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## BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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October 7, 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, Darin Otto, Blaine Papenfuss and Andrew Cull. A quorum was declared.

Also, in attendance were: Zelda Hartje, Kelly Cluchie, Maintenance Supervisor; Devin Johnson, Highway Superintendent, Don Emerson, Jason Grubbs of Frazer Lanier, Lisa Maloy and Kevin Heazlett of American Crystal Sugar Company, Larry Dubois.

Motion made by Blaine Papenfuss and seconded by Andrew Cull to approve the agenda with the removal of item fourteen, the executive session. All voting in favor; motion carried.

The public comment section of the meeting started at 9:03 AM.

The public comment section of the meeting closed at 9:19 AM.

Motion made by Patrick Hardy and seconded by Scot Becker to approve the September 9, 2025 special budget hearing meeting minutes. All voting in favor; motion carried.

Motion made by Andrew Cull and seconded by Scot Becker to approve the September 16, 2025 meeting minutes with the clarification notice from Samantha Weeks added. Scot Becker stated he felt it would have been helpful if she should have enumerated her duties as well. All voting in favor; motion carried.

Motion by Blaine Papenfuss and seconded by Patrick Hardy to appoint Andrew Cull as the North Dakota State Fair delegate. All voting in favor, motion carried.

Motion by Blaine Papenfuss and seconded by Scot Becker to approve and have Chairman Otto sign the Memorandum of Understanding for Elections with the North Dakota Secretary of State's office. All voting in favor, motion carried.

Kelly Cluchie and Devin Johnson arrived at the meeting at 9:25 AM.

Kelly Cluchie addressed the commission on a handrail to be installed at the law enforcement center. Kelly stated he and Devin measured it out and the highway department will be building it this winter as time allows. Andrew stated he has gotten complaints there isn't a handrail there so he is in favor of it being installed. Motion by Blaine Papenfuss and seconded by Andrew Cull to install the handrail as presented. Discussion followed. All voting in favor, motion carried.

Kelly then addressed the commission on the county pickup. It has a lot of mechanical problems and is using a lot of oil, has had four new fuel pumps and the check engine light has been on for four years. He stated he found a 2012 Chevy at Birchwood and he and Devin looked it over and it is in good condition. He stated the price is \$12,500.00. Kelly stated the pickup is also used by the extension office and public health. Motion by Blaine Papenfuss and seconded by Scot Becker to move forward with the purchase of the pickup at Birchwood. All voting in favor, motion carried. Discussion followed on the disposal on the old pickup. They will put it out on bids as is.

Kelly left the meeting at 9:40 AM.

Devin Johnson presented a ditching permit application from Mark Morrison in Bathgate Township, Section 7 on the south side of number 1. This is just a ditch clean out. Motion by Scot Becker and seconded by Blaine Papenfuss to approve the permit. All voting in favor, motion carried.

Devin then gave updates on the bridge rehab projects being done throughout the county.

He then discussed the closed bridge north and west of Bathgate. He had Jeff from Triple D take a look at it and see what it would take to make it a Texas crossing as previously discussed. He stated it would cost between 30 and 35 thousand dollars and the county would be providing the culvert and they could get it done in the next few weeks. Motion by Blaine Papenfuss and seconded by Scot Becker to go ahead with the repairs on the Bathgate bridge with Triple D Construction. All voting in favor, motion carried.

Striping on County Road 9 discussed. Devin stated he would be reaching out to the company and discuss it with them. Commissioner Otto stated he has been getting a lot of compliments on the work done on County 3. Devin left the meeting at 9:55 AM.

Chairman Otto stated the TEFRA hearing for American Crystal Sugar Company would begin at 10:00 AM. This is a hearing required by the IRS which governs these types of bond issues and provides the opportunity for anyone present to express their support or lack there-of, for the bond financed project. The hearing was opened at 10:00 AM.

Chairman Otto called for any public comments. Discussion followed on the number of employees at American Crystal. Lisa Maloy stated that during full swing of harvest the total of direct and indirect employees is between eight and ten thousand. The hearing was closed at 10:05 AM with no public comment. The commission reviewed the Bond Resolution for American Crystal Sugar Company. Motion by Scot Becker and seconded by Blaine Papenfuss to sign and approve the bond resolution. Commissioner Otto reiterated that there is no financial responsibility to the county. Commissioner Otto called for a roll call vote. Roll Call: Pat Hardy, yes; Scot Becker, yes; Blaine Papenfuss, yes; Darin Otto, yes; Andrew Cull, yes. Motion carried.

The commission reviewed the list of properties up for foreclosure in their respective districts. Motion by Patrick Hardy and seconded by Scot Becker to set the minimum bids as presented. All voting in favor, motion carried.

Don Emerson addressed the commission regarding some township rights of way. He stated after he retired farming, had a lot of issues with his son and daughter in law so he sold some ag land to Tim Wilwand but kept the woods area of the land by the river. He stated his daughter in law thinks because of the section lines, she can go in and walk up and down those anytime she likes which is most likely during deer season so he wants them closed. He stated if he would happen to want to sell those woods to anyone else, he would want them to be the only ones to have access to it. He had it surveyed and those lines are between sections 14, 13, 11 and 12. Chairman Otto asked if there were any roads in that area yet. Mr. Emerson stated that before he sold it, the only access he had was through John's farm yard, but if he attempted that, the sheriff had permission to arrest him for trespassing with no questions asked, so after he sold the land to Tim, he made an access road for Mr. Emerson. Chairman Otto stated he wanted the record to show that Joliet Township already approved the closing of these rights-of-way with no dissention. Motion by Scot Becker and seconded by Patrick Hardy to approve the closure of these rights-of-way. Discussion followed. All voting in favor, motion carried.

The Commission reviewed the September 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 10:45 AM.