

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

June 24th, 2025

At 9:00 am, Madam Chair Hagel called the Foster County Commission Special Meeting to order. Roll call included Commissioner Becky Hagel, Commissioner Alan Scanson, Commissioner David Utke, Commissioner Paul Roller, and Commissioner Pat Copenhaver. Also present was Foster County State's Attorney Kara Brinster, Chief Deputy Auditor/Treasurer Hailey Bachmeier, Independent reporter Erik Gjovik, CPKC Casualty Claims Representative Brent Hills, Foster County Road Superintendent Nate Monson, Foster County Emergency Manager Jessica Moser, and Wold Engineering Engineer Michael Rivinius.

The Special meeting began with the Emergency Declaration resolution for the experience of the severe weather event including rain, strong winds, hail, and confirmed tornadic activity over the course of several hours on June 20 and 21, 2025.

WHEREAS, Foster County experienced a severe weather event including rain, severe winds, hail and confirmed tornadic activity over the course of several hours on June 20 and 21, 2025;

WHEREAS, significant rainfall, winds, widespread hail, straight-line winds, and tornadic activity resulted structural damage by fallen trees and damage to fields, homes, agricultural and commercial buildings, county, township and city roads, public parks, and other public facilities; and

WHEREAS, the weather event caused loss of power, created localized flooding impacting public transportation, damage to public and private property, and debris on public property, and impacted travel, and damaged infrastructure including overhead power lines;

WHEREAS, the impact of these damages has resulted in the well-being and public safety of citizens in Foster County; and

WHEREAS, the resources to make roads passable, including the need to rebuild roads may exceed normal local capabilities; and

WHEREAS, high winds are causing additional damage to roads via wave action and destruction caused by downed trees and powerlines.

NOW, THEREFORE, BE IT RESOLVED that the board of Foster County Commissioners declares an Emergency and orders activation and utilization of the Emergency Operations Plan its procedures, attachments and appendices to monitor the situation, develop a detailed damage assessment, alleviate hardship, and initiate appropriate relief actions and mitigation measures by department and agencies of local government to limit the hardships and impact of this emergency upon the citizens of Foster County, North. Dakota.

Commissioner Scanson motioned to approve the Emergency Declaration resolution, seconded by Commissioner Copenhaver. All voted aye and the motion passed.

Brent Hills, CPKC Casualty Claims Representative was at the meeting to discuss the payment for road repairs. Hills' biggest concern was where the BOCC was getting their figure from for the request of \$2,700,000 for damages on 74th Ave (Bordulac Highway) and 1st St SE (Murphy Highway). Michael Rivinus, Wold Engineering Engineer stated the impact from overloaded vehicles all at one time on that road is significant and when you have continuous traffic like that on a road it greatly affects the life of the road. Commissioner Copenhaver asked Hills where CPKC came up with the figure of \$225,000 as a counter offer to be paid to the Foster County for the damages. Hills stated based on the lifetime of the road. Commissioner Hagel stated the BOCC had no clue about the amount of trucks CPKC had on the roads, but CPKC can't compare those to regular farm trucks. Commissioner Hagel also stated CPKC was unloading heavy equipment right in the roadway, and the only reason the roads have lasted this long is because of Foster County Road Superintendent, Nate Monson's care. Road Superintendent Nate Monson stated he has been durapatching 20-40 spots on the Murphy Road and Bordulac Highway weekly since March. Monson also stated that he and other Commissioners were reassured by CPKC officials on multiple occasions that the roads will be taken care of when completed. Foster County State's Attorney Kara Brinster stated that at the end of the day the derailment exacerbated the damage to the road and CPKC is liable for that. Brinster also stated that the BOCC has a priority list for road repair work and the train derailment sped up the priority list. Commissioner Utke stated that the BOCC responsibility is to our taxpayers, and we need to come up with an actual fair settlement, so the Foster County taxpayers aren't stuck with it. The BOCC all agreed that Foster County is still requesting payment of \$2,700,000 for damages to 74th Ave (Bordulac Highway) and 1st St SE (Murphy Highway) as a consequence of the CP Trail Derailment. Hills stated he would take the request back to his board and he would be in touch.

With no further business, Madam Chair Hagel adjourned the meeting at 9:48 am.

Hailey K Bachmeier
Chief Deputy Foster County Auditor/Treasurer

Becky Sue Hagel, Madam Chair
Board of County Commissioners