

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

May 7th, 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, Michael Rivinius with Wold Engineering, Jennifer Malloy with Apex Engineering (via phone) and Foster County Independent reporter Leasa Lura.

The meeting began with approval of the minutes for the April 16th, 2024, regular meeting, April 23rd, 2024, Special Meeting and April 23rd, 2024, Public Hearing. Commissioner Hagel noted one correction. Commissioner Beumer motioned to approve all three sets of minutes with the correction, seconded by Commissioner Hagel. All voted aye and the motion passed.

Foster County Auditor/Treasurer Ellen Roundy presented two lost check affidavits for NACVSO and check number 37027 that was time sensitive for an employee registration to be included with the bills. Commissioner Scanson motioned to approve the bills, affidavits and check 37027, seconded by Commissioner Beumer. All voted aye and the motion passed.

37027	NDAAO	650.00
37073	AMAZON CAPITAL SERVICES, INC.	134.65
37074	ANDREW KIRKING	160.80
37075	ARROWWOOD PRAIRIE CO-OP	490.88
37076	AVID HAWK, LLC	35.00
37077	BARNES COUNTY CORRECTIONS	3,149.95
37078	BESSETTE MOTORS, INC.	82.06
37079	BRAGER DISPOSAL SERVICE	349.00
37080	BRINSTER LAW, P.C.	255.73
37081	C & J OIL COMPANY	11,421.81
37082	CENTRAL BUSINESS SYSTEMS	127.81
37083	CENTRAL CITY H20+	49.50
37084	COREAN SWART	226.92
37085	CRAIG WIESZ	50.92
37086	DACOTAH PAPER COMPANY	65.77
37087	EAPC ARCHITECTS ENGINEERS	4,780.23
37088	ELECTION SYSTEMS & SOFTWARE	1,716.25
37089	ELECTRO WATCHMAN, INC.	7,374.50
37090	ELLEN ROUNDY	212.28
37091	FOSTER COUNTY INDEPENDENT	473.92
37092	HAILEY BACHMEIER	575.10
37093	HIRECLICK	948.00
37094	INFORMATION TECHNOLOGY DEPT.	955.55
37095	LOCATORS & SUPPLIES, INC.	374.34
37096	MAERTENS WELDING AND MACHINE COMPANY	60.27
37097	MATTHEW BENDER & CO., INC.	142.70
37098	MELANIE G HESCH	414.60
37099	NACVSO	400.00
37100	NAPA AUTO PARTS	88.05
37101	NORMONT EQUIPMENT CO.	546.92
37102	ODP BUSINESS SOLUTIONS, LLC	55.61
37103	OFFICE OF ATTORNEY GENERAL- 1250	150.00
37104	OK TIRE STORE	21.33
37105	PATRIOT FUELS	265.11
37106	R. M. STOUTD	295.40
37107	RUNNING'S SUPPLY, INC.	642.97
37108	SIDWELL COMPANY	2,370.00
37109	STOREY KENWORTHY - MATT PARROTT	221.03
37110	STUTSMAN CO. CORRECTION CENTER	3,200.00
37111	STUTSMAN COUNTY AUDITOR'S OFFICE	2,000.00
37112	SWANSTON EQUIPMENT CORPORATION	7,193.01
37113	THOMAS VOGLEWEDE	300.00
37114	URBAN COUTURE	170.00
37115	WILLIAM J GALE	353.58

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

Old Business

There was nothing new to report for the empty lots by Juanita Lake.

New Business

Nate Monson, Road Superintendent, provided an update for the BOCC. Blading has been slow due to the ongoing rain. To date, there has been 5.6 inches of rain in Foster County. Load restrictions were lifted on Friday, May 3rd, 2024. Discussion was had on putting clay from the pipeline on some shoulders, Monson will get some numbers for the next meeting. Auditor/Treasurer Roundy presented the Morris Sealcoat Contract. The project was previously approved by the BOCC and Commissioner Utke signed the contract.

Micheal Rivinius, Wold Engineering, provided an update on future needs of roads in Foster County. The pavement age and history are based on Wold Engineering's past project date. Based on the history and review of the condition data, there are forty-two miles of pavement that need an overlay, reconstruction, or grading/reconstruction in Foster County. Commissioner Scanson stated there is no question that something needs to be done on the Murphy Road and Club Hall Road, it's the funding that straps the BOCC to decisions. Discussion included costs to grind up the Club Hall Road. The Club Hall Road was paved in 1993 and is breaking up causing costly maintenance and time being spent on the road. Rivinius stated that the county couldn't borrow ahead on the Federal Aid money as the time frame wouldn't be compatible with the project as there are environmental clearances needed prior to starting any work. Commissioner Copenhaver motioned to approve starting the bid process for grinding up the Club Hall Road with a bid open date of June 18th at 3:00 PM, seconded by Commissioner Beumer. All voted aye and the motion passed.

Jennifer Malloy, Apex Engineering, spoke to the BOCC via phone. Gladen Construction was awarded the Drain #1 project, and they plan to tentatively start on May 20th. Culvert improvements will be started first and they will get to the Bordulac road the week of June 3rd. Malloy had spoke with Monson last week and will keep him in the loop with future progress on the project.

Lee Wahlund, Foster County Resident, approached the BOCC regarding closing the section line. He's had a chance to review the information provided by Foster County State's Attorney Kara Brinster and understands that even if the section line is closed, the easement is permanent and could be reopened if the BOCC chose to do so at a later date. He communicated that information to Pat Biel and with his family so that anyone that may be interested in purchasing the property would be aware of that. Auditor/Treasurer Roundy presented Resolution 2024-02 Close Section Line:

WHEREAS, Lee Wahlund, ("Petitioner") as the person having an interest in adjoining land or a portion thereof, have petitioned the Foster County Board of County Commissioners to close the following section line in Wyard Township:

A portion of the section line starting at 66th Ave NE going west approximately 2500 feet on the section line between the SE1/4 of 13-146-67 and NE1/4 of 24-167-67 to where the section line intersects with Highway 200 in Foster County, North Dakota

WHEREAS, the petition was duly and properly submitted to the Foster County Board of County Commissioners pursuant to N.D.C.C. § 24-07-03; and

WHEREAS, the Foster County Board of County Commissioners having published a Notice of Public Hearing in accordance with law, and a public hearing having been held on April 23, 2024, according to the published notice of public hearing, and having considered the petition and any support and opposition thereto;

WHEREAS, the Foster County Board of County Commissioners, after having held a public hearing on the matter, makes the following findings: there is public benefit in closing the herein described section line; that said section line has not been used for over ten years; that said section line is not traveled due to natural obstacles or difficulty of terrain and/or readily accessible alternate routes of travel; that said section line is intersected by a public highway that causes the section line to be a dead end; that said section line does not deprive adjacent land owners of access to the landowners' property; and that after closure said section line may be used to benefit of adjacent landowners; and

WHEREAS, Commissioner Beumer moved to approve closure of the section line requested by Petitioner and Commissioner Hagel seconded the motion, and having been submitted to a roll call vote of the elected County Commissioners:

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

THEREFORE, BE IT RESOLVED by majority vote of the Foster County Board of County Commissioners that the petition is granted and the following section line in Wyard Township as depicted in Exhibit A is here by closed to public travel as provided in N.D.C.C. § 24-07-03, subject to all existing easements of record and subject to the use of such section line to the benefit of adjacent landowners:

A portion of the section line starting at 66th Ave NE going west approximately 2500 feet on the section line between the SE1/4 of 13-146-67 and NE1/4 of 24-167-67 to where the section line intersects with Highway 200 in Foster County, North Dakota

motion passed.

Karen Evans, Tax Director, presented credits to the BOCC for residents in the county. There was a credit application for Jim Cook, Sidwell did not get information back to her office prior to taxes being sent out. Dennis Lange, Shawn & Janelle Marcotte and Lee & Donna Sharbono all qualified for homestead credit under the new parameters.

Commissioner Copenhagen motioned to approve all credits, seconded by Commissioner Hagel. All voted aye and the motion passed.

Dena Kemmet, NDSU Extension, along with Jeff Gale, Foster County Agent, approached the BOCC regarding the vacant Family Community Wellness position. Kemmet presented information about the position and job description. Commissioner Beumer motioned to approve opening the position, seconded by Commissioner Copenhagen. Discussion included continuing to share the agent with Eddy County. Kemmet asked who would like to be on the committee to lead the search and the consensus was to have Commissioner Scanson assist with the process. All voted aye and the motion passed.

Ellen Roundy, Auditor/Treasurer, asked the BOCC how they would like to move forward with the budget structure of the Auditor/Treasurer office. She spoke with the State Auditor's and the county can combine offices to one budgeted account if they choose to do so. Commissioner Scanson motioned to combine the office accounts effective 2025 budget, seconded by Commissioner Hagel. All voted aye and the motion passed. Roundy received a funding agreement for the Clerk of Court Services. Commissioner Scanson motioned to approve the agreement and have Chairman Utke sign, seconded by Commissioner Hagel. All voted aye and the motion passed. Lastly, a gaming site authorization was turned in from the Wrestling Club for gaming at Crossroads Golf Course. Commissioner Copenhagen motioned to approve the gaming site authorization, seconded by Commissioner Hagel. All voted aye and the motion passed.

Commissioner Utke and Commissioner Scanson provided an update on the building project. They are anticipating moving to the west end of the building in six weeks or so. There was discussion on including the vault under the Records office as it wasn't initially intended to be fixed. Commissioner Utke noted that they are hoping the Human Service Zone employees can move back down to their offices at the end of May.

Roundy provided information on the County Coroner pay. She had contacted Evans Funeral Home Director Thomas Suaby, he estimated on average four to five calls a year that are needed by the County Coroner. The County Coroner is only needed for unattended deaths within the county, not every death that occurs. For budgeting purposes, the BOCC will continue to pay \$900 for the 2024 year and increase the pay to \$1,200 in 2025 motioned by Commissioner Scanson, seconded by Commissioner Copenhagen. All voted aye and the motion passed. Foster County State's Attorney Brinster reviewed the current burn ban and made some corrections due to legislative changes. Commissioner Copenhagen motioned to approve the updated burn ban and replace the previous version, seconded by Commissioner Scanson. All voted aye and the motion passed. Commissioner Utke noted that the BOCC needs to put a fact sheet together for the road mill measure on the primary ballot. The county will be losing levying authority on Farm to Market which is ten mills. To go beyond the ten mills a vote of the residents is required. Roundy will have her office compile information to be presented to the BOCC. Commissioner Utke has spoken with the Historical Society regarding mowing at the Museum. The difference between the Fair grounds and the Museum is the County owns the Fairgrounds, not the Museum. Commissioner Beumer motioned to cease mowing at the Museum, seconded by Commissioner Scanson. All voted aye and the motion passed. Commissioner Utke will communicate the BOCC decision to the Historical Society. Commissioner Utke and Commissioner Scanson plan to visit Juanita Lake this week regarding potential electrical work. Commissioner Beumer stated Public Health lost their Public Health Officer due to resignation. They are working on finding that replacement as it is required for the district to operate. Commissioner Hagel attended a Human Service Zone meeting, and they are currently discussing on how they'd like to move forward with the Director role if they'd like to continue to work with Griggs and Nelson counties as it has been going well or find their own. Commissioner Hagel also attended the quarterly NDACo meeting. Rick Becker attended regarding the proposal to eliminate property taxes. Homestead credit, veterans' credit, farm residence exemptions would all be affected. Benefits would also be eliminated for PILT and utilities that are centrally assessed. The disconnect comes with residents not understanding how mill levies are calculated. The current proposition would be to remove property taxes and instate "fees" which the state would control for any entity requesting tax dollars and any entity that budgets tax dollars would be frozen at the 2024 levy amounts. Commissioner Hagel also noted that Townships cannot levy revenue per NDCC, it can only be done via tax so if the measure does make it to the ballot and passes, townships would be out funding. Commissioner Utke plans to attend the NE region CRIB meeting later this week. Along with that, he spoke to the Carrington Superintendent and Public Works regarding the future of the tower that maintains radios.

With no further business, Chairman Utke adjourned the meeting at 5:48 pm.

Ellen Roundy
Foster County Auditor/Treasurer

David Utke, Chairman
Board of County Commissioners