

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

January 27<sup>th</sup>, 2025

At 10:00 am, Madam Chair Hagel called the Foster County Commission Special Meeting to order. Roll call included Commissioner Alan Scanson, Commissioner David Utke, Commissioner Pat Copenhaver, Commissioner Becky Hagel and Commissioner Paul Roller. Also present was Auditor/Treasurer Ellen Roundy, Road Superintendent Nate Monson, Foster County State's Attorney Kara Brinster, Foster County Independent Reporter Erik Gjovik, CP Rail Representative Brent Hills, and Micheal Rivinius with Wold Engineering.

Commissioner Utke provided an overview of where the county is on road damages incurred from the July 2024, CP train derailment, specifically to the Bordulac Highway. Wold Engineering had provided a cost estimate in August 2024, to patch the Murphy Highway with an estimated cost of \$300,000 and completing a three-inch overlay on the Bordulac Highway estimating \$3.9 million. Brent Hills, CP Rail, feels that a percentage of use should be used in this instance. Hills noted that CP received information from readers with an average yearly vehicle use on 70<sup>th</sup> being 4,018 and 1<sup>st</sup> St. being 5,114. Information provided to the BOCC from CP was a total of 912 truck loads in and 188 truck loads out. After further discussion, it was noted that water trucks, gravel trucks, and trucks hauling out contaminated dirt were likely not included in the total number of trucks. Monson noted that Foster County is also a part of Load Pass, where non-divisible, oversized/overweight loads must apply and receive a permit. The first permit was not received by Foster County until July 11<sup>th</sup> and from July to November, there were only twelve permits submitted with not all pertaining to the railroad. Another concern was when bringing large equipment in, the trucks, fully loaded, would sit on the side of the road for a few days, causing large break-up spots on the sides of the road. Full sized equipment was also being unloaded right in the middle of the road, with the unloading process causing breakups in the road. Hills asked if the group felt that most loads should have had permits and the consensus was yes, if oversized/overweight and non-divisible they should have followed the permitting process. Additional discussion included the speed limit in which the traffic was traveling. The BOCC asked Michael Rivinius, Wold Engineering, on providing an updated Road Plan for Foster County. Rivinius stated that it would be at least a month minimum timeline. Commissioner Scanson motioned that Foster County hires Wold Engineering to complete an updated road assessment at an estimated cost of \$5,000, seconded by Commissioner Copenhaver. Roll call vote included:

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

motion passed. Hills thanked the board for their patience and wants to do what he can to make this right.

Kara Brinster, Foster County State's Attorney, provided the BOCC with a memo outlining the process on easements for the Flex Funding Project. Brinster recommends that the county start the process of ordering a databook. If the waiver valuation comes under \$10,000, it would not constitute individual appraisals for each parcel affected by the project. This process follows DOT guidelines. If the BOCC approves moving forward with the process, it will be added to the total cost of the project with the county being responsible for 20% of the overall costs. Commissioner Scanson motioned to approve the process of ordering the databook at an estimated cost of \$8,000-\$12,000, seconded by Commissioner Copenhaver. Additional discussion included that this information will only be relevant to this project. Roll call vote included:

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

motion passed. Commissioner Utke asked Rivinius of the next steps once the county receives the data book. Rivinius stated that they will review the costs and ask how the county would like to proceed. The BOCC still has the right to decide before proceeding. The process will take at least a month to complete. The BOCC also discussed pushing this project off a year as the county is awarded the funds, there is no timeline on using it for this project.

With no further business, Madam Chair Hagel adjourned the meeting at 11:17 am.

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Ellen Roundy  
Foster County Auditor/Treasurer

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Becky Hagel, Madam Chair  
Board of County Commissioners