

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

September 20th, 2022

At 3:30pm, Chairman Copenhaver called the Foster County Commission meeting to order. Roll call included Commissioner Becky Hagel, Commissioner Alan Scanson, Commissioner David Utke, Commissioner Scott Beumer and Commissioner Pat Copenhaver. Also, present were Interim Auditor Ellen Roundy, Road Superintendent Nate Monson, Foster County States Attorney Kara Brinster, Foster County Independent Reporter Leasa Lura, Michael Rivinius and Jon Martin with Wold Engineering.

The meeting began with approval of the minutes. Commissioner Hagel made a motion to approve the minutes of the September 6<sup>th</sup>, 2022, regular meeting and the September 12<sup>th</sup>, 2022, special meeting seconded by Commissioner Scanson. All voted aye and the motion passed.

Commissioner Scanson made a motion to approve the bills, seconded by Commissioner Beumer. All voted aye and the motion passed.

34262	AMAZON CAPITAL SERVICES, INC.	89.82
34263	ARROWWOOD PRAIRIE CO-OP	1,978.06
34264	AVID HAWK, LLC	35.00
34265	BORDULAC BAR & GRILL	350.00
34266	BRAGER DISPOSAL SERVICE	290.40
34267	BREMER BANK, N.A.	70.00
34268	BRISS OIL COMPANY	282.50
34269	CENEX - FLEET FUELING	202.43
34270	CENTRAL BUSINESS SYSTEMS	175.51
34271	CENTRAL CITY LUMBER INC.	14.99
34272	COMPUTER EXPRESS	1,280.00
34273	DACOTAH PAPER COMPANY	239.82
34274	ELLEN ROUNDY	10.35
34275	HAILEY EDINGER	13.50
34276	HIGH PLAINS EQUIPMENT	420.78
34277	INFORMATION TECHNOLOGY DEPT.	987.95
34278	JEFF GOLZ	1,000.00
34279	JUSTIN JOHNSON	137.65
34280	MATTHEW BENDER & CO., INC.	46.43
34281	NAPA AUTO PARTS	56.55
34282	ND ASSOCIATION OF COUNTIES	112.85
34283	NEWMAN TRAFFIC SIGNS	28.89
34284	NORMONT EQUIPMENT CO.	2,402.68
34285	NORTH DAKOTA STATE UNIVERSITY	340.00
34286	OFFICE OF ATTORNEY GENERAL- 1250	465.00
34287	PAT BIEL TRUCKING INC.	12,702.00
34288	QUADIENT LEASING USA, INC.	417.00
34289	SIDWELL COMPANY	32.50
34290	SYNCB/AMAZON	58.64
34291	WHOLESALE AG PRODUCTS	326.00

Commissioner Scanson asked to add the shop building under commissioner discussion. Commissioner Utke asked to add five-year plan under Road Department's discussion. Commissioner Beumer made a motion to approve the agenda with the additions, seconded by Commissioner Scanson. All voted aye and the motion passed.

Old Business

No new business reported for the gravel pit, NEXUS professional agreement or Commission Policy Updates.

New Business

Nate Monson, Road Superintendent, approached the BOCC with an update from the Road Department. There have been no major repairs reported. Rain for September totals 0.64" through the twentieth. The flared ends and cleanout have been completed on the McHenry washout. The Road Department and Auditor's office will work on getting all bills sent in for reimbursement. The Road Department will meet with the State DOT at 8:00 AM on Monday, October 3<sup>rd</sup>, 2022, at the NDACo conference.

Michael Rivinius, Wold Engineering, spoke to the BOCC regarding estimated prairie dog and house bill funding that Foster County is expected to receive. Discussion was had on the McHenry Road repair. Rivinius and the BOCC discussed the process of reclaiming paved roads to gravel. The BOCC would like to work with Rivinius on getting an updated plan for roads in the next five years.

Jennifer Malloy, APEX Engineering, joined the BOCC meeting via phone. She provided a more current cost estimates on amounts for the Assessment Drain #1. The North Dakota Department of Water Resources would be responsible for 45% of the drain totaling \$34,875.00. The county is responsible for 40% of the remaining 55%

which equals \$17,050.00 The Water Board is asking the BOCC to consider increasing their share from 40% to 60%. If the county were to increase their share to 60% the amount due would be roughly \$25,575.00. They are anticipating starting the project in fall of 2023, and it will more than likely go into 2024. Discussion was had on if assessed drains is what's best for the county. The assessed drain puts the financial responsibility on the landowners that benefit from the drain, versus every taxpayer in the county. Commissioner Utke stated it is the fairest program for the taxpayers of the county and that it is fiscally responsible to take advantage of the state funding. The BOCC does not want to set a precedent if they decided to increase the counties contribution. State's Attorney Brinster feels that if the BOCC is clear with why they are choosing to go one direction versus another that they will not be setting a precedent. Commissioner Utke made a motion to have Foster County fund 60% of the project on the Bordulac County highway crossing referred to Foster County Assessment Drain #1 as it is a cost savings to the county and townships, seconded by Commissioner Beumer. Roll call vote included:

- Commissioner Utke – aye
- Commissioner Scanson – aye
- Commissioner Copenhaver – aye
- Commissioner Hagel – aye
- Commissioner Beumer – aye

Motion passed. The public hearing regarding the assessment Drain #1 will be September 29<sup>th</sup>, 2022, at 8:00 AM in the Chieftain Navajo Room.

Ellen Roundy, Interim Auditor, asked the BOCC to approve Donna Anderson as the North Dakota State Fair voting Delegate. Commissioner Beumer made a motion, seconded by Commissioner Scanson. All voted aye and the motion passed. Roundy also presented the board with a propane contract with Arrowwood Prairie Co-op. Commissioner Beumer made a motion to approve the contract and paying the down payment of \$750.00, seconded by Commissioner Hagel. Roll call vote included:

- Commissioner Utke – aye
- Commissioner Scanson – aye
- Commissioner Copenhaver – aye
- Commissioner Hagel – aye
- Commissioner Beumer – aye

Motion passed.

Interim Auditor Roundy, presented the BOCC with a resolution: Supporting Operation Green Light for Veterans

**RESOLUTION NO. 2022-02**  
**Supporting Operation Green Light for Veterans**

WHEREAS, the residents of Foster County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Foster County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil services and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, the Foster County Commission and all county employees appreciate the sacrifices of our United States Military Personnel and believe specific recognition should be granted; therefore be it:

RESOLVED, with designation as a Green Light for Veterans County, Foster County hereby declares from October through Veterans Day, November 11<sup>th</sup>, 2022 a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, Foster County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

The resolution was made by Commissioner Beumer, seconded by Commissioner Utke. Commissioner Hagel stated she purchased green lights from Menards. They are available to purchase in the Auditor's office for \$1.00 per bulb. All voted aye and the resolution passed.

Roundy presented the board with a one-time permit form for the sale of liquor in the county. The form was previously approved at the June 7<sup>th</sup> regular commission meeting. The BOCC needed to create a resolution to be able to charge for the permit.

**RESOLUTION NO. 2022-03**  
**Special Event Permit**

WHEREAS, Title 5 of the North Dakota Century Code provides the authority for the Board of County Commissioners to authorize a qualified alcoholic beverage licensee licensed under this chapter to engage in the sale of alcoholic beverages at events designated by the permit.

WHEREAS, Title 5 of the North Dakota Century Code provides that "qualified alcoholic beverage licensee" means a licensee in a city that imposed a city lodging and restaurant tax on July 31, 1993, who paid the tax and who continues to pay any such tax imposed by the city or a licensee in a county, a licensee in a city that did not impose a city lodging and restaurant tax on July 31, 1993, or a tribal licensee.

WHEREAS, Title 5 of the North Dakota Century Code provides that a fee for the permit may be set at not more than twenty five dollars;

WHEREAS, Title 5 of the North Dakota Century Code provides that the permit may not be valid for more than 14 days;

RESOLVED, that the Foster County Board of Commissioners hereby declares that pursuant to Title 5 of the North Dakota Century Code, an event permit shall be required to engage in the sale of alcoholic beverages by qualified alcoholic beverage licensee and a fee of twenty-five dollars shall be required for said permit.

The resolution was made by Commissioner Hagel, seconded by Commissioner Scanson. All voted aye and the motion passed.

Commissioner Hagel updated the BOCC with numbers received from NDPHIT. The Commissioners feel it is best to wait at this time before making health insurance changes. Commissioner Utke touched on the timeline for building projects. The board is waiting for specifications for bidding the lower level and do not have an update on the Public Health building roof. There is no update for the Ambulance building, committee reports or reoccurring calendar. Commissioner Scanson has spoken with a mason from Bottineau for the old shop building. Commissioner Hagel made a motion to approve him coming and reviewing the property, seconded by Commissioner Utke. All voted aye and the motion passed.

With no further business, Commissioner Copenhaver adjourned the meeting at 4:54pm.

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Ellen Roundy  
Foster County Interim Auditor

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Patrick Copenhaver, Chairman  
Board of County Commissioners