

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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November 15, 2011

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: Corene Vaughn, Gary Nilsson, Andy Adamson, and Hugh Ralston. Absent: Hetty Walker.

Chairman Vaughn called the meeting to order. No known additions to the agenda.

Motion made by Gary Nilsson and seconded by Hugh Ralston to approve the November 1, 2011 meeting minutes as presented. All voting in favor; motion carried.

Julie Doyle, Tax Director, met with the Commission to discuss the Property Tax Incentive applications received from Steve Heller and Columbia Grain. Ms. Doyle explained the process for individuals to apply for exemptions. Crystal City has approved the application for Columbia Grain. Discussion was had on Payments in Lieu of Tax (PILT) payments. Motion made by Gary Nilsson and seconded by Hugh Ralston to approve the application from Steve Heller as presented. All voting in favor; motion carried. Discussion was had on the collection of mobile home taxes and the deadline for soils.

Pembina County Housing Authority Board minutes were reviewed.

Pembina County Water Resource Board minutes, from September 6, 2011 through October 18, 2011, and claims, from October 4, 2011 and November 1, 2011, were reviewed.

A letter of resignation was received from Jennifer Stanhope, effective December 30, 2011. Ms. Stanhope will be relocating due to her husband accepting a new position. Motion made by Gary Nilsson and seconded by Andy Adamson to accept the letter of resignation. All voting in favor; motion carried. The Commission thanked Ms. Stanhope for the wonderful job she has done while employed by Pembina County and regretfully accepted her resignation.

Board reviewed the list of Board appointments that will expire in December 2011. Open positions will be advertised and appointments and reappointments will be decided at a later date.

Drainage permit received from William Wagner to clean the ditch, put it back to grade and clean the culvert ends in the SW ¼ of Section 3 and SE ¼ of Section 4 along County Road #55 in Neche Township. Troy Kittelson, Highway Supervisor, inspected the sight and approved the request. Motion made by Hugh Ralston and seconded by Gary Nilsson to approve the permit as presented. All voting in favor; motion carried.

Tanya Wieler, Human Resource Director, met with the Commission. Ms. Wieler spoke of Title VI of the Civil Rights Act of 1964. The County must be Title VI compliant. Ms. Wieler presented the Title VI and Non-Discrimination Policy Statement for signature. Discussion followed. Motion made by Andy Adamson and seconded by Gary Nilsson to authorize the Chairman to sign the statement as presented and to name Tanya Wieler as the Title VI Coordinator for Pembina County. All voting in favor; motion carried. Ms. Wieler spoke of adding the Employee Assistance Program to Section 301 of the current manual. The new Nursing Mother's Policy, which became federal law in 2010, will be added to the policy manual. Ms. Wieler feels the current Drug and Alcohol Policy is too lengthy and would like permission to condense the policy. Commission authorized Ms. Wieler to make any required changes. Discussion was had on the billing received from Great Plains Benefit Group. Motion made by Gary Nilsson to discontinue service with Great Plains Benefit Group effective January 2012, and utilize Ms. Wieler to keep the personnel policy updated. Motion seconded by Hugh Ralston. All voting in favor; motion carried. Ms. Wieler will report back at the next meeting.

Ms. Wieler informed the Commission on the status of job description updates. She has some offices that have not submitted their updated job descriptions and will be contacting them. Ms. Wieler hopes to have all job descriptions updated by year end.

Culvert requests received from Craig Steiger to install an approach along County Road #2 in the NE ¼ of Section 28 of North Cavalier Township and to install a water block along County Road #2 in the NW ¼ of Section 27 of North Cavalier Township. North Cavalier Township supervisors have approved the requests as presented. Troy Kittelson, Highway Supervisor, inspected the sights and approved the requests. Motion made by Hugh Ralston and seconded by Andy Adamson to approve the culvert requests as presented. All voting in favor; motion carried.

The Pembina County Water Resource Board met with the Commission. Chairman Boettger spoke of water issues throughout the county and state. Mr. Boettger gave updates on completed drain projects, drain projects currently being worked on and anticipated drain projects for the upcoming year. Discussion followed. Mr. Boettger also updated the Commission on dam projects which must have an Emergency Action Plan. Houston Engineering has agreed to implement the Emergency Action Plans for the remaining 5 dams by the May 31, 2012 deadline. Randy Wagner spoke of the Canadian Dike lawsuit meeting he attended, in Winnipeg, with Neil Fleming. It is looking as if a trial date will be late fall of 2012 or early spring of 2013.

Motion made by Andy Adamson and seconded by Gary Nilsson to approve the consent agenda of claims as presented. All voting in favor; motion carried.

Sale of County Property set for 11:00AM:

Bids received on property described as Lots 1-3, Block 27, OT, City of Bathgate
Bid of \$200.00 received from John Morrison

Bid received on property described as Lot 9, Block 31, OT, City of Bathgate
Bid of \$100.00 received from John Morrison

Bid received on property described as Lots 14 & 15, Block 31, Comstock's & White's
Addition, City of Bathgate
Bid of \$100.00 received from John Morrison.

Bid received on property described as Lots 16 & 17, Block 31, Comstock's & White's
Addition, City of Bathgate
Bid of \$100.00 received from John Morrison.

Bid received on property described as Lots 12-14, Block 10, Railroad Addition, City of
Drayton
Bid of \$8,500.00 received from Denis Desouza.

Bid received on property described as Pt Lot 4 & Pt Lot 5, Block 2, Northerly Portion,
Symington's 1st Addition, City of Neche
Bid of \$4,000.00 received from Bob Symington.

Bid received on property described as Lot 9, Block 1, Jenson's Addition, City of Neche
Bid of \$500.00 received from Lee Beattie.

Bid received on property described as Lots 11 & 12, Block 72, Hornung's 1st Addition,
City of Walhalla
Bid of \$1,000.00 received from Eugene and Joyce Solberg.

Bid received on property described as S ½ Lots 1 & 2, Block L, Emmerling's 1st Addition,
City of Walhalla
Bid of \$1,010.00 received from Karen Dumas.

Bid received on property described as Lot 2, Block 1, North Addition, City of Walhalla
Bid of \$100.00 received from Walhalla Farmer's Grain, LLC.

Bid received on property described as Lot 10, Block 1, North Addition, City of Walhalla
Bid of \$100.00 received from Walhalla Farmer's Grain, LLC.

Bid received on property described as Lot 9, Block 18, OT, City of Bathgate
Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 17-22, Block 3, Foster's Addition, City of
Bathgate
Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 1-2, Block 4, Foster's Addition, City of Bathgate

Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 4 and 6-9, Block 4, Foster's Addition, City of Bathgate

Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 13-16, Block 4, Foster's Addition, City of Bathgate

Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 17-19, Block 4, Foster's Addition, City of Bathgate

Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 20-21, Block 4, Foster's Addition, City of Bathgate

Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 1-3, Block 12, Foster's Addition, City of Bathgate

Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 1 & 2, Block 17, OT, City of Hamilton

Bid of \$100.00 received from Rocky Mountain Land LLC.

Bid received on property described as Lots 7-10, Block 30, OT, City of Neche

Bid of \$500.00 received from Rocky Mountain Land LLC.

Bid received on property described as All Block U, Emmerling's 1st Addition, City of Walhalla

Bid of \$50.00 received from Rocky Mountain Land LLC.

Motion made by Gary Nilsson and seconded by Andy Adamson to accept the high bids as listed above for the above described properties. All voting in favor; motion carried.

Julie Doyle, Tax Director, met with the Commission to clarify the responsibilities of the Tax Director's Office related to the collection of delinquent mobile home tax.

Jill Pedersen, Emergency Management, met with the Commission for approval of an addendum to the State of North Dakota Mutual Aid Agreement. Ms. Pedersen explained the reason for the need for the addendum. Discussion followed. Motion made by Hugh Ralston and seconded by Gary Nilsson to authorize the Chairman to sign the addendum as presented. All voting in favor; motion carried. Ms. Pedersen updated the Commission on the receipt of Homeland Security funds for updating radios, FEMA dollars that are being received, and grant dollars that were received for training and exercises.

Motion made by Gary Nilsson and seconded by Andy Adamson to authorize the Chairman to sign the County Deeds and Repurchaser Deeds as presented. All voting in favor; motion carried.

Drayton City representatives cancelled 3:00PM meeting due to weather and road conditions.

Chris Jackson, Walhalla City Mayor, met with the Commission to discuss the current Law Enforcement contract between Pembina County and Walhalla City. Brian Erovick, Pembina County Sheriff, also present. The Commission is interested in updating the current contract, dated April 6, 1987. Discussion followed. The Commission requested Mr. Jackson have the Walhalla City attorney review the contract and return, via fax, for the December 6, 2011 Commission meeting.

Kerry Peuser, Michael J Burns Architects, and Gerry Wieler, Wieler Construction, met with the Commission to discuss the window project. Kelly Cluchie, Maintenance Engineer, and James Matter also present. Chairman Vaughn requested a Schedule of Values from Mr. Peuser. Mr. Wieler informed the Commission that he had talked with Ralph Miller this morning regarding his bid to finish the project. Mr. Matter expressed his concerns as a taxpayer in Pembina County. Commissioner Adamson suggested that Gleason Construction do a show of good faith by depositing any additional costs in a special fund. Discussion followed. Motion made by Andy Adamson to request a certified check for \$15,000.00 from Gleason Construction to deposit in a special fund to cover payment to Wieler Construction upon completion of the window project with any unused funds to be returned to Gleason Construction. Certified check must be received by Friday, November 18, 2011 or the bonding company will be contacted. Motion seconded by Gary Nilsson. Roll call vote: Gary Nilsson – yes; Andy Adamson – yes; Hugh Ralston – yes; Corene Vaughn – yes. All voting in favor; motion carried. Discussion was had on the front entrance doors and windows. The additional cost would be \$5,000.00. Motion made by Andy Adamson and seconded by Hugh Ralston to authorize the additional dollars to cover the cost of the front entrance. Roll call vote: Gary Nilsson– yes; Andy Adamson– yes; Hugh Ralston– yes; Corene Vaughn– yes. All voting in favor; motion carried.

David Carik was contacted, per his request, for a conference call with the Commission. Mr. Carik expressed his frustration over the lack of response from the State's Attorney office, regarding a situation that occurred in April of this year. Discussion followed. It was suggested to Mr. Carik that he contact the State Disciplinary Board or the Attorney General's Office regarding his complaint. Auditor was asked to forward procedure, addresses and phone numbers to Mr. Carik.

The Commission discussed the emails received from Dan Gaustad, Pearson, Christensen & Clapp, PLLP, regarding the Pembina County Water Board V Pembina County Commission case. The email states that per Court order, the parties' briefings must be filed by November 17, 2011.

Gerry Wieler and Kerry Peuser returned to update the Commission on Mr. Miller's response to the request for the \$15,000.00 certified check as a deposit for additional costs. Mr. Gleason disagrees with depositing a certified check into a special fund. Commissioner Andy Adamson rescinded his previous motion of requiring a deposit from Gleason Construction. Discussion followed. Motion made by Gary Nilsson to have Wieler Construction as sub-contractor for Gleason Construction and finish the remainder of the project with any additional costs over the original contract being paid by Gleason Construction directly to Wieler Construction. Motion seconded by Hugh Ralston. Roll call vote: Gary Nilsson – yes; Andy Adamson – yes; Hugh Ralston – yes; Corene Vaughn – yes. All voting in favor; motion carried.

No further business; meeting adjourned.