

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

February 16th, 2021

At 3:30pm, Chairman Hagel called the Foster County Commission meeting to order. Roll call included Commissioner Alan Scanson, Commissioner Becky Hagel, Commissioner Pat Copenhaver, Commissioner David Utke, and Commissioner Scott Beumer. Also present were Auditor Brad Solberg, Road Superintendent Nate Monson, States Attorney Kara Brinster and Foster County Independent Reporter Leasa Lura.

The meeting began with approval of the minutes. Commissioner Scanson made a motion to approve the minutes of the February 2nd, 2021 meeting, seconded by Commissioner Copenhaver. All voted aye and the motion passed. Commissioner Beumer made a motion to approve the minutes of the February 11th, 2021 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 Copenhaver. All voted aye and the motion passed.

31429	FOSTER COUNTY TREASURER	807.35
31430	AMAZON CAPITAL SERVICES, INC.	664.15
31431	ARROWWOOD PRAIRIE CO-OP	197.53
31432	AUTO VALUE PARTS STORE	110.08
31433	AVID HAWK, LLC	35.00
31434	BRISS OIL COMPANY	106.60
31435	C & J OIL COMPANY	3,798.29
31436	DACOTAH PAPER COMPANY	152.45
31437	FARMERS UNION INSURANCE	182.00
31438	FOSTER COUNTY INDEPENDENT	123.99
31439	FOSTER COUNTY TREASURER	2,189.73
31440	GILBERTSON'S	250.00
31441	HOLLY N. ZIEMAN	450.00
31442	INFORMATION TECHNOLOGY DEPT.	784.30
31443	JAMESTOWN COMMUNICATIONS INC.	110.00
31444	LEAF	74.80
31445	NATIONAL ASSOCIATION OF COUNTIES	450.00
31446	ND ASSOCIATION OF COUNTIES	12,072.09
31447	ND COUNTY COMMISSIONERS ASSOCIATION	1,650.00
31448	ND RECORDERS ASSOCIATION	200.00
31449	ND STATE RADIO COMMUNICATION	10,611.72
31450	NORMONT EQUIPMENT CO.	299.71
31451	OFFICE DEPOT	188.47
31452	OFFICE OF ATTORNEY GENERAL- 1250	595.00
31453	PATRIOT FUELS	436.77
31454	PHARMCHEM INC	57.10
31455	STUTSMAN CO. CORRECTION CENTER	1,275.00
31456	WILLIAM J GALE	23.52

Commissioner Copenhaver made a motion to approve the lost check affidavit for the Foster County Treasurer, seconded by Commissioner Beumer. All voted aye and the motion passed.

Commissioner Hagel asked to have redistricting added to the agenda. Commissioner Copenhaver made a motion to approve the agenda, seconded by Commissioner Scanson. All voted aye and the motion passed.

Old Business

Discussion was had on the County Gravel Pit. Nothing new to report.

New Business

Nate Monson, Road Superintendent, mentioned to the BOCC that there has been little to no maintenance needed since the last meeting. Monson checked gravel roads last week and are out today with blades winging off some of them that have built up on the sides due to wind. Monson also mentioned that crack sealing material is to be delivered by end of February.

Auditor Solberg presented a local permit application from the Carrington Garden Club. Commissioner Beumer made a motion to approve the local permit, seconded by Commissioner Scanson. All voted aye and the motion passed.

Commissioner Beumer stated that he attended a CDC meeting. They are in the process of discussing the joining of CDC and JDA. They are currently working on the bylaw changes.

Lisa Hilbert, Public Health Administrator, approached the BOCC about purchasing a laminator using COVID funds. Commissioner Beumer made a motion to approve the purchase of the laminator for \$2,037.78, seconded by Commissioner Scanson. All voted aye and the motion passed.

Commissioner Hagel stated that Foster County needs to start planning redistricting meetings.

Commissioner Scanson presented his proposal for handling Share Roads:

2021 Blade and snowplow charges will be reduced by \$4000 for each township.

Criteria to be met for reduction: township bill must be paid by April 1st, 2022 or township forfeits \$4000 reduction.

The reason for April 1st, 2022 deadline: It is after the mandatory March meetings and townships have received most of their tax dollars by then.

Positives:

- There is a precedence with reduction in real estate taxes if paid early.
- Very flexible and is easy to adjust.
- It ties in with Prairie Dog bill funding in 2022. Townships can use money for patrolling, gravel, etc
- Fair to all townships
- There will be considerably less paperwork for Auditor and Road Dept
- Revenue neutral to the county ($\$4000 \times 18 = \$72,000$)
- Requires no memorandum of understanding.

Entity that receives state payments are responsible for maintenance of FSA roads.

If adopted now, townships can plan for 2021 using the additional \$4000 in their budget.

Commissioner Hagel presented her proposal for handling Share Roads:

SHARED ROAD PROPOSAL 2021 Submitted by Commissioner Hagel

The term “Shared Road” will no longer be allowed. The road is a county road, Federal Aid Road, or a township road. In the past, there have been no Joint Powers Agreements to allow for sharing responsibility or costs on township roads. This is not legal and is irresponsible. Townships have been claiming the “shared” road miles for the State Aid Distribution for many years. County has received no State Aid Funding for these roads. County’s funding has been mill levy dollars which is a cost incurred by every taxpayer in the county.

FSA (Federal Aid Roads) are legally the responsibility of the County. The FSA roads are the only County gravel roads which total 21 miles and are in various townships.

The County will not share the cost of culverts or installation on township roads.

Equipment and Operator Rate have been historically low. The rate should be raised for blade work and a higher rate in the winter with snow removal and probability of overtime. This should be set at \$100 and \$115, respectively.

If the township wants the County Road Department to provide services for blading and snowplowing, there must be signed contract for the county services. Contract should include contact information for designated Township Supervisor to deal directly with the Road Department Supervisor for all work requests. Contract must also stipulate any exceptions for snowplowing on low maintenance roads.

In 2021, prior to the Annual March Township meetings, the Board sent a letter and forms to each township prescribing the protocol for any cost to be incurred by the County. Only the County Board has the authority to incur an encumbrance to spend county funds. Only a few townships submitted the initial form stating what would be requested for the current year, but none came before the board to request actual dollars for gravel. There was a failure of the County Board to notify private contractors that no work that would require county funds to “share” the cost would be paid without prior approval of the Board. Townships ignored the requirement to request funds in person at a County Board meeting. When reviewing historical board minutes, this was always required. The County Board takes responsibility for the failure to follow thru on this initial proposal to control the open-ended spending of county funds.

There are currently two bills before the state legislature that could flow more infrastructure dollars to Counties and Townships in the future, if passed. Raising the Gas Tax and designating a portion of Legacy Fund earnings for infrastructure. Prairie Dog funding is also another source if it reaches the required funding buckets.

Since it is unknown what this funding will be for this year for Prairie Dog or the current proposed bills, I propose that we continue with our plan that was initiated in 2020 for the current year. Drafting a new letter to townships so that it is understood no funds will be allocated without following the County Board directive. Road contracting companies will be notified in writing by certified mail. However, it will be the County Board’s intent to be equitable across townships, review the roads being requested (the official county map was not being used and some roads are not deemed essential). Townships seriously need to consider their needs and levy requirements as levies are set at their annual meetings. Once we know, what the funding will be for infrastructure from the State this plan will be revised or eliminated.

Commissioner Scanson made a motion to approve the proposal from Commissioner Scanson, seconded by Commissioner Utke. 1 voted aye and 4 voted nay, motion failed.

Commissioner Scanson made a motion to approve the proposal from Commissioner Hagel, seconded by Commissioner Beumer. 4 voted aye and 1 voted nay, motion passed.

Township Supervisor Skadberg asked the BOCC if they would be able to have township meetings again in the future, The BOCC agreed that those meetings would be good, and will look for a time to meet with all townships.

Hilbert approached the BOCC and stated that 838 doses of vaccine have been distributed in Foster County.

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

Brad Solberg
Foster County Auditor

Becky Hagel, Chairman
Board of County Commissioners