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BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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August 18, 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. Absent: Andrew Cull. A quorum was declared.

Also, in attendance were: Zelda Hartje, Cory Mortensen, Interim Sheriff; Knute Gjovik, Chief Deputy; Loren Estad, Dennis Biliske, Jeff Erlendson, Garret Fontaine, States Attorney; Brian Thompson, Devin Johnson, Highway Superintendent; Jeff Daley, KLJ Engineering.

Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the agenda as presented. All voting in favor; motion carried.

The public comment portion was started at 9:02 AM.

The public comment portion was closed at 9:18 AM.

Motion made by Blaine Papenfuss and seconded by Scot Becker to approve the August 4th, 2026 meeting minutes. All voting in favor, motion carried.

Discussion on the social service zone office employee. Motion by Darin Otto and seconded by Scot Becker to add Kim Rude to the Pembina County Amazon account. All voting in favor, motion carried.

A public hearing was held at 9:30 AM, as required by NDCC 24-07 on the proposed closing of the Section Line Road located between Park Township Section 5 and Section 8. Those in attendance included Loren Estad, Dennis Biliske, and Jeff Erlendson. The request was made by Park Township on behalf of Dennis Biliske. Loren Estad stated the township voted last spring to close it. He stated the road is not maintained. Dennis Biliske stated a third of the road is on his property. He stated people are driving out into his WRP because of the road being in such bad condition. He stated he owns the land on both sides of it. He stated two duck hunters threw 17 bags of garbage into the creek by it which then floated into his yard. He said it is dangerous and people should not be

on the road. He stated no one lives along the road, nor are there any services. He stated people have no business being on the road. Jeff Erlandson who is a Park Township supervisor, stated he is in agreement because he feels it is a big safety concern. Commissioner Becker stated he is in agreement that it is in bad shape. He asked Mr. Biliske about access to his fields. He stated he has other access. He stated the road has moved 700 feet onto his property from people driving out onto his field. Commissioner Papenfuss asked if it had ever been signed minimum maintenance. They stated it had not. He then asked about drainage issues. Commissioner Otto asked if there was anyone at the township meeting against closing it. They stated no one was. Commissioner Otto stated he received a phone call from Doug Olason and he was against closing it. Mr. Olason stated he occasionally takes farm equipment down it. The bridge in the area was discussed. The road a mile west is available to have access to everything. Motion by Scot Becker and seconded by Darin Otto to grant the request. Discussion followed. States Attorney Fontaine asked about another gravel road being available. They stated there are alternate routes available. Certain things need to be met in century code to be able to close a section line. States Attorney Fontaine asked about any engineer who has looked at the bridge in the last 4 to 5 years. They said it had been. They stated it is rated 2 or 4 ton. Mr. Biliske stated a third of the road is literally in a slough. States Attorney Fontaine asked if they had any other concerns other than the bridge. Mr. Biliske stated yes because of how dangerous it is and Mr. Erlandson stated it is also a fire hazard. Mr. Fontaine then asked if they are asking to close the entire road or just a portion. They stated the entire road. He then asked if anyone else would be prohibited access to their property if it were closed. They stated no one would be. Mr. Fontaine then went through conditions in Century Code the commission needs to meet to close the section line. They need to meet one of the four. They may close section lines or portions thereof which are not used for ten years, are not traveled due to natural obstacles or difficulty of terrain, are not required due to readily accessible alternate routes of travel, or are intersected by interstate highways causing the section line to be a dead end, providing the closing of the dead-end section line does not deprive adjacent landowners access to the landowners' property. He stated the options two and three are relevant to this situation and the commission can use these to close the section line if they choose to do so. Discussion followed. Roll Call: Pat Hardy, yes; Scot Becker, yes; Blaine Papenfuss, yes; Darin Otto, yes. Motion carried. States Attorney Fontaine then clarified the century code considerations of why the commission decided to close it due to concerns of the bridge, as well as a slough and unsafe driving conditions that would go to subsection 2 and the commission acknowledging comments from the members that there are two alternative routes that are well maintained and that was a factor in consideration from the commission in choosing to adopt the closure. He asked the commission if that was correct and they all acknowledged it was.

Devin Johnson presented a drainage permit for John Steinke in Advance Township to clean the ditch on the east side of County 12. Motion by Blaine Papenfuss and seconded by Scot Becker to approve the permit. All voting in favor, motion carried.

Devin stated he had an update on a request from Jeff Stevenson. Devin received a response from the state showing the county did everything by the book. Discussion followed. Commissioner Becker asked if it falls back on the landowner to take care of. Devin stated it does. Mr. Stevenson had alleged foreign materials from the box culvert replacement project were left in his field. Devin stated he will let Mr. Stevenson know the states' determination. Discussion followed. States Attorney Fontaine stated he will draft a letter to Mr. Stevenson with the response on behalf of the commission. Motion by Scot Becker and seconded by Blaine Papenfuss to have Mr. Fontaine draft the letter to Mr. Stevenson. All voting in favor, motion carried.

Jeff Daley gave an update on the structure rehab project. Key Contracting had not received the pile repair materials as of last week.

He gave an update on the County 3 box culvert project west of Hensel. He stated they were setting box culvert sections yesterday. They should start backfilling and complete it this week.

The in-slope improvement projects along Highway 12 and 55 are moving forward and on schedule. The blanket got set last week and they are removing excess topsoil. They are milling right now and they will be waiting on Mayo to come and pave.

The highway 12 Bridge project southwest of Crystal is moving along. Swingen Construction is out there today and pouring the two abutments. They will get their beams August 27th and get those set and keep moving forward.

The Highway 44 project is also moving along. He said they are working with American Crystal on getting things done before pre-pile. He stated they are prepping turn lanes and getting additional traffic control lined up. Discussion followed. Mr. Daley then presented pay estimate #5 in the amount of \$1,438,937.47. Motion by Scot Becker and seconded by Blaine Papenfuss to approve and have Chairman Hardy sign the pay estimate. All voting in favor, motion carried. Mr. Daley then stated they will be staking out the light pole locations.

Mr. Daley gave an update on using railcar as bridges. They will set up a meeting with the DOT, KLJ and Devin so all parties can be present to discuss it. He stated they found some load ratings in Montana that have been done to use as examples.

The road from Bosemont discussed. There are many big holes in it. Devin will get someone to take the millings from the Highway 44 project and smooth it out. Discussion on when the holes started. It was in bad shape in the spring before the Highway 44 project.

Brian Thompson asked if the commission had gotten any interest in the millings. The commission stated they had not yet. He will keep in touch as he is still interested in them.

Commission reviewed the July financial report and claims. Motion made by Darin Otto and by Blaine Papenfuss 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 10:21 AM.