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BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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September 21, 2021

8:30 AM

Board of Pembina County Commissioners met at 8:30 AM in the Farmers Room of the Pembina County Courthouse with the following members present: Jim Benjaminson, Laverne Doyle, Nick Rutherford, and Hugh Ralston. Available by phone Hetty Walker. Also available by phone was Terin Riley, Fleming, Dubois & Fleming, LLP.

Chairperson Doyle called the meeting to order at 8:35 AM.

Motion made by Hugh Ralston and seconded by Nick Rutherford to approve the September 7, 2021 meeting minutes as presented. All voting in favor; motion carried.

Motion made by Nick Rutherford and seconded by Jim Benjaminson to change the abatement hearings, previously scheduled for September 28, 2021, to October 20, 2021 at 10:00 AM. Ms. Riley is unable to make the September 28th date work due to classes she will be attending. The October 19, 2021 regularly scheduled meeting date will be changed to Wednesday, October 20, 2021 to accommodate all parties involved in the abatement hearings. All voting in favor; motion carried.

Motion made by Hugh Ralston and seconded by Hetty Walker to approve the agenda with the following changes. The Auditor was notified the Water Board will not be meeting today so their 10:00 am appointment was cancelled. Mikka Willits, Tax Director will be added to the agenda at 10:00 am. All voting in favor; motion carried.

Luann Kemp, Water Board Secretary, supplied a brief update from Zach Hermann, Houston Engineering, regarding the North Branch Park River Flood Damage Reduction project. The project is near the end of the NRCS Watershed Planning effort. Houston Engineering received comments back from NRCS on the draft planning document which will be addressed in the next 1-2 weeks. If the responses are satisfactory to NRCS the plan will be posted for public comment, which would conclude the planning effort. Once this milestone is reached, NRCS has committed to 100% funding on the final design and construction plans for the retention pond east of Mountain. This will allow for continued project development, landowner coordination, permitting, and getting the project

"shovel ready". Ultimately this will lead to a significant federal cost share component to the project.

Commission reviewed the 2020 State Audit report for Pembina County.

Motion made by Nick Rutherford and seconded by Hugh Ralston to authorize the Chairperson to sign the County Corrective deed for Parcel 24-2050020 and the County deeds for the sale of county property to Cheap Homes Finders, Inc for Parcel 25-1100010 in Bathgate City; Parcels 28-0470000, 28-0790004, 28-0790005, 28-0790007, 28-0790010, and 28-0800005 in Crystal City;; Parcel 32-1760000 in Neche City; Parcels 34-1560000 and 34-1940000 in St Thomas City; and Parcels 35-0510000, 35-0530000, 35-3330000, 35-3570000, and 35-3580000 in Walhalla City. All voting in favor; motion carried.

Discussion was held on the reimbursement of FEMA funds from Joliette Township. An error was made on the distribution of the funds when they were received and Joliette Township needed to reimburse the county so the payments can be made to Lincoln Township and Drayton Township. The reimbursement was received and the claims to Lincoln Township and Drayton Township are included in the claims presented for approval today.

Commission was presented with updated information on the proposed 2022 budget. Adjustments were made to the proposed expenditures and revenues that were presented for preliminary budget approval. The preliminary budget showed an 8.83 mill decrease in the County General budget. If the adjustments are approved there would be an additional 7.17 mill decrease in the County General budget. This would be an overall 16.00 mill decrease in the County General budget for 2022. Commission will review prior to the final budget hearing scheduled for 7:00 pm tonight.

Commission was presented with the 2020 Census data. The data shows the population of Pembina County has decreased by 569 individuals or 7.7% since the 2010 census. Counties are advised to wait to finalize their redistricting plan until the legislative redistricting process is complete. Districts should be contiguous following township lines where practicable and as substantially equal in population as possible, and may not vary in population more than 10 percent from the average population.

Revel Sapa, Veterans Service Officer/Human Resource Assistant, and Kelly Cluchie, Maintenance Supervisor, discussed the Assistant Custodian position that has been advertised for several months. Ms. Sapa is asking if Human Resource would be able to negotiate salary, benefits and work schedule for the position. Ms. Sapa discussed the Job Service training program. Individuals participating in the program are paid by Job Service during their training period. Ms. Sapa will contact Mary Houdek at Job Service to discuss the possibility of enrolling in the job training program.

Kelly informed the Commission that one of the rooftop air conditioners on the Law Enforcement building will need to be replaced. Kelly has requested bids from Jenson Heating & A/C and Ricard's and should have them available by the next meeting. Kelly stated that construction will begin this week on the ADA compliant restroom on the upper level of the Law Enforcement Center.

Mikka Willits, Tax Director, and Lisa Wieler, Deputy Tax Director/GIS Specialist, met with the Commission to discuss the Soils Committee applications. Only three applications were received. The original motion called for five members plus two alternates on the committee. Motion made by Nick Rutherford and seconded by Jim Benjaminson to move forward without the formation of a Soils Committee due to time constraints and a lack of interest from the public. Discussion followed. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hugh Ralston – yes; Hetty Walker – yes. Motion carried. Discussion followed on the review of appeals. The Tax Director's office will review the appeals that have been brought into their office but any new appeals will need to be reviewed by the local assessors and township boards

Ms. Willits requested the Commission approve the 2022 list of modifiers, which are those previously used, unless already included in the NRCS web soil surveys. The 2022 modifiers list includes alkaline, erosion, irregular fields, nonconformity, stream & river, rocks and bad drainage. 2022 current land use modifiers were also presented for approval. Land use modifiers include drains, woodland, shelterbelts, waste, water, miscellaneous water, roads, cemetery, gravel pit, pipeline, railroad, farmstead, residence, and commercial. Ms. Willits would like to add pasture as a new land use modifier for 2022. Discussion followed on the NWL and EWP programs. Modifiers can be applied to a maximum of 40% per acre of affected area and should correlate to loss of productivity. In areas where limiting conditions are not apparent, no modification is to be provided. A minimum of 3 acres of indicated impact must exist before a modifier will be applied. Modifiers shall not be applied to non-cropland or other indicated land uses not cropland in nature. Ms. Willits would like to submit the list of modifiers to the state for approval so the local assessors can begin the process as soon as possible. Motion made by Jim Benjaminson and seconded by Hugh Ralston to approve the list of modifiers as presented. All voting in favor; motion carried.

Commission reviewed the August financial statement and claims submitted for payment. Motion made by Nick Rutherford and seconded by Jim Benjaminson to approve the consent agenda as presented. All voting in favor; motion carried.

Drainage permit received from Doug Stegman to clean the silt to grade in the road ditch along County Road #2 in the NE¹/₄ of Section 9 of Felson Township. Permit was signed by the landowner and approved by Devin Johnson, Highway Superintendent. Motion made by Jim Benjaminson and seconded by Nick

Rutherford to authorize the Chairperson to sign the permit as presented. All voting in favor; motion carried.

Drainage permits received from Wayne Newell to clean the silt to lower the ditch grade by 8" along County Road #2 in the E½ of Section 9 of Felson Township. Permits were signed by the landowners and approved by Devin Johnson, Highway Superintendent. Motion made by Jim Benjaminson and seconded by Nick Rutherford to authorize the Chairperson to sign the permits as presented. All voting in favor; motion carried.

Culvert request received from Mark Morrison to replace a plugged 24" x 30' culvert with a 24" x 40' culvert in the SE¼ of Section 34 of Felson Township. Request was approved by two township supervisors and Devin Johnson, Highway Superintendent. Motion made by Nick Rutherford and seconded by Hugh Ralston to authorize the Chairperson to sign the culvert request as presented. All voting in favor; motion carried.

Culvert request received from Jay Olson to install a 24" x 60' culvert for field access in the SE¼ of Section 6 in North Midland Township. . Request was approved by two township supervisors and Devin Johnson, Highway Superintendent. Motion made by Nick Rutherford and seconded by Hugh Ralston to authorize the Chairperson to sign the culvert request as presented. All voting in favor; motion carried.

Culvert request received from John Fricke, JFK Farms, to install a 24" x 60' culvert for field access in the SW¼ of Section 24 in South Midland Township. . Request was approved by two township supervisors and Devin Johnson, Highway Superintendent. Motion made by Hugh Ralston and seconded by Jim Benjaminson to authorize the Chairperson to sign the culvert request as presented. All voting in favor; motion carried.

No bids were received for the oil tank. Devin will contact Mayo Construction regarding exchanging the tank for waste oil.

Jeff Daley, Kadramas, Lee & Jackson, and Devin discussed the 2022 County Federal Aid Program sheet with the Commission. Jeff presented an updated map showing the priority of future projects for structure replacements and potential paving projects. The map also includes past structure replacements and the maintenance schedule for county roads. Jeff reviewed the road projects, which include County Road 1 from ND Highway 18 east for 4 miles and County Road 2 from ND Highway 5 to County Road 1. Jeff then reviewed the Federal Bridge program projects, which include Structure 34-126-10.1 located 4.1 miles east and ½ miles south of Bathgate on County Road 4, Structure 34-130-32 located 4 miles south and 6.8 miles east of St Thomas on County Road 4, and Structure 34-110-30 located 2 miles south and 3 miles west of Crystal on County Road 12. Discussion followed on other structures that need to be rehabilitated or replaced

and the Prairie Dog Funding. Commission will review the program sheet with the NDDOT during the NDACo Conference. Pembina County is scheduled to meet with the NDDOT on Tuesday, October 5, 2021 at 11:00 AM. Jeff will not be attending the conference, however Jon Markusen and Wade Thompson will be in attendance.

Jeff updated the Commission on the draft environmental documents for the structure replacements listed above and the pavement testing and coring on County Road 2 and County Road 55.

Brenda Fletcher, Walhalla Public Library, Connie Jonas, Walhalla Library Board President, and Barb Gratton, Walhalla Library Board member, met to discuss the Memorandum of Understanding (MOU) for Disbursement of County Levied Library Funds, dated December 15, 2020. Ms. Fletcher reviewed item three of the MOU, stating that the MOU is basing the disbursement percentage upon the total circulation of paper and/or electronic books. Ms. Fletcher stated that the costs for non-circulated materials such as books, periodicals, documents that are in library use only, microfilm and computer services, DVD players, printers, fax machine and other equipment that the public is allowed to use need to be taken into consideration for the disbursement of the levy funds. The second issue is representation on the County Library Board. Ms. Fletcher feels there should be representatives from the Walhalla Library Board and Pembina Library Board. The third issue is that the Cavalier Public Library was allowed additional funding from the levy to allow them to pay the loan on the new building they acquired. Ms. Fletcher stated the Walhalla Library has a need for new windows, a new front door and other repairs. Ms. Fletcher would appreciate consideration for additional funding for two to three years to allow Walhalla Library to complete these projects. Commission would like to discuss with members from the Cavalier Library, Pembina Library and Walhalla Library prior to making a decision. Auditor will contact the Cavalier Library and Pembina Library to see if they will be available to meet the first meeting of October. The NDACo annual conference is scheduled for October 3-5, 2021, which means the first Commission meeting in October will need to be held on a different date. Motion made by Nick Rutherford and seconded by Hugh Ralston to change the date of the first meeting of October from Tuesday, October 5th to Thursday, October 7th. All voting in favor; motion carried.

Tanya Wieler, Human Resource Director, and Revel Sapa, Human Resource Assistant, met to discuss the standing policy, related to COVID response, adopted at the August 17, 2021 meeting. The Commission was following CDC guidelines when they adopted the policy and Ms. Wieler requested the Commission reconsider the policy for the benefit of employees. Ms. Wieler is requesting the Commission look at how the current standing policy is affecting county staff. Ms. Wieler feels the county should consider a standing policy that allows employees to use common sense and their own discretion to isolate if they are a contact of a positive and showing symptoms. The revised standing

policy states: Pembina County Commission recommends that staff receive the COVID vaccination and wear masks to protect themselves from illness. In order to keep all staff healthy it is extremely important for staff to stay home when they are not feeling well and/or are exhibiting symptoms. If a staff member is identified as a close contact of a positive COVID case, that staff member will be allowed to continue working as long as a mask is worn and the standard testing protocol is followed. Close contacts should be extra vigilant to monitor themselves for symptoms. Motion made by Nick Rutherford and seconded by Jim Benjaminson to adopt the revised policy, effective immediately. Roll call vote: Jim Benjaminson – yes; Laverne Doyle – yes; Nick Rutherford – yes; Hugh Ralston – yes; Hetty Walker – yes. Motion carried.

Motion made by Jim Benjaminson and seconded by Hugh Ralston to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 12:02 PM.