

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

May 5<sup>th</sup>, 2026

At 8:00 am, Chairman Copenhaver called the Foster County Commission meeting to order. Roll call included Commissioner David Utke, Commissioner Paul Roller, Commissioner Pat Copenhaver, Commissioner Alan Scanson, and Commissioner Becky Hagel. Also present was Foster County State’s Attorney Kara Brinster, Auditor/Treasurer Ellen Roundy, Road Superintendent Nate Monson, Michael Rivinius with Wold Engineering, Carson Lovin and Chris Pierson with Northern Plains and Foster County Independent Reporter Erik Gjovik.

The meeting began with approval of the minutes for the April 21<sup>st</sup> Commission meeting. Auditor/Treasurer Roundy noted one correction. Commissioner Hagel made a motion to approve the minutes with the correction, seconded by Commissioner Roller. All voted aye and the motion passed.

Commissioner Scanson motioned to approve the bills, seconded by Commissioner Hagel. All voted aye and the motion passed.

40083	AMAZON CAPITAL SERVICES, INC.	192.94
40084	BALCO UNIFORM CO., INC.	191.90
40085	BRINSTER LAW, P.C.	104.71
40086	C & J OIL COMPANY	1,012.07
40087	CARRIE NICHOLS	109.50
40088	CENTRAL CITY H20+	61.50
40089	CLUBHOUSE HOTEL & SUITES	297.00
40090	COMPUTER EXPRESS	479.00
40091	COREAN SWART	297.20
40092	DACOTAH PAPER COMPANY	135.12
40093	ELECTION SYSTEMS & SOFTWARE	1,941.50
40094	ELECTION SYSTEMS & SOFTWARE	50.72
40095	ELLEN ROUNDY	303.60
40096	EVANS FUNERAL HOME	1,320.00
40097	FOSTER COUNTY INDEPENDENT	1,156.36
40098	HAILEY BACHMEIER	141.00
40099	JERROD HOLTE	52.20
40100	JOHN DEERE FINANCIAL	383.80
40101	JUSTIN JOHNSON	55.17
40102	KAREN EVANS	68.59
40103	KNIFE RIVER MATERIALS	325,903.16
40104	MELANIE G HESCH	478.00
40105	ND ASSOCIATION OF COUNTIES	793.67
40106	OK TIRE STORE	337.00
40107	PATRIOT FUELS	80.00
40108	RANDY'S ELECTRIC	650.00
40109	RDO EQUIPMENT CO.	886.10
40110	RESIDENCE INN	110.00
40111	RUNNING'S SUPPLY, INC.	525.18
40112	SCHULZ PLBG., HTG. A/C, INC.	301.68
40113	STUTSMAN COUNTY AUDITOR	2,000.00
40114	WILLIAM J GALE	854.17
40115	WOLD ENGINEERING, P.C.	75,296.91
40116	WOLD ENGINEERING, P.C.	750.00

Commissioner Scanson asked to add CPKC and Road funds to the agenda under the road department. Commissioner Roller made a motion to approve the agenda with the addition, seconded by Commissioner Scanson. All voted aye and the motion passed.

Old Business

There was no update under old business.

New Business

Nate Monson, Road Superintendent, provided an update to the BOCC. The department continues to fix spots on the Gross Road. Load restrictions are still in effect. Durapatching on the Bordulac South, Bordulac North, Barlow and Murphy Road continue to consume the department’s time. Discussion was had on how to move forward and creating a game plan for county roads in the years to come.

Michael Rivinius, Wold Engineering, provided information regarding the half mile to the west end of the Barlow/McHenry Road project. This section of the road is falling apart and will need repairs of some sort once the project is completed. Two options were discussed. The first option would be to fix each broken spot separately, and the second option would be to grind it up, add cement and then pave over the top. The second option could be provided at a discounted rate with equipment and materials already being onsite. Rivinius estimated the cost to be \$175,000 and could complete and submit a change order. Commissioner Scanson motioned to approve the second

option of grinding up the road, adding cement and paving over the top seconded by Commissioner Roller. Roll call voted included:

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

motion passed.

Road discussion continued with an update provided by Commissioner Utke on Load Pass. There may be some changes coming up with the permitting process. A meeting will be held on May 21<sup>st</sup> with Monson attending on the county's behalf. During the April 21<sup>st</sup> meeting, rumble strips across county intersections were discussed with having Wold Engineering explore costs. Four estimates were gathered with a cost for each location. Dallmann Services for \$4,300 with mobilization included and fogging not included, 3D Specialties for \$3,500 with mobilization and fogging not included, Knife River materials for \$5,230 with mobilization and fogging included and Traffic Safety Services for \$4,250 with mobilization and fogging not included. After Wold Engineering compared all estimates with the difference of mobilization and fogging it was recommended the Knife River would be the best route to take. Rivinius stated that they would not recommend rumble strips on any county roads that have not been overlaid. If you start grinding into roads that are not stable, the county would be looking at steeper costs down the road. State's Attorney Kara Brinster stated it might be beneficial to add to the Barlow/McHenry project. Commissioner Roller made a motion to accept Knife Rivers Estimate and include rumble strips at the one intersection of the Barlow/McHenry Road project, seconded by Commissioner Utke. All voted aye and the motion passed. Auditor/Treasurer Roundy presented a Flex Fund reimbursement with signatures required. Commissioner Hagel motioned to approve the reimbursement including applicable signatures, seconded by Commissioner Scanson. All voted aye and the motion passed. Commissioner Utke and Commissioner Scanson were previously selected to be on a Road Committee to create permits then further negotiate with CPKC regarding the 2024 train derailment. Everyone acknowledged there are limited funds in place, especially after CAPS. Commissioner Utke stated that it would be a good idea to continue the formation of that committee to work on procedures for future road damage and come up with the best plan for roads in Foster County. Commissioner Hagel motioned to continue with the committee and have Commissioner Utke and Commissioner Scanson along with the Auditor's office, Road Department and Wold Engineering, seconded by Commissioner Roller. Additional discussion included Commissioner Copenhagen stating that the Murphy Road should be next on the list. All voted aye and the motion passed. Commissioner Utke provided the BOCC with an update from the Special meeting regarding the offer from CPKC. CPKC is willing to provide a settlement in the amount of five hundred thousand (\$500,000) dollars. The committee is making a recommendation to the BOCC to accept that offer. The committee felt that due to not having any practical means to prove whose trucks did what damage, understanding there was pre-existing damage to the roads and having the letter state this was the final offer, means an attempt to negotiate would be deemed a rejected offer and it would turn into a lawsuit. Commissioner Hagel motioned to accept the offer seconded by Commissioner Roller. All voted aye and the motion passed.

Kara Brinster, Foster County State's Attorney, provided an update on the repositioning of power lines along the Barlow/McHenry Road project. The job was able to be run through the Flex Funding project with the state. Commissioner Scanson made a motion to sign the agreement to move power lines, seconded by Commissioner Hagel. All voted aye and the motion passed. Additional discussion included the timeline and road restrictions.

Kyle Schroeder, Foster County Fair Board, attended the meeting to provide a monthly update. He stated that the Fair dates are set for June 18<sup>th</sup>-21<sup>st</sup>. The Fair Board did receive funding through a grant that requires a match of in-kind or cash. Schroeder asked if when the project began to work on the parking lot if the county would be willing to lend equipment and manpower to help with the in-kind match. Schroeder also stated that three buildings will need new shingles in the next few years. Commissioner Utke also stated that an MOU is still in the works.

Auditor/Treasurer Ellen Roundy presented a gaming site authorization form for the Wrestling Club at Crossroads Golf Course. Commissioner Scanson motioned to approve the gaming site authorization, seconded by Commissioner Hagel. All voted aye and the motion passed. Roundy also stated that there is a new federal mandate that requires public entities websites to be ADA compliant with the new ADA Title II Web Rule. The county still has time to switch items over, but this will be a cost increase not included in the budget.

Justin Johnson, Sheriff, approached the BOCC regarding the department's gun buyback program. New deputy Travis Tesch purchased a pistol and would like it taken out of his paycheck. Commissioner Hagel asked what Johnson was doing with the two guns from the previous two employees. Johnson stated those were rifles and this is a pistol. Commissioner Utke motioned to approve the purchase, seconded by Commissioner Roller. All voted aye and the motion passed.

Tax Direction, Karen Evans, presented an abatement to the BOCC. Rainbow Gardens was missed as being tax exempt for the 2024 and 2025 tax years. Commissioner Hagel motioned to approve the abatement seconded by Commissioner Scanson. All voted aye and the motion passed. Evans also stated that the new Stutsman/Foster Emergency Manager, Pam Blinsky, has reached out on some projects. At this time, the county will do 9-1-1 addressing with Jason Horning.

Roundy stated that an individual had reached out to the Auditors' office regarding a long-term rental camping spot at Juanita Lake. Discussion included having limited amount of camping spots, determining a special rate and having a septic dump site available as there is not one out there. Commissioner Scanson motioned to deny the long-term rental request as the BOCC needs to do more research with the Department of Health for rules and regulations, seconded by Commissioner Roller. All voted aye and the motion passed. Commissioner Scanson also noted that

Dennis Swanson is willing to help the county out this summer at Juanita Lake. Commissioner Utke reached out to Chris Thomas with EAPC regarding a final walk through of the basement renovation. Commissioner Hagel volunteered to meet Thomas if it was after hours as she is right in town. Commissioner Hagel attended a board NDACo meeting. The Flex Fund projects that were not granted will automatically be moved to the application process for Prairie Dog Funds. The Workman's Compensation fund through the state has a balance. All counties will see a 10% return. Commissioner Hagel noted that the Bridge Inspection process will be changing so the County should focus on removing any bridges that are no longer around, so we do not get charged a site visit. There will be a six-county meeting held in Napoleon on Tuesday, May 19<sup>th</sup>, at 10:00 AM.

With no further business, Chairman Copenhaver adjourned the meeting at 9:40 am.

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Ellen Roundy  
Foster County Auditor/Treasurer

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Pat Copenhaver, Chairman  
Board of County Commissioners