

PROCEEDINGS OF THE FOSTER COUNTY BOARD OF COMMISSIONERS

August 6th, 2026

At 8:00 am, Chairman Copenhaver called the Foster County Commission Special Meeting to order. Roll call included 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 and Foster County independent reporter Taylor Rau.

Commissioner Utke presented a letter from Carstensen Contracting. The BOCC was made aware that Garrison had bid on the Kensal Highway mill and overlay without Board approval and prior to the contracted November 2028 date. Road Superintendent Nate Monson spoke with Michael Rivinius, Wold Engineering, on approaching the project as a payment option versus having the work done. The road project was bid for around \$1,600,000. Carstensen Contracting proposed a payment option of \$1,100,000 in place of performing the 5 mile 2” mill and overlay that was previously included in their contract with Garrison Diversion Conservancy District. Commissioner Scanson questioned how Garrison has the authority to bid road projects when they are not the owner of the road. The County and GD CD had entered into a contract and had a signed MOU dated June 2025. The scope of the MOU was that Foster County would allow GD CD to use the Kensal highway (1621) for a haul route with GD CD responsible to repair the Kensal Highway with a 1” grind and 2” overlay after November 1st, 2028. Commissioner Utke stated that for the county to agree to the payment they would be giving up a certain amount of value that the county would then be responsible for spending. Foster County State’s Attorney, Kara Brinster, stated that the county’s MOU is with Garrison. The County should not be negotiating with anyone but Garrison Diversion. Taxpayers in the state of North Dakota are paying for this project, it doesn’t sit right that one government entity like GD CD is trying to take advantage of another government entity in Foster County. Commissioner Utke motioned to decline the proposal that was sent to Garrison Diversion from Carstensen Contracting and forwarded to Foster County, seconded by Commissioner Scanson. All voted aye and the motion passed.

Discussion on SealTech was had on the work to be performed on County highway 1621 from State Road 22 going north the first three miles. The work would remove debris, apply mastic material, smooth surface and edges and spray a detach material to help eliminate tracking. If the BOCC had the road covered by SealTech, there would be no need to crack seal. Commissioner Scanson motioned to approve moving forward with the work from SealTech for \$115,975, seconded by Commissioner Utke. Roll call vote included:

- Commissioner Utke – aye
- Commissioner Copenhaver – aye
- Commissioner Scanson – aye

motion passed.

Kyle Schroeder with the Foster County Fair Board joined the BOCC meeting. Commissioner Utke had received an estimate from EAPC to complete the architecture work with specifications for bidding for a cost of \$16,325. Discussion included if the project would exceed the \$250,000 threshold to require a firm put bid specs together and oversee the project. Commissioner Utke motioned to reject the estimate to have EAPC put specs together and have the Foster County Fair Board put the roof specs together, seconded by Commissioner Scanson. All voted aye and the motion passed. Monson stated that there is a culvert at the north end of the tracks that should be replaced. The cost is estimated to be between \$2,400 and \$2,800. Commissioner Scanson motioned to approve the purchase and installation of the culvert, seconded by Commissioner Utke. Roll call vote included:

- Commissioner Utke – aye
- Commissioner Copenhaver – aye
- Commissioner Scanson – aye

motion passed.

With no further business, Chairman Copenhaver adjourned the meeting at 8:48 am

Ellen Roundy
Foster County Auditor/Treasurer

Pat Copenhaver, Chairman
Board of County Commissioner