

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

September 3rd, 2024

At 3:30pm, Chairman Utke called the Foster County Commission meeting to order. Roll call included Commissioner Scott Beumer, Commissioner Becky Hagel, Commissioner David Utke, Commissioner Pat Copenhaver and Commissioner Alan Scanson. Also present was Foster County State’s Attorney Kara Brinster, Auditor/Treasurer Ellen Roundy, Road Superintendent Nate Monson, Foster County Independent Reporter Nathan Price and Michael Rivinius with Wold Engineering.

The meeting began with approval of the minutes for the August 20th, 2024, regular meeting and August 20th, 2024, Special Meeting. Commissioner Scanson motioned to approve the minutes, seconded by Commissioner Copenhaver. All voted aye and the motion passed.

Commissioner Hagel motioned to approve the bills, seconded by Commissioner Scanson. All voted aye and the motion passed.

37526	ANDREW KIRKING	464.31
37527	AUTO VALUE PARTS STORE	29.17
37528	BALCO UNIFORM CO., INC.	167.06
37529	BESSETTE MOTORS, INC.	120.00
37530	BEVE JOHNSON	625.00
37531	CENTRAL BUSINESS SYSTEMS	125.00
37532	CENTRAL CITY LUMBER INC.	101.96
37533	COMPUTER EXPRESS	275.98
37534	COREAN SWART	281.02
37535	DACOTAH PAPER COMPANY	89.73
37536	DAVID UTKE	207.95
37537	FARMERS UNION INSURANCE	581.00
37538	FOSTER COUNTY INDEPENDENT	611.81
37539	HOLCIM - MWR, INC.	2,659.28
37540	JOHN DEERE FINANCIAL	100.40
37541	OK TIRE STORE	360.13
37542	PAT BIEL TRUCKING INC.	1,417.60
37543	STUTSMAN COUNTY AUDITOR	5,270.80
37544	SWANSTON EQUIPMENT CORPORATION	1,400.00
37545	TEAM LABORATORY CHEMICAL CORP.	908.50
37546	TYLER TECHNOLOGIES, INC.	257.29
37547	VETERANS INFORMATION SERVICE	65.00
37548	WILLIAM J GALE	259.29

Commissioner Copenhaver motioned to approve the agenda seconded by Commissioner Scanson. All voted aye and the motion passed.

Old Business

There was no update for the lots by Juanita Lake.

Kip Kovar and Scott Mehring from Garrison Diversion and Vance Miller and Lauri Olson with Black and Veen joined the meeting regarding the Garrison Diversion Pipeline. Commissioner Utke stated that he has met with Garrison regarding a decision on whether to bore or cut the Dump Ground and Kensal roads for the pipeline and establishing an agreement. Kovar noted that in 2021 he had attended a meeting regarding the decision of the Bordulac road and assumed the BOCC would allow open cuts on all the roads, he prepared the bid of the dump ground road to be that of open cut without prior BOCC approval. The October 7th, 2021, motion read as follows: “Commissioner Scanson made a motion to allow the Garrison Diversion Contractor to cut open of the South Bordulac Road during the months of June and July for 5-7 days with paving, chip seal, and restoration along with detour in right of way, seconded by Commissioner Copenhaver. All voted aye and the motion passed.”

Commissioner Utke stated that allowing the open cut on the Bordulac Road was not a decision that encompassed all other roads with the pipeline. Commissioner Scanson stated that the State of ND will not allow an open cut on Highway 20, so why should the county allow open cuts on their roads. Michael Rivinius, Wold Engineering, noted that with an open cut, regardless of how well it is put back together, it’s still going to ride like a patch.

Commissioner Copenhaver asked if Garrison would be willing to make a payment to Foster County for allowing the open cut, while maintaining the road, but the money could be used contingent if the project runs out of money or goes away. Kovar noted that he would have to bring that to his superiors. Discussion included terms of an agreement and monetary compensation the BOCC would require. Rivinius also noted that Garrison did not get an easement for the Bordulac Road project, and they should make that a priority. Commissioner Beumer motioned to allow Garrison to open cut the Dump ground road with the stipulation that they will maintain repairs to the road for thirty years, or until an overlay occurs, and make a one-time payment of \$100,000 that will remain with the county, seconded by Commissioner Copenhaver. Roll call vote included:

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

motion passed. The BOCC will wait to hear back from Garrison on the agreement before making any decision on the Kensal Highway.

New Business

Nate Monson, Road Superintendent, provided an update for the road department. They have been working to patch spots on the Murphy highway and durapatching various spots on the Bordulac Road. They have started mowing highway ditches for the fall and are prepping materials for the winter months.

Brent Hills, Bryant Johnson and Taylor Stewart joined the meeting representing CP rails to discuss road repairs. The BOCC wanted to contact CP and start the process of how county roads will be repaired from traffic due to the train derailment. Michael Rivinius, Wold Engineering, has provided a memo to all parties. The request for repair due to impact would be for patching project for breakups and distressed areas with an estimated cost of \$300,000 on the Murphy Highway. The nine miles of the Bordulac Highway have been adversely impacted due to the derailment with size, weight and number of trucks that have traveled the road to help with cleanup. Rivinius recommends a three-inch overlay estimated at \$3.9 million dollars. Monson has kept great documents of upkeep and maintenance on the road due to the derailment. The BOCC and CP will continue to work together on an agreement for repair work necessary caused by the July 5th, 2024, train derailment.

Ellen Roundy, Auditor/Treasurer provided an update for the basement renovation project. Rough in work for electrical and HVAC is still in progress. They are wrapping up the men's restroom from phase one and will work to complete the gas line to the courthouse in the next month. Roundy also presented a local raffle permit for the Carrington Youth Football Club. Commissioner Copenhaver motioned to approve the permit, seconded by Commissioner Scanson. All voted aye and the motion passed.

Roundy presented options for the JD lawn mower. They have leased the current mower and could purchase it for \$2,868.24, a new three-year lease could start at \$2,230.10 with a buyout option estimated at \$4,000 or purchase a new mower and make four annual payments of \$2,663.98. Commissioner Scanson motioned to purchase out the current lease agreement for \$2,868.24, seconded by Commissioner Hagel. Roll call voted included:

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

motion passed. Roundy also presented a new Quonset storage agreement at Juanita Lake to be approved with a rate of \$1.50/square foot for winter storage. Commissioner Scanson motioned to approve the agreement with the updated rate and to provide a 50% discount to Dennis Swanson for taking the time to arrange for individuals to store equipment, seconded by Commissioner Copenhaver. All voted aye and the motion passed. Commissioner Hagel would like the county to review the current policy manual and ensure employees understand ramifications if not followed. Commissioner Utke had received a call regarding installing a stop sign at the intersection of Grace City highway and McHenry/Barlow highway. He drove through the intersection from all four sides and recommended a stop sign replace the yield signs on the East and West side and update appropriate signs to warn of stop sign ahead. In the discussion, it was noted that there have been accidents, low visibility and two intersecting highways of higher speeds causing concerns and would justify changing the yield signs to stop signs. Commissioner Scanson motioned to approve the change of yield signs to stop signs and purchase appropriate signage for stop signs ahead, cross traffic doesn't stop, seconded by Commissioner Beumer. Discussion included that if State's Attorney Brinster found that the sign could not be changed to do so, but for safety reasons update the signs for now. All voted aye and the motion passed. Commissioner Hagel had attended a Central Prairie Human Service Zone meeting. Foster County will be receiving the 2024 indirect cost payment in October and Well's County Auditor is working on prior years' numbers.

With no further business, Chairman Utke adjourned the meeting at 5:27 pm.

Ellen Roundy
Foster County Auditor/Treasurer

David Utke, Chairman
Board of County Commissioners