

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

## BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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June 3, 2025

9:00 AM

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

Chairperson Otto 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, Terry Meidinger, Sheriff; Marcus Ramsay, Chief Deputy; Samantha Diemert, Emergency Manager/Weed Officer; Rob Fleming, Bill Gunderson, Donald Kemp, Randy Emanuelson, Ted Juhl, Luann Kemp, Zack Herman and Mike Ferrie of Houston Engineering; Jason Grubbs, of Frazer Lanier, Lisa Maloy, Kevin Heazlett and Chris Patullo, American Crystal Sugar Company.

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

Motion made by Blaine Papenfuss and seconded by Patrick Hardy to approve the May 20, 2025 meeting minutes with the addition of Commissioner Becker adding that he wanted it on record he had misgivings about the performance of the company that got the bid for the highway projects. All voting in favor; motion carried.

Commissioner Otto stated he received a call from Tom Beard and so did Commissioner Becker thanking the commission for getting the bridges repaired as quickly as they did.

Zack Herman from Houston Engineering presented on the Tongue River Snagging and Clearing program and what it does. He stated it reduces the flood damages for area residents. It removes and disposes of log jams, removes dead timber and tree fall downs. He explained how it is funded through special assessments. Per Century Code 61-16.1-09.1 an assessment cannot exceed \$0.50 per acre of agricultural land or \$0.50 per \$500 of taxable valuation of nonagricultural property. There is a cost share program through the state which matches what is going to be collected in assessments. Discussion followed on whether the commission wants to have them plan for the snagging and clearing project this year. Motion by Scot Becker and seconded by Patrick Hardy to delay a decision until the next meeting so the commission can speak with constituents. Roll Call: Patrick Hardy, yes; Scot Becker, yes; Blaine Papenfuss, no; Darin

Otto, no; Andrew Cull, no. Motion failed. Motion by Andrew Cull to not move forward with Tongue River Snagging and Clearing project this year and seconded by Blaine Papenfuss. Roll Call: Pat Hardy, no; Scot Becker, no; Blaine Papenfuss, yes; Darin Otto, yes; Andrew Cull, yes. Motion carried. Commissioner Otto stated they want to speak to property owners and see how they feel about the project but will make a decision by the end of the year.

Luann Kemp asked the commission to set the value for the assessments. Motion by Blaine Papenfuss to approve the Tongue River Cutoff assessment for 2025 and 2026 at \$1.00 per acre for ag land and \$0.50/\$500 valuation for residential and commercial properties. Second by Scot Becker. All voting in favor, motion carried.

The Renwick Dam bank failure this spring discussed. They secured cost share from the state to figure out what caused it. Mr. Herman stated it is nothing too detrimental and it hasn't gotten any worse but they will be fixing it. They televised and jetted the lines and everything looked good.

Mike Ferrie said EAP's are progressing but they will be pushing the table top exercise back to a January time frame.

Kevin Heazlett the Treasurer of American Crystal Sugar along with Lisa Maloy the Treasury Operations Manager; Chris Patullo, Director of Operations and Acting Drayton Factory Manager; and Jason Grubbs, with Frazer Lanier their underwriter/investment counsel for the bonds presented their request for tax-exempt industrial revenue bonds and to have Pembina County be the issuer. This would allow American Crystal to finance a portion of their costs that they have been and will be incurring at their Drayton facility for expansion projects. This is an Internal Revenue Service program. The program requires a private business to have a local municipality be the issuer. This issuer would be in name only and is basically a pass-through entity. The resolution states all costs would be paid by American Crystal Sugar Company. This resolution would just get the process started and they would also have to get state approval. The bonds would be secured by a bank letter of credit from an A+ rated financial institution. Once they would get all of these steps done, they would come back for final approval from the commission. Chris Patullo gave an overview of the project they are working on. They want to put bigger machines in so they can reach their goal of processing 15,000 tons per day. The project cost is approximately \$29 million. The commission will have Mr. Fontaine review the paperwork and will make a decision at the next meeting.

Devin Johnson, Highway Superintendent, presented the summer weight limits, which became effective Monday, May 27, 2025:

Part of the County Commissioners Proceedings as of June 3rd, 2025.

SUMMER WEIGHT LIMITS FOR TRUCKS AND BUSES ON PEMBINA COUNTY HIGHWAYS.

WHEREAS, it is necessary that the Board of County Commissioners prescribe weight limits for Pembina County to protect asphalt surfaced highways,

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

**State limits apply to the following Roads; No load shall exceed 105,500 lbs.**

County Highway #1 State Hwy #32 to I-29  
County Highway #2 from County Hwy #55 to State Hwy #5  
County Highway #3 Cavalier County Line to I-29 to Bowesmont Spur  
County Highway #4 Carlisle Road from US Hwy #81 to County Hwy #1  
County Highway #7 Gardar  
County Highway #9 Walhalla to County Hwy #12 at Leroy  
County Highway #11 St Thomas to I-29  
County Highway #12 from State Hwy #5 South to Walsh County Line  
County Highway #44 Pittsburg south 4 miles to Hwy #66  
County Highway #12 from State Hwy #5 North to County Hwy #55  
County Highway #55 from Cavalier County line to I-29  
County Highway #4 from Walsh County line to State Hwy #66

**6 TONS PER AXLE WEIGHT RESTRICTIONS**

**Load restrictions set at 6 tons per axle, with no vehicle to exceed 60,000 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 trucks in excess of 1 ton shall be limited to a 40 mile an hour speed limit on County roads. Drivers are to use caution when bringing vehicles to a stop and when starting.

BE IT FURTHER RESOLVED that such weight restrictions shall be in force as of May 27th, 2025 and during the period that there are erected and maintained at each of any highway or portion thereof affected by such restriction, signs designating the provision of this resolution.

Said resolution proposed by Andrew Cull, seconded by Patrick Hardy and upon a vote carried unanimously.

BY ORDER OF THE BOARD OF PEMBINA COUNTY COMMISSIONERS.

Dated this 3rd day of June, 2025 at Cavalier, North Dakota.

/s/ Darin Otto  
Darin Otto, Chairman  
Board of County Commissioners

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

Devin presented a culvert request from NDDOT to install a new approach to access north end of lining snow fence property in the SW 1/4, Section 34, of Cavalier Township. Motion by Andrew Cull and seconded by Blaine Papenfuss to approve the request. All voting in favor, motion carried.

Devin presented a culvert request and drainage permit from Alfred Morrison to install at the SE Quarter, Section 11 of Akra Township. Motion by Blaine Papenfuss and seconded by Scot Becker to approve the request. All voting in favor, motion carried.

Devin presented a culvert request for Brian Thompson in the SE Quarter, Section 23 of Drayton Township. Motion by Blaine Papenfuss and seconded by Andrew Cull to approve the request. All voting in favor, motion carried.

Devin stated the bridge was completed west and south of Hensel. The DOT will have to come and do their inspection and say it's open at the rating they give it.

Jeff Daley brought the construction engineering agreement for signature for highway projects approved. Motion by Andrew Cull and seconded by Blaine Papenfuss to have Chairman Otto sign the agreement. All voting in favor, motion carried.

Jeff Daley gave an update on the county 4 collapsed bridge project. It should be getting paved, graded and seeded in the next two weeks.

Commission reviewed the May payroll and claims. Motion made by Blaine Papenfuss and seconded 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 10:50 AM.