

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS
May 14th, 2025

At 1:00 pm, Madam Chair Hagel called the Foster County Commission Special Meeting to order. Roll call included Commissioner Alan Scanson via phone, Commissioner David Utke, Commissioner Pat Copenhaver, and Commissioner Becky Hagel. Also present were Foster County State’s Attorney Kara Brinster, Auditor/Treasurer Ellen Roundy, Road Superintendent Nate Monson, Michael Rivinius with Wold Engineering and Foster County Independent reporter Nathan Price.

CP rail had proposed a memo outlining the traffic on the Bordulac and Murphy roads consequence of the July 5th, 2024, train derailment. In the memo, CP offered a payment of \$225,000 for damages. The breakout for that dollar amount included percentage of road use and missed overloaded permits.

Michael Rivinius, Wold Engineering, felt that the traffic data was reasonable, however big items missed was the staging of trucks and equipment for days on the road, overloaded trucks making multiple trips to the site, and vehicle traffic. Commissioner Utke stated that large equipment was put together on the road itself, causing holes and large breaks in the road. Foster County State’s Attorney stated that it’s reasonable to say there is an intangible piece that cannot be quantified. A new overlay to the road would put the road in better condition than prior to the train derailment, trying to go back and capture the exact road condition prior to the damage is almost impossible. Commissioner Utke stated that it would be reasonable for the county to come up with a list as an estimate for costs incurred, understanding that this was an emergency and necessary for the railroad to do, however, the Foster County taxpayers should not be responsible for those repairs. Road Superintendent Nate Monson indicated that the road use by CP was in a condensed amount of time in comparison to the traffic count that considers a year’s worth of data, in the summer and when it was wet also speeds up the deterioration of the road.

Commissioner Utke asked Rivinius what an overlay would cost as an estimate. Rivinius figured this year the estimate would be 2.7 million, that’s what the road needs. The BOCC noted that items not considered in the memo that are hard to quantify are overloaded trucks without a permit, vehicle traffic not just trucks, and the staging area use on the roads. Commissioner Copenhaver motioned to send a response to CP rail requesting \$2,700,000 in damages, seconded by Commissioner Utke. Additional discussion included requesting a response by June 16th, 2025. All voted aye and the motion passed.

With no further business, Madam Chair Hagel adjourned the meeting at 2:03 pm.

Ellen Roundy
Foster County Auditor/Treasurer

Becky Sue Hagel, Madam Chair
Board of County Commissioners