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## BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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May 7, 2024

9:00 AM

Board of Pembina County Commissioners met in the Commissioners Meeting Room of the Courthouse. Chairperson Cull called the meeting to order at 9:00 AM.

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

Also, in attendance are: Zelda Hartje, Angelle French, Garret Fontaine, States Attorney, Rachel Ramsay, Public Health Director, Marcus Ramsay, Chief Deputy, Samantha Weeks, 911/IT/GIS Coordinator, Samantha Diemert, Emergency Manager/Weed Officer, and Melissa Morden, Clerk/Recorder.

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

Motion made by Darin Otto and seconded by Jim Benjaminson to approve the April 16, 2024 meeting minutes as presented. All voting in favor; motion carried.

Motion made by Blaine Papenfuss and seconded by Jim Benjaminson to approve the sale of County property described as Lots 17-18, Block 24, OT, City of Pembina, Parcel 33-1320000, to Keith and Lyndi Needham. All voting in favor; motion carried.

Commission reviewed the ND Department of Transportation Final Certification of Local Match form for Project RSC-3411(093), for the work completed on the railroad crossing by Backoo on County Road 12. The certification designates the source of county funds that were used to cover the 10% match required to supplement the federal funds that were obligated by the North Dakota Department of Transportation. Motion made by Darin Otto and seconded by Blaine Papenfuss to authorize the Chairman to sign the certification as presented. All voting in favor; motion carried.

Board received the Funding Agreement for Clerk of District Court Services from the ND Supreme Court. Agreement is for reimbursement in the amount of \$10,072.00 per month beginning July 1, 2025 through June 30, 2027. Agreement is reviewed every two years. Reimbursement is based on .89 FTEs. This is down from the previous biennium which was based on 1.16 FTEs. Motion made by Darin Otto and seconded by Blaine

Papenfuss to authorize the Chairman to sign the agreement as presented. All voting in favor; motion carried.

Commission was presented with the Rental of Road Machinery listing from the bid opening held on April 16, 2024. There are fourteen contactors that qualified for the 2024 listing.

Auditor requested to transfer the funds remaining in the Job Development Authority fund to Angelle French, Pembina County JDA Director. The total remaining in the fund is \$131,312.18. Motion made by Darin Otto and seconded by Blaine Papenfuss to authorize the transfer as presented. All voting in favor; motion carried.

Gaming site authorization renewal, at Bonesy's Bar in Leroy, received from Development Homes, Inc. Motion made by Blaine Papenfuss and seconded by Jim Benjaminson to approve the gaming site renewal request as presented. All voting in favor; motion carried.

Auditor discussed the unobligated funds remaining in the American Rescue Plan Act (ARPA) and Local Assistance and Tribal Consistency Fund (LATCF). These funds need to be obligated by the end of 2024, and the funds need to be spent by the end of 2026. Discussion followed on possible uses for the funding. No decisions made at this time.

Discussion held on a rotation process for Commission portfolios. States Attorney Fontaine suggested the rotation take place after each election year. Motion made by Jim Benjaminson to assign portfolio changes after each election year, which would be every 2 years. Second by Blaine Papenfuss. All voting in favor; motion carried.

Kelly Cluchie, Maintenance, and Devin Johnson, Highway Superintendent, discussed the Buildings and Grounds tractor. The Highway Department needs a tractor to utilize when they are crack sealing with the MiniMac machine. The Buildings and Grounds tractor would work perfectly so they are requesting to transfer the tractor to the Highway Department and purchase a new tractor for Buildings and Grounds. Kelly presented a quote from John Deere, in the amount of \$29,650.00, for the purchase of a John Deere X738 Signature Series Tractor with a cab, mower deck and snow blower. Motion made by Blaine Papenfuss and seconded by Darin Otto to authorize the purchase of the John Deere X738 tractor, utilizing the LATCF funding. Discussion followed. Roll call vote: Jim Benjaminson -yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

LuAnn Kemp, Water Board Secretary, informed the Commission the Water Board would like to schedule the joint hearing for the Tongue River Snagging & Clearing project for 10:00 am, Tuesday, July 16, 2024. Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the hearing time and date as presented. All voting in favor; motion carried.

Zelda Hartje did not receive the PCHPS contract for signature. Zelda requested to discuss the cemeteries in Pembina County. There are some cemeteries that are in need of major work. Per North Dakota Century Code (NDCC) it is the County Commission responsibility to care for abandoned cemeteries, but there is a question as to the definition of "abandoned cemetery", per NDCC. States Attorney Fontaine stated he would do the research to determine the definition of an "abandoned cemetery" per NDCC. Motion made by Blaine Papenfuss to table further discussion until the May 21, 2024 meeting. Second by Jim Benjaminson. All voting in favor; motion carried.

Commission reviewed a news story publication, related to the reappraisal project with Vanguard Appraisals, Inc. Lisa is requesting to publish the information in all county papers. Motion made by Blaine Papenfuss and seconded by Jim Benjaminson to approve the publication of the news story in all area papers. All voting in favor; motion carried.

Lisa presented a letter from Sidwell regarding the contract signed 9/26/2023. Pembina County does not have a land use GIS layer. The land use layer (polygon layer) is available through the FARMS program offered through Sidwell. Lisa is requesting to get a quote from Sidwell to provide the polygon layer. Commission requested Lisa contact Sidwell for a quote for the polygon layer and return with the quote before making a decision.

Auditor Schlittenhard requested to transfer 72 hours of sick leave to Lisa Wieler. Motion made by Darin Otto and seconded by Jim Benjaminson to authorize the transfer of 72 hours of sick leave to Lisa Wieler. All voting in favor; motion carried.

Culvert request received from Elora Township to replace a rusted culvert with a new culvert, on the county line between Pembina County and Walsh County, in the SE $\frac{1}{4}$  of Section 34 of Elora Township. Devin contacted the Highway Superintendent in Walsh County and they will split the cost with Pembina County. The request has been approved by two township officers, the Water Board, and Devin Johnson, Highway Superintendent. Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the request, with the cost-share from Walsh County, and authorize the Chairperson to sign the permit as presented. All voting in favor; motion carried.

Devin presented a utility permit from Nodak Electric Cooperative. The request is to bore under County Road 55 to add a new service on the south side of County Road 55 from the existing overhead on the north side, between Section 1 and Section 12 of St Joseph Township and between Section 6 and Section 7 of Felson Township. Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the permit as presented. All voting in favor; motion carried.

Devin Johnson, Highway Superintendent, shared pictures of the installation of the bridge near Bowesmont and gave a brief update on the project. The first installment

payment was received for the project. Discussion followed on where the funding should be taken from. Motion made by Blaine Papenfuss and seconded by Jim Benjaminson to utilize Prairie Dog Funding for payment of the first installment for the bridge. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Devin discussed the need for striping the highways in the county. Since he was not able to get contractors last year there is a definite need to stripe several county highways. Motion made by Blaine Papenfuss and seconded by Jim Benjaminson to get quotes on striping and return to the next meeting with the quotes. All voting in favor; motion carried.

Commission received bids from the following to furnish Pembina County with chips for the 2024 work season:

North West Aggregate - \$19.00/ton with a .23/ton mile hauling charge. Motion made by Blaine Papenfuss and seconded by Darin Otto to accept the bid of North West Aggregate. Roll call vote: Jim Benjaminson – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Commission received bids from the following to furnish Pembina County with asphalt products for the 2024 work season:

Cenevous - MC-3000 - \$3.02/gallon delivered  
Flint Hill Resources, LP – CRS-2P - \$2.81/gallon delivered  
CQS-1HP - \$3.11/gallon delivered  
CSS-1HD50 - \$1.52/gallon delivered

Motion made by Blaine Papenfuss and seconded by Jim Benjaminson to accept the bid of Flint Hills Resources, LP for the CRS-2P, CQS-1HP and CSS-1HD50 fogging oils and accept the bid of Cenevous for the MC-3000. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – yes. Motion carried.

Commission reviewed the April payroll and claims. Motion made by Blaine Papenfuss and seconded by Darin Otto to approve the consent agenda as presented. All voting in favor; motion carried.

Motion made by Blaine Papenfuss and seconded by Jim Benjaminson to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:18 AM.