South to County Hwy #3
County Highway #12 from State Hwy #5 North to County Hwy #1

3 TONS PER AXLE LOAD RESTRICTIONS

Load restrictions set at 3 tons per axle with no vehicle to exceed 30,000 lbs on the following County roads:

County Highway #6 (Concrete Spur)

PENALTY FOR VIOLATION OF ANY OF THE AFOREMENTIONED WEIGHT LIMITS
SHALL BE MADE IN ACCORDANCE TO CHAPTER 39-12, NDCC

BE IT FURTHER RESOLVED that all trucks shall be limited to a 40 mile an hour speed on County roads. If violated, trucks will be prohibited on County roads. Drivers are to use caution when starting and when bringing vehicles to a stop.

BE IT FURTHER RESOLVED that such weight and speed limits shall be in force as of Monday, April 24th, 2023, and during the time that there are erected and maintained at each of any highway or portion thereof attached by such restriction, signs designating the provisions of this resolution.

Said resolution proposed by Laverne Doyle and second by Blaine Papenfuss and upon a vote carried unanimously.

BY ORDER OF THE PEMBINA COUNTY COMMISSIONERS.

Dated this 2nd day of May, 2023, at Cavalier, North Dakota.

/s/ James Benjaminson
James Benjaminson, Chairman
Board of County Commissioners

ATTEST: /s/ Linda Schlittenhard
Linda Schlittenhard
County Auditor/Treasurer

Deb Thompson and Bruce Werven, Svold Community Hall members, discussed the trails utilized by the public for recreational purposes with the Commission. The majority of the trails have been closed by the North Dakota Game & Fish Department with only one trail remaining open, which ND Game & Fish is attempting to close. The members of the Svold Community Hall are working with District 19 Representative David Monson to have the trails reopened. Ms. Thompson has received letters of support from both LaMoure Township and Advance Township regarding the reopening of the trails. These trails meet the definition of a road and per NDCC 24-07 specific steps must be taken to close a road, which Ms. Thompson stated was not done. Representative Monson suggested the members request a letter of support from the Commission to reopen the trails to public use. Mr. Werven stated that it is a legal road, not a trail, per a State Highway Patrol Officer. Discussion followed from States Attorney Fontaine. Motion made by Andrew Cull and seconded by Darin Otto to table a decision to allow the States Attorney time to research the request for a letter of support. All voting in favor; motion carried.

Auditor informed the Commission of a letter of resignation received from Mikka Willits effective May 10, 2023. Motion made by Laverne Doyle and seconded by Darin Otto to accept the letter of resignation. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes, Darin Otto – yes; Andrew Cull – yes. Motion carried.

Akra Township Supervisor Chris Johnson discussed the township concerns on 132nd Ave NE, a border road between Akra and Beaulieu Townships. Also present were Darrell Cox and Joey Cook, Akra Township Supervisors, and Ben Hannesson. Chris explained that this area has had to be cut two years in a row and the township is asking if they could get some cost share for the cost of cutting and fixing the road. Discussion followed on possible FEMA reimbursement. The township understands that the county plans on replacing the bridge north of the driveway this summer with two box culverts. They are requesting an additional 36" culvert be installed south of the driveway. Commissioner Doyle will contact Devin Johnson, Highway Superintendent, to discuss options.

Konor Parker and Tanya Wieler, Human Resources, informed the Commission the investigative report on Mikka Willits, Tax Director, has been completed. Ms. Wieler stated there is no reason to discuss the report due to the Commission accepting Ms.

Willits' letter of resignation. Discussion followed on advertising for the open position. Motion made by Blaine Papenfuss and seconded by Darin Otto to have the Human Resource Department advertise for the open position immediately. Discussion followed. All voting in favor; motion carried.

Board reviewed the April payroll 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.

Auditor informed the Commission of the notice received letting her know the current software provider, Counties Providing Technology, will discontinue services to North Dakota clients effective December 31, 2024.

Motion made by Laverne Doyle and seconded by Blaine Papenfuss to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 10:29 AM.