

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

October 2nd, 2024

At 1:32 pm, Chairman Utke called the Foster County Commission Special Meeting to order. Roll call included Commissioner Scott Beumer, Commissioner Becky Hagel, Commissioner David Utke, and Commissioner Pat Copenhaver. Also present was State's Attorney Kara Brinster, Auditor/Treasurer Ellen Roundy, Foster County Independent reporter Nathan Price, Thomas Erdmann, Steve Metzger, Kip Kovar, Scott Mehring, Lauri Olson, Vance Miller, Road Superintendent Nate Monson via phone and Road Engineer Michael Rivinius via phone.

Commissioner Utke requested the commissioners receive an answer regarding the motion to allow open cuts during the September 3rd, BOCC meeting and clarification on the gentleman's agreement Kovar had previously discussed. Garrison Diversion did not accept the motion to allow open cut on the Kensal highway with a payment of \$100,000 to the county for any future repairs and damage. Kovar noted that the board did not feel there was a basis for the payment if Garrison will maintain the road indefinitely. He stated that since the start of the project Garrison has spent \$1.25 million maintaining the roads in Foster County with blading, gravel, etc. Kovar provided the BOCC with the Griggs County permitting application. They have not yet approached their commission, but the fee is \$700.00 for open cuts. Commissioner Beumer stated that damage is being done to an asset of the county by cutting into the road versus boring the road and it will reduce the value of the road. Discussion included administrative costs that Road Superintendent, Nate Monson, has put in to help inspect work and roads during the project. Micheal Rivinius was asked about the quality of road after a cut. Rivinius stated that regardless of how well they do to fill a cut, it will act like a patch as it's not continuous pavement anymore. "It's not that it's being done wrong, it's just what happens when a paved road is cut until it is overlaid". Commissioner Copenhaver asked who decides if the road needs to be repaired and per Kovar the BOCC would make that decision. Kovar asked if the BOCC would do \$5,000 per open cut. Commissioner Utke stated that a motion does not cover the specifics so there are no misunderstandings in the future a committee has been formed to create a utility policy. There is currently no easement for the pipeline under the Bordulac Highway, and that should be part of the process. Monson stated that he is the resource for townships, he does not make any decisions. Commissioner Copenhaver motioned to allow an open cut on the Dump Ground highway for a payment of \$10,000 to the county with the understanding that Garrison will maintain any fixes forever, seconded by Commissioner Beumer. Additional discussion included administrative costs incurred are covered as part of the payment to the County. Previous cut costs will be figured out later. Roll call vote included:

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

motion passed. Kovar asked the BOCC for the same motion with the Kensal Road. Commissioner Utke would like to see the policies and applications in place if they have time. Commissioner Copenhaver motioned to allow an open cut on the Kensal Highway for a payment of \$10,000 to the county with Garrison maintaining the road indefinitely, seconded by Commissioner Hagel. Roll call vote included:

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

motion passed. Kovar stated that Garrison will accept the motions.

Commissioner Utke stated that in September, Kovar accused the BOCC of making deals outside of closed meetings with the "gentleman's agreement." The BOCC was unaware of what Kovar was referring to. Kovar said it was not his intent to get anyone in trouble. There was a road maintenance agreement that was provided to the BOCC but never approved and he felt that by Garrison maintaining the roads and repairs with no agreement they were doing the county good. Kovar acknowledged that there was never an agreement to allow open cuts by any Commissioner outside of a meeting beyond the Bordulac Road.

With no further business, Chairman Utke adjourned the meeting at 3:14 pm.

Ellen Roundy
Foster County Auditor/Treasurer

David Utke, Chairman
Board of County Commissioners