

## BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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October 30, 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, Gary Nilsson, Corene Vaughn, Hugh Ralston, and Hetty Walker.

Chairman Adamson called the meeting to order.

Motion made by Gary Nilsson and seconded by Hetty Walker to approve the October 16, 2012 meeting minutes as presented. All voting in favor; motion carried.

Additions to the agenda include reports on the annual Fair Board meeting, Locally Led Soil Conservation meeting, an article from the October 2012 Grassroots edition, and updates on the Metis Cemetery.

Commissioner Nilsson talked about the question in the October issue of Grassroots related to township owned cemeteries and how the issue relates to county owned cemeteries. Discussion followed.

Letter received from Kate Kenna, Northeast Human Service Center Director, requesting the appointment of a council member for a term of two years, Motion made by Gary Nilsson and seconded by Hetty Walker to reappoint Corene Vaughn as a council member of the Northeast Human Service Center Regional Advisory Council commencing on January 1, 2013 through December 31, 2014. All voting in favor; motion carried.

Motion made by Hugh Ralston and seconded by Gary Nilsson to authorize the Chairman to sign the Application for Occupancy on Right of Way of County Highways with Polar Communications and Vantage Point for construction of buried fiber optic cable to upgrade the Hoople, Crystal and St Thomas exchanges. All voting in favor; motion carried.

Board discussed the proposal to levy 2 mills for a county loan fund for the purchase and/or repair of highway equipment.

## RESOLUTION

WHEREAS, in the judgment of the Board of County Commissioners of Pembina County, North Dakota, all taxes authorized to be levied for the calendar year ending December 31, 2012 for general or specific purposes are insufficient to carry on the primary governmental functions of said county, including the purchasing and/or repair of highway department equipment for which Pembina County, North Dakota, is obligated to provide and maintain, and are insufficient to pay the mandatory obligations imposed by law upon said County, including those obligations already awarded by contract, payable out of its general and special funds, and

WHEREAS, Chapter 57-47 of North Dakota Century Code affords said Board of County Commissioners an opportunity to make application for a loan from a Banking Association upon the completion of such application as said Chapter and the Industrial Commission of the State of North Dakota, may prescribe or approve; and

WHEREAS, in the judgment of said Board of Commissioners of said County will have insufficient funds in the amount of \$90,000.00 to carry out its primary governmental function, as it is necessary to make application for a loan in that amount,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pembina County, North Dakota at a regular meeting held on October 30, 2012 with a quorum of its members present and voting as follows:

1. That said Pembina County, North Dakota, by and through its Board of County Commissioners hereby authorize the County Auditor/Treasurer and Chairman of said Board of County Commissioners to sign and process an application for the purpose of borrowing \$90,000.00 from a Bank in Pembina County that currently is a depositor of Pembina County funds in a money market account; term of loan to be for no more than one year from the date of entering into agreement with such bank to borrow such funds; under and pursuant to the provisions of NDCC 57-47.
2. That attached hereto and made a part thereof, is a statement of the financial condition of the various accounts of said County, and the obligations incurred showing the need for such loan.

3. That said Pembina County, North Dakota hereby agrees that said loan is approved in whole or in part, that it, by and through its Board of County Commissioners will levy a general tax from year to year upon all the general taxable property of said county, not to exceed three mills for any one year, for the purpose of providing funds sufficient to repay the amount of said loan, with interest, at the time of maturity of such loan to be evidenced by the issuance of Certificates of Indebtedness by said county.
4. The said Board of County Commissioners of Pembina County hereby establishes a special fund in the County Treasury of Pembina County, North Dakota hereby designated as "County Loan Fund (Highway Dept)" in anticipation of the granting of said loan, and all monies collected from the general tax levied pursuant to said loan under Chapter 57-47, NDCC shall be deposited to the credit of said special fund, and said fund shall be used only for the purpose of repaying the principal and accrued interest due upon said loan. When said loan has been paid in full, any balance remaining in said special fund shall be transferred to the general fund of said county.

Motion made by Gary Nilsson and seconded by Corene Vaughn to adopt the foregoing resolution. Roll call vote: Gary Nilsson - yes; Corene Vaughn - yes; Hugh Ralston - yes; Hetty Walker - yes; Andy Adamson - yes. Resolution declared adopted and Auditor/Treasurer directed to contact all banks in Pembina County that carry a money market account with Pembina County for bids on an interest rate and to begin the process of said loan application.

Troy Kittelson, Highway Superintendent, discussed the letter from the North Dakota Department of Transportation regarding updating of county railroad crossings. Discussion followed on crossings in Pembina County that are in need of repair. Mr. Kittelson will respond by the December 1, 2012 deadline. Mr. Kittelson discussed the bids that were received for an articulated wheel loader. Clay Smaaladen, Butler Machinery, and Tim Sattler, RDO Equipment, also present. Mr. Kittelson reviewed all the bids that had been received. Motion made by Gary Nilsson to accept the low bid of RDO. Motion seconded by Corene Vaughn. Discussion followed. Roll call vote: Gary Nilsson - yes; Corene Vaughn - no; Hugh Ralston - yes; Hetty Walker - no; Andy Adamson - yes. Motion carried.

Troy updated the Commission on bridge inspections. State has inspected county bridges and found deficiencies with a couple of bridges. Discussion followed. The bridges will be repaired in the spring.

Tanya Wieler, Human Resource Director, unable to meet with the Commission. Ms. Wieler will reschedule for the next meeting.

Commission reviewed the September financial statement. Motion made by Gary Nilsson and seconded by Hetty Walker to approve the consent agenda as presented. All voting in favor; motion carried.

Commission reviewed 2013 liquor licenses. Discussion followed regarding increasing fees. Cities were contacted regarding city fees. Motion made by Gary Nilsson to retain the current liquor license fees for 2013. Motion seconded by Hugh Ralston. All voting in favor; motion carried.

Kadie Benson, Weed Officer, and Joel Anderson, J & J Spraying, present for 2013 noxious weed spraying bid opening. Bid received from J & J Spraying for road side ditch spraying for 2013 -2015 seasons in the amount of \$19.90 per applied acres sprayed. Motion made by Gary Nilsson to accept the bid of \$19.90 per applied acres sprayed for the 2013 – 2015 seasons. Motion seconded by Corene Vaughn. Roll call vote: Gary Nilsson – yes; Corene Vaughn – yes; Hugh Ralston – yes; Hetty Walker – yes; Andy Adamson – yes. All voting in favor; motion carried.

Commission discussed the billing received from Cavalier County Emergency Management for an exercise in the Pembina Gorge. Commission was presented with an after action plan for review. Motion made by Hugh Ralston to refuse payment of the invoice since a contract was not presented for approval prior to the exercise. Motion seconded by Gary Nilsson. Discussion followed. Roll call vote: Gary Nilsson – yes; Corene Vaughn – yes; Hugh Ralston – yes; Hetty Walker – yes; Andy Adamson – yes. All voting in favor; motion carried.

Commission presented the listing of foreclosed property and discussed appraised values for said properties. Hearing on set appraisals will be held Tuesday, November 13, 2012 at 11:00AM in the Farmer's Room.

Pembina County Water Resource District minutes from August 28, 2012 through October 16, 2012 and claims were reviewed.

Sarah Braaten, Red River Regional, discussed the proposed riparian project for the O'Hara Bridge. Greg Fritz, Pembina Township Supervisor and landowner, Chris Nelson, NRCS, and the Pembina County Water Resource Board also present. Ms. Braaten discussed the Operations and Maintenance Agreement that was signed at the October 16, 2012 meeting. Mr. Nelson reviewed the agreement, stating it appears to meet NRCS standards, and explained the conservation life spans required to be met by the County. Discussion followed. Ms. Braaten is requesting Operations and Maintenance Agreements between NRCS and Pembina County and an agreement between the landowner and Pembina County. Ms. Braaten also requested County approval on cost share of tree removal on the north bank to aid in stabilization of the bank. Contracts will be drawn up for approval at the November 20, 2012 meeting.

Commissioner Vaughn reported on the Pembina County Fair Board annual meeting she attended on Tuesday, October 23, 2012. Updates were given on financial status and grounds maintenance. Commissioner Vaughn also reported on the Locally Led Soil Conservation meeting she attended on Monday, October 29, 2012. Updates were given on shelterbelt cost share, drainage concerns, cover crops, and salinity of soils.

Chairman Adamson declared the meeting adjourned.

Officer Fees: Clerk of Court - \$16,482.00  
Recorder - \$ 4,444.80  
Sheriff - \$ 2,004.10

Transfers: Social Service Levy to Social Service: \$49,000.00

October Payroll: \$261,722.25

Claims: Warrant #1050 - \$21,695.28; Warrant #80403 - #80667 - \$282,090.14

/s/ Andy Adamson, Chairman  
Pembina County Board of Commissioners

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