

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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September 20, 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, Hetty Walker and Hugh Ralston.

Chairman Vaughn called the meeting to order.

Motion made by Hugh Ralston and seconded by Gary Nilsson to go into Executive Session for attorney consultation regarding pending legal action. Roll call vote: Gary Nilsson – yes; Andy Adamson – yes; Hugh Ralston – yes; Hetty Walker – yes; Corene Vaughn – yes. Motion carried. The Executive Session began at 9:01AM and was attended by Corene Vaughn, Gary Nilsson, Andy Adamson, Hugh Ralston, Hetty Walker, Linda Schlittenhard and Dan Gaustad, Attorney for Pearson, Christensen & Clapp, PLLP. Motion made by Gary Nilsson and seconded by Andy Adamson to adjourn the Executive Session at 10:06 AM and return to open session.

Motion made by Gary Nilsson and seconded by Andy Adamson to remand the claim back to the County per Attorney recommendation. All voting in favor; motion carried.

Jill Denault, Social Service Director, met with the Commission regarding the attendant care program. Ms. Denault is interested in sharing the program with Cavalier County. Commission requested Ms. Denault to discuss the plan with Sheriff Erovick.

Motion made by Gary Nilsson and seconded by Hetty Walker to approve the September 6, 2011 meeting minutes as presented. All voting in favor; motion carried.

Pembina County Housing Authority Board minutes were reviewed.

Pembina County Job Development minutes were reviewed.

Pembina County Water Resource Board minutes were reviewed.

Pembina County Fair Board minutes were reviewed.

Drainage permits received from Bernhoft Farms to remove the old culverts and approaches ¼ mile east of State Hwy 32 on the north side of County Road 3 in Section 10 and south side of County Road 3 in Section 15 and remove the silt from the ditch from the intersection of State Hwy 32 and County Road 3 east for ¾ mile in Thingvalla Township, and to remove the old culvert and approach ½ mile east of Hensel on the north side of the road and remove the silt from the ditch for ½ mile east of Hensel and to replace the culvert ¼ mile east of Hensel and remove the silt from the ditch on the north side of the road in Section 7 of Lodema Township. Troy Kittelson, Highway Supervisor, inspected the sights and approved the request. Motion made by Gary Nilsson and seconded by Andy Adamson to approve the permits as presented. All voting in favor; motion carried.

Drainage permit received from Mark Morrison to clean ditches along County Road 2 in the SE¼ of Section 21 in North Cavalier Township. Troy Kittelson, Highway Supervisor, inspected the sight and approved the request. Motion made by Gary Nilsson and seconded by Andy Adamson to approve the permit as presented. All voting in favor; motion carried.

Drainage permit received from Wade Gjevre to clean ditches along County Road 44 in the NE ¼ of Section 23 in Drayton Township. Troy Kittelson, Highway Supervisor, inspected the sight and approved the request. Motion made by Gary Nilsson and seconded by Andy Adamson to approve the permit as presented. All voting in favor; motion carried.

The Board discussed the letters received from the North Dakota Department of Transportation regarding Special Road Funds, Safe Routes to School and Transportation Enhancement Projects.

Motion made by Gary Nilsson and seconded by Hetty Walker to nominate Kristine Schulz as the North Dakota State Fair delegate for 2012. All voting in favor; motion carried.

Commissioner Walker reported that she will be attending the Red River Basin Commission meeting in Fargo on Thursday, September 22, 2011.

Board reviewed the August Financial Report. Motion made by Hetty Walker and seconded by Andy Adamson to approve the consent agenda of claims and the August Financial Report as presented. All voting in favor; motion carried.

Commission discussed the date for the mowing of roadside ditches. Motion made by Gary Nilsson and seconded by Hetty Walker to rescind the previous motion made August 16, 2011 and change the mowing deadline from October 15, 2011 to October 1, 2011 per NDCC 63-05-01. All voting in favor; motion carried.

Commission discussed a request from Jill Pedersen to hire temporary personnel for the Emergency Management office. Motion made by Hetty Walker and seconded by Hugh Ralston to allow Ms. Pedersen to hire a temporary individual. 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 \$80,000.00 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 September 20, 2011 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 \$80,000.00 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 Hugh Ralston to adopt the foregoing resolution. Roll call vote: Gary Nilsson - yes; Andy Adamson - yes; Hugh Ralston - yes; Hetty Walker - yes; Corene Vaughn - 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.

Commission reviewed the proposed 2012 budget. Motion made by Gary Nilsson and seconded by Hugh Ralston to approve the preliminary budget as presented. Roll call vote: Gary Nilsson - yes; Andy Adamson - yes; Hugh Ralston - yes; Hetty Walker - yes; Corene Vaughn - yes. Motion carried.

No further business; meeting adjourned.