

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

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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October 20, 2020

8:30 AM

Board of Pembina County Commissioners met at 8:30 AM in the Commissioners Meeting Room of the Courthouse with the following members present: Jim Benjaminson, Laverne Doyle, Nick Rutherford, Hugh Ralston and Hetty Walker.

Chairman Ralston called the meeting to order.

Motion made by Nick Rutherford and seconded by Hetty Walker to approve the October 6, 2020 meeting minutes as presented. All voting in favor; motion carried.

Laurie Fontaine, Northeast Judicial District Judge, met with the Commission to notify them of her retirement, effective January 29, 2021. Under NDCC 27-05-02.1 the North Dakota Supreme Court is required to review judicial vacancies that occur and determine, within 90 days of receiving notice of a vacancy, whether the office is necessary for effective judicial administration. Also, under North Dakota Supreme Court Administrative Rule 7.2 the Supreme Court must notify the counties affected by the Vacancy in Judgeship No. 5. Judge Fontaine discussed the significant services provided to the public, Social Service Agency, Sheriff's Department and other justice partners. If the Northeast Judicial District Judgeship were to be eliminated it would create hardships for the citizens of Pembina County as they would have to travel to Grafton or Devils Lake for court services. The following resolution in support of retaining Judgeship #5 was presented:

RESOLUTION IN SUPPORT OF RETAINING JUDGESHIP #5

WHEREAS the Pembina/Cavalier County District Court Judgeship is important in providing Court services for the people of Pembina/Cavalier Counties and the surrounding area;

WHEREAS District Judgeship #5 is dual chambered within the Pembina County Courthouse and Cavalier County Courthouse with facilities maintained accommodating the Chambers;

WHEREAS District Judgeship #5 is responsible for all caseload in Pembina and Cavalier Counties and is also required to cover cases through the other nine NEJD counties as reassigned;

WHEREAS the criminal caseload in Pembina County alone requires one full-time elected State's Attorney and greater than one full-time equivalent for Court Clerk services;

WHEREAS the combined populations of Pembina and Cavalier County makes this dual chambered area the third largest population base in the Northeast Judicial District;

WHEREAS the District Court located in Pembina and Cavalier Counties provides significant services to and access for members of the public, social service agencies, and all other justice partners;

WHEREAS the Judgeship #5 chambered area is rural and requiring travel to Grafton or Devils Lake for court services would create hardship for the citizens of our County;

NOW, THEREFORE IT IS HEREBY RESOLVED by the Pembina County Board of Commissioners on behalf of the citizens of Pembina County and local law enforcement agencies that utilize Court services our County; the Pembina County Commissioners support retaining Judgeship #5 in the Northeast Judicial District with Chambers in Cavalier and Langdon.

Dated October 20, 2020

Pembina County Commissioners

/s/ Hugh J Ralston

/s/ James Benjaminson

/s/ Laverne Doyle

/s/ H. C. Walker

/s/ Nick Rutherford

Motion made by Jim Benjaminson and seconded by Laverne Doyle to approve the resolution as presented. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hetty Walker – yes. Motion carried.

North Dakota Weed Control Association Newsletter for October 2020 was reviewed.

Jill Mullen, Gardar Country Club, contacted the Auditor to request off sale be included for her 2021 license. Prior to determining the cost for off sale, the Commission needs to know how many days Ms. Mullen will be open for off sale, if the request is for off sale of both beer and liquor and if the Township Board agreed to allowing off sale. Commission discussed 2021 liquor licenses. Motion made by Nick Rutherford and seconded by Laverne Doyle to approve the current liquor licenses fees for 2021. All voting in favor; motion carried.

Denise Dame, Public Health Tobacco Coordinator, presented a resolution to increase the tobacco tax in North Dakota since it is a proven way to prevent youth tobacco initiation, encourage a reduction of adult tobacco users, reduce health care costs, and provide an overall benefit to public health. This resolution

was adopted by the Tobacco Free North Dakota Board of Directors on October 2, 2020. Motion made by Laverne Doyle and seconded by Nick Rutherford to authorize the Chairman to sign the resolution supporting increasing the tobacco tax. All voting in favor; motion carried.

Denise presented a second resolution, Statement of Support for the North Dakota Smoke-Free Law, prohibiting smoking in enclosed public places. The North Dakota Smoke Free Law was enacted in 2012 and has been shown to protect the public from exposure to secondhand smoke. This statement was adopted by the Tobacco Free North Dakota Board of Directors on December 12, 2019. Motion made by Hetty Walker and seconded by Jim Benjaminson to authorize the Chairman to sign the resolution preserving the North Dakota Smoke Free Law as currently written. All voting in favor; motion carried.

A third resolution was presented by Ms. Dame to support a fully funded tobacco control program. This program offers tobacco cessation counseling and services. This resolution was adopted by the Tobacco Free North Dakota Board of Directors on October 2, 2020. Motion made by Laverne Doyle and seconded by Jim Benjaminson to authorize the Chairman to sign the resolution supporting the use of money from the Master Settlement Agreement, tobacco taxes and any other relevant sources to fund the program. All voting in favor; motion carried.

Motion made by Nick Rutherford and seconded by Jim Benjaminson to authorize the Chairman to sign the repurchaser deeds, for foreclosed property that was redeemed prior to the County Sale date, as presented. All voting in favor; motion carried.

Motion made by Laverne Doyle and seconded by Jim Benjaminson to authorize the Chairman to sign the county deeds, for the sale of county property in Hamilton City and Walhalla City, as presented. All voting in favor; motion carried.

Appraisal hearing on foreclosed property was held at 10:00 AM. No attendance by city or township individuals. The sale of County property will be held on Tuesday, November 17, 2020, beginning at 11:00 AM.

Request from the City of Pembina to purchase property described as the W 100' of Lots 5 & 6, Colombe's Add. South Pembina & Vacated First St, City of Pembina, (Parcel 33-3000006). Motion made by Hetty Walker and seconded by Nick Rutherford to approve the sale of said property to the City of Pembina for \$1.00. All voting in favor; motion carried.

Commission reviewed the claims. Motion made by Hetty Walker and seconded by Jim Benjaminson to approve the consent agenda as presented. All voting in favor; motion carried.

Commission discussed a date for the next Commission meeting due to the next scheduled meeting being on Election Day. Commission set the next meeting for Tuesday, November 10, 2020 at 9:00 AM.

The 2021-2025 County Federal Aid program sheet was reviewed. Since the County borrowed ahead on the Federal Aid dollars to complete the County Road #1 project there are no plans for road projects. Discussion followed on bridges that are in need of repair. Devin is reviewing the bridges and will compile a priority listing for review/approval at the November 10, 2020 meeting. The completed program sheet must be returned to the NDDOT by November 18, 2020.

Drainage permit received from Paul O'Toole to clean the ditch along County Road #12, in the SE¼ of Section 33, in Park Township. The permit has been signed by the landowner and approved by Devin Johnson, Highway Superintendent. Motion made by Laverne Doyle and seconded by Nick Rutherford to authorize the Chairman to sign the permit as presented. All voting in favor; motion carried.

Devin opened and reviewed the bids for the following surplus property items:

- Lot 1: Truck tailgate mounted hydraulic salt/sand spreader–Aaron Wimpfheimer-\$10.00
- Lot 2: 6" homemade water pump 10HP–Aaron Wimpfheimer-\$50
- Lot 3: 6" homemade water pump 6.5HP–Aaron Wimpfheimer-\$50.00
- Lot 4: 2008 KIA Rio–Aaron Wimpfheimer-\$ 2,000.00
- Lot 5: 4 wheeler mounted sprayer tank–Aaron Wimpfheimer-\$75.00
- Lot 6: Desk – Ron Stover-\$40.00
- Lot 7: Quick attach skid steer broom attachment–Arlen Amundsen-\$700.00
- Lot 8: Used truck box tailgate-Aaron Wimpfheimer-\$10.00
- Lot 9: Used truck box tailgate w/ ears–Aaron Wimpfheimer-\$10.00
- Lot 10: 4-235/55/R17 studded tires–Aaron Wimpfheimer-\$10.00
- Lot 11: 6-245/55/R18 tires–Aaron Wimpfheimer-\$10.00
- Lot 12: 5-235/55/R18 tires–Aaron Wimpfheimer-\$10.00
- Lot 13: 2-14/80R truck tires, 1 w/ rim–Aaron Wimpfheimer-\$50.00
- Lot 14: 2-265/70R17 tires, odd tire and rim–Noel Tharalson-\$26.00
- Lot 15: 6-235/55R17 studded tires–Steven Heck-\$100.00
- Lot 16: 6-235/55R17 studded tires–Steven Heck-\$50.00
- Lot 17: 1-385/65R22.5 tire–Aaron Wimpfheimer-\$50.00
- Lot 18: 2-11R22.5 tire–Aaron Wimpfheimer-\$75.00
- Lot 19: 3-11R22.5 truck tires–Aaron Wimpfheimer-\$75.00
- Lot 20: 2-12/20 truck tires with rims–Aaron Wimpfheimer-\$50.00
- Lot 21: 1975 Broce broom–Seth Heck-\$300.00
- Lot 22: Sweson stainless steel live bottom salt/sand spreader–Cavalier City-\$2,025.25
- Lot 23: 16" amber strobe light–Leslie Puppe-\$17.00

Motion made by Jim Benjaminson and seconded by Laverne Doyle to accept the high bids, from the individuals listed above, on the surplus county property. All voting in favor; motion carried.

Motion made by Jim Benjaminson and seconded by Laverne Doyle to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:50 AM.