

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

## BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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April 21, 2026

9:00 AM

Board of Pembina County Commissioners met in the Commissioners Meeting Room of the Courthouse.

Chairperson Hardy called the meeting to order at 9:00 AM. Roll call: Patrick Hardy, Scot Becker, Blaine Papenfuss, Darin Otto, Andrew Cull. A quorum was declared.

Also, in attendance were: Zelda Hartje, Tom Watson, Missy Morden, Recorder/Clerk of Court; Lisa Keney, Tax Director, Randy Emannualson, Bill Gunderson, Robert Fleming, Don Kemp.

Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the agenda with the removal of item 11. All voting in favor; motion carried.

The public comment portion was started at 9:01 AM.

The public comment portion was closed at 9:17 AM.

Motion made by Scot Becker and seconded by Blaine Papenfuss to approve the April 7th, 2026 meeting minutes. All voting in favor, motion carried.

Discussion followed on the appointment of an Inspector for the upcoming June Primary and November General elections. Motion made by Andrew Cull and seconded by Blaine Papenfuss to appoint Linda Schlittenhard as Inspector for both the 2026 Primary and 2026 General Elections. All voting in favor; motion carried.

Motion by Andrew Cull and seconded by Scot Becker to approve the raffle permit application for the PCMH Foundation at the Cavalier County Club. All voting in favor, motion carried.

Motion by Scot Becker and seconded by Darin Otto to approve the raffle permit application for the Domestic Violence & Abuse Center at the Mountain Community Center. All voting in favor, motion carried.

Lisa Keney arrived at the meeting at 9:20 AM.

Discussion on bids received for sale of old cell phones. Samantha Diemert and Samantha Weeks would like to purchase their old cell phones from the county. Motion by Scot Becker and seconded by Darin Otto to approve Samantha Diemert and Samantha Weeks to purchase their old cell phone for the amounts of \$104.00 and \$261.00 respectively. All voting in favor, motion carried.

Robert Fleming, attorney for the water board, discussed a cement pier south of St. Thomas where the railroad used to cross Drain 67. When they abandoned the railroad line, they left it in the middle of the drain. He stated it is eating away the north bank and they'd like to get it out of there. He also discussed a property right of way on a railroad property where some culverts were removed and opened up which has caused a big mess. Mr. Fleming stated he discussed these items with States Attorney Fontaine as these requests have to come from the county. Discussion followed. It will be placed on the agenda for May 5<sup>th</sup>.

Donald Kemp gave an update on Olga Dam where the slip liner is failing. They did receive joint cost share from the state and the Red River Joint Board for the repair. They will be conducting a feasibility study. The Red River Joint Board went up to a 90 percent cost share of what the state didn't cover. The approximate local cost will be \$9,000.00. He stated they learn can be applied to the other dams with these slip liners. He stated there is an initiative on the Red River Joint Board to address the lower hazard dams. They will be getting prioritized to get addressed over time. The Red River Joint Board is going to make a master plan of the dams on the North Dakota side of the Red River Corridor. There are about 42 of these dams considered low hazard that are not in the NRCS rehab program. Most of them are in Pembina, Walsh and Grand Forks counties.

Mr. Kemp also stated there is discussion of forming a federal district which would include ND, SD and MN as far as the Red River Corridor goes. This could help with the permitting process when doing work that affects the Red River.

He stated Drain 5 went through and some assessments may need to be adjusted. He stated Renwick is going down. Commissioner Otto asked if Herzog had a slip liner in it. He also stated he was contacted about it because the person was concerned how low it was. Mr. Kemp stated it will be on the list of dams being inspected. He stated it is low because of the gate being opened up and it was drawn down for flood control. He stated they also need to be drawn down for the camera inspections that will be done. Mr. Fleming stated they are drawn down every spring because they are flood control structures.

Commissioner Becker discussed the two different districts of the Corp of Engineer and if the commission needs to address anything at this time. Mr. Kemp stated not at this time but possibly in the future.

The commission received a phone call from Farmers National Company. Their tax payment arrived after the February 17<sup>th</sup> discount deadline. Melissa Vergus and Grant Fitzgerald, Vice President of Farmers National Company were on the phone call today. They have some farms they manage in Pembina County. She stated they mailed the tax payments for these parcels February 3<sup>rd</sup> and they understand it arrived after the discount date. They stated they had a lot of turn-over and were unaware of the county not accepting postmark dates. They stated going forward they will be using FedEx. They are asking for the county to grant them the discount anyway. Mr. Fontaine reviewed century code NDCC 57-20-09 and stated for the commissioners to deviate from the deadline from that code is very slim. There would have to be an emergency such as weather or other catastrophe to extend the deadline. He stated pursuant to ND Century Code, unless there is an emergency they do not have the authority to extend it and there was not such an event. Mr. Fitzgerald asked if there were a lot of people affected by this issue. Mr. Fontaine stated this isn't the issue at hand, it is what the commission is allowed to do under century code provision to allow an extension. Ms. Vergus asked if the county still had the envelope they used to mail the payment. Auditor Gapp stated we do not have the envelope. Auditor Gapp then stated it is stated on the tax statements what the deadline is and post mark dates are not accepted. Ms. Vergus did acknowledge that information was indeed on the statement. Mr. Fitzgerald thanked the commission and states attorney for taking their call.

Lisa Keney met with the commission and stated Walsh County does not have a current tax director and they reached out and asked her if she would help get them through their tax equalization meeting. They have one hired, but won't be starting until May 10<sup>th</sup>. She is asking permission from the commission to go and help them at their meeting. She stated she would not be doing it on county time. She stated it would only be when she would attend their equalization meeting. Commissioner Cull asked if they could get someone higher up to do it. She stated there isn't anyone who does that. She stated you have to learn it as you go by taking classes, etc. She stated they have a commissioner who is an assessor, but he can't step in the role as he is a commissioner. States Attorney Fontaine discussed the policy manual of outside employment. He stated this situation is a little more involved than the normal request. Mr. Fontaine asked Ms. Keney if she would use any working hours preparing for it. She stated no. She stated she would need to use PTO to attend their meeting, however. Mr. Fontaine asked if any of the work done for Walsh County would create any conflict of interest to her current employment for Pembina County. She stated no. Mr. Fontaine asked if it was a single meeting or multiple meetings. She stated single. He then asked if she would do any follow up work or meetings with the new tax director. She stated she might get a phone call or two but does not anticipate any follow up meetings. She stated all counties share information. Mr. Fontaine stated he had one final question of if she felt any of the follow up questions or assistance, she would give Walsh County would affect her ability or time to work as the Tax Director for Pembina County. Ms. Keney stated it would not. Commissioner Hardy stated his concern would be if she gave any advice and there were

to be a problem, would our county be liable. Lisa Keney stated the Walsh County Commission and their new tax director would be making the final decisions and clarified she would not be involved in those final decisions. Mr. Fontaine stated he does not see any liability concerns based on Ms. Keney's answers. Discussion on payment for services. Motion by Darin Otto and seconded by Blaine Papenfuss to allow Lisa to attend the meeting and help advise them at that meeting and if any further services are requested after that time, she come back to the commission for approval. Yay, Hardy, Becker, Papenfuss, Otto. Nay, Cull. Motion carried.

Lisa Keney and Missy Morden left the meeting at 10:25 am.

Devin Johnson met with the commission and presented the revised culvert policy. He also gave one to States Attorney Fontaine for review. Mr. Fontaine stated the verbiage is sufficient with the proper document identified that needs to be filled out. Motion by Blaine Papenfuss and seconded by Darin Otto to approve and have Chairman Hardy sign the updated policy. All voting in favor, motion carried.

Mr. Johnson stated load limits came into effect on April 13th. Motion by Andrew Cull and seconded by Scot Becker to approve the load limits. All voting in favor, motion carried.

Mr. Johnson stated he received 14 bids for road rental equipment. Motion by Andrew Cull and seconded by Blaine Papenfuss to accept the bids received. All voting in favor, motion carried.

He stated the bid opening for the County Road 44 project will be this Thursday, April 23rd.

Part of the Commissioners Proceedings as of April 21st, 2026

#### WEIGHT LIMITS FOR TRUCKS - SPRING BREAK-UP 2026

WHEREAS, it is necessary that the Board of County Commissioners prescribe weight limits for Pembina County roads during the 2026 spring break-up period to protect asphalt surfaced highways.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pembina County that the following weight limits is imposed on all vehicles operating on County Highways:

40 MILE AN HOUR SPEED LIMIT FOR TRUCKS ON ALL COUNTY HIGHWAYS

STATE LIMITS NO RESTRICTION

Load restrictions remain at state limits with no vehicle to exceed 105,500 lbs. on the following County roads:

- County Highway #3 from Hensel East to State Highway #18
- County Highway #9 from Warehouse West to Walhalla
- County Highway #44 from Drayton North 2 miles
- County Highway #12 from Hwy 66 south ½ mile
- County Highway #1 from Bathgate West to State Highway #18
- County Highway #3 from State #32 to ¼ mile East
- County Highway #3 from State #81 to 2 miles West

### 6 TONS PER AXLE LOAD RESTRICTIONS

Load restrictions set at 6 tons per axle, with no vehicle to exceed 60,000 lbs. on the following County roads:

- County Highway #1, State Hwy #32 East to Interstate #29
- County Highway #2, from Cavalier to County Highway #1
- County Highway #2, from County Hwy #55 South to County Hwy #1
- County Highway #3, from Cavalier County line to Interstate #29
- County Highway #4, Carlisle Road from US Hwy #81 to County Hwy #1
- County Highway #4 from Walsh County Line to State Hwy #66
- County Highway #9, Walhalla Spur to County Hwy #12 at Leroy
- County Highway #11, St Thomas to Interstate #29
- County Highway #12, from County Hwy #1 North to County Hwy #55
- County Highway #12, from County Hwy #3, South to Walsh County Line
- County Highway #44, Sugar Beet Road from Pittsburg overpass South 2 miles
- County Highway #55, Cavalier County Line to Interstate #29
- County Highway #7, (Gardar spur)
- County Highway #12 from State Hwy #5 South to County Hwy #3
- County Highway #12 from State Hwy #5 North to County Hwy #1

### 3 TONS PER AXLE LOAD RESTRICTIONS

Load restrictions set at 3 tons per axle with no vehicle to exceed 30,000 lbs. on the following County roads:

- County Highway #6 (Concrete Spur)

PENALTY FOR VIOLATION OF ANY OF THE AFOREMENTIONED WEIGHT LIMITS SHALL BE MADE IN ACCORDANCE TO CHAPTER 39-12, NDCC

BE IT FURTHER RESOLVED that all trucks shall be limited to a 40 mile an hour speed on County roads. If violated, trucks will be prohibited on County roads. Drivers are to use caution when starting and when bringing vehicles to a stop.

BE IT FURTHER RESOLVED that such weight and speed limits shall be in force as of Friday, April 13th, 2026, and during the time that there are erected and maintained at each of any highway or portion thereof attached by such restriction, signs designating the provisions of this resolution.

Said resolution proposed by Andrew Cull and second by Scot Becker and upon a vote carried unanimously.

BY ORDER OF THE PEMBINA COUNTY COMMISSIONERS.

Dated this 21st day of April, 2026, at Cavalier, North Dakota.

/s/ Patrick Hardy  
Patrick Hardy, Chairman  
Board of County Commissioners

ATTEST: /s/ Melissa Gapp  
Melissa Gapp  
County Auditor/Treasurer

Commission reviewed the March financial report and claims. Motion made by Darin Otto and by Scot Becker to approve the consent agenda as presented. All voting in favor; motion carried.

Motion made by Blaine Papenfuss to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 10:37 AM.

