

# PLUS-Public Notice

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF FOSTER COUNTY FEBRUARY 1, 2023

At 8:00 am, Chairman Scanson called the Foster County Commission Special meeting to order. Roll call included Commissioner Becky Hagel, Commissioner Alan Scanson, Commissioner David Utke and Commissioner Scott Beumer via phone. Also present was Interim Auditor Ellen Roudy, Public Health employees Lisa Hilbert, Colleen Sweet, Lisa House, Robin Simonson, Cassie Ness and Kristin Larson.

Interim Auditor Roudy presented the BOCC with a resolution: Public Health District

WHEREAS, Section 23-35-02 of the North Dakota Century Code requires that all land in the state must be in a public health unit before January 1, 2001;

WHEREAS, A local public health district will provide population-based service to residents of Foster County; and

WHEREAS, The mission of public health is to:

- Prevent epidemics and the spread of disease
• Protect against environment hazards
• Prevent injuries
• Promote and encourage healthy behaviors
• Respond to disasters and assist communities in recovery and

• Assure the quality and accessibility of health services

THEREFORE: Be it resolved that the Foster County commissioners have established a local public health district at a special meeting on February 1st, 2023.

Be it further resolved that the name of the district shall be the Foster County Public Health.

Be it further resolved that the following persons are appointed to the initial board of health on staggered terms.

Dr. Jay Bauer, one-year term
Dr. Michael Page, one-year term

Brigid Glennen, RN, two-year term

Holly Ziemann, RN, three-year term

Jacqui Nelson, PAC, four-year term

Becky Hagel, BOCC, five-year term

The resolution was made by Commissioner Hagel and seconded by Commissioner Utke. Discussion was had on including the word "District" in the name. Lisa Hilbert, Public Health Administrator stated that it would be costly and time consuming to change the name adding the word district. All voted nay and the motion failed.

Commissioner Utke motioned to approve Resolution 2023-01 with the removal of District in the name, seconded by Commissioner Hagel. This would make the name of the district in the above resolution Foster County Public Health. All voted aye and the motion passed.

With no further business, Chairman Scanson adjourned the meeting at 8:14 am.

## REGULAR MEETING FEBRUARY 7, 2023

At 3:30pm, Chairman Scanson called the Foster County Commission meeting to order. Roll call included Commissioner Scott Beumer, Commissioner Alan Scanson, Commissioner Pat Copenhaver, and Commissioner David Utke. Also, present were Interim Auditor Ellen Roudy, State's Attorney Kara Brinster, Foster County Independent Reporter Leasa Lura and Road Superintendent Nate Monson.

The meeting began with approval of the minutes for January 17th, 2023, regular meeting, January 19th, 2023, special meeting, January 20th, 2023, special meeting and February 1st, 2023 special meeting. Commissioner Utke had one change to the February 1st, 2023, minutes and Commissioner Beumer made a motion to approve all the minutes with the change, seconded by Commissioner Copenhaver. All voted aye and the motion passed.

Commissioner Beumer made a motion to approve the bills, seconded by Commissioner Utke. All voted aye and the motion passed. Bills: 34977, Amazon Capital Services, Inc., \$25.88; 34978, Arrowwood Prairie Co-op, 2,274.81; 34979, Auto Value Parts Store, 6.48.

34980, Becky Hagel, 45.00; 34981, Berts Truck Equipment of MHD, Inc., 171.80; 34982, Besette Motors, Inc., 236.19; 34983, Brigid Glennen, 45.00; 34984, Brinster Law, P.C., 139.06; 34985, C&J Oil Company, 11,098.44; 34986, Carrington Motors, Inc., 582.97; 34987, Central Business Systems, 99.27; 34988, Central City H2O+, 92.00; 34989, CMF, 2,000.40.

34990, Computer Express, 1,508.97; 34991, Computer Express, 1,377.99; 34992, Craig Wiesz, 9.17; 34993, D&E Supply Company, 23.29; 34994, Dakota Dust-Tex, Inc., 104.20; 34995, Department of Transportation, 2,938.82; 34996, Dr. Jay Bauer, 45.00; 34997, Dr. Michael Page, 45.00; 34998, EAPC Architects Engineers, 14,252.70; 34999, Foster County Independent, 1,560.74.

35000, Foster County Treasurer, 688.30; 35001, Holly N. Ziemann, 45.00; 35002, Jacqui Nelson, PAC, 45.00; 35003, Justin Johnson, 119.88; 35004, Kevin J. Bahm, 129.99; 35005, Midstates Equipment & Supply, 18,498.17; 35006, NAPA Auto Parts, 320.83;

35007, NAPA Auto Parts, 13.29; 35008, Nathan Monson, 48.75; 35009, ND Association of Counties, 620.50.

35010, ND Association of County & Tribal VSO, 170.00; 35011, ND Clerks Association, 100.00; 35012, ND County Records Association, 200.00; 35013, ND SACCHO, 500.00; 35014, NDSU Extension Service, 10,869.44; 35015, Newman Traffic Signs, 2,651.71; 35016, ODP Business Solutions, LLC, 162.71; 35017, Office of Attorney General - 1250, 370.00; 35018, Patriot Fuels, 52.84; 35019, Pipestem Alcohol & Drug Network, 105.00.

35020, Randy's Electric, 696.68; 35021, RDO Equipment Co., 1,869.44; 35022, Running's Supply, Inc., 445.69; 35023, Sherman Plumbing & Heating, 425.00; 35024, Software Innovations, 750.00; 35025, Software Innovations, 10,100.00; 35026, Stutsman Co. Correction Center, 2,175.00; 35027, Tony's Repair, 509.99; 35028, USPS, 114.00; 35029, Vanguard Appraisals, Inc., 1,100.00; 35030, William J. Gale, 48.47.

Commissioner Utke asked to add Water Manager Handbook under commissioner discussion. Commissioner Copenhaver made a motion to approve the agenda with the addition, seconded by Commissioner Beumer. All voted aye and the motion passed.

Old Business
No new business reported for the gravel pit.

New Business
Nate Monson, Road Superintendent, approached the BOCC with an update from the Road Department. There has been little snowfall with wind being the biggest factor in road conditions. Monson asked for approval to set the date and time for bid opening for work to be completed on McHenry highway. Commissioner Beumer motioned to set the bid opening date and time for March 7th at 2:00 PM in the commissioner room, seconded by Commissioner Copenhaver. All voted aye and the motion passed. The Road Department received two pallets of crack seal material. Discussion was had on how to advertise and promote the open equipment operator position the Road Department has.

Lisa Hilbert, Public Health Administrator, presented a lease for the printer/copy machine at public health. Commissioner Beumer made a motion to approve the lease, seconded by Commissioner Copenhaver. All voted aye and the motion passed. Hilbert stated the Board of Health main contacts during the transition period will be Dr. Bauer and Holly Ziemann. The BOCC and BOH will more then likely have meetings to work through items of public health becoming a district.

Justin Johnson, Foster County Sheriff, informed the BOCC that the Ford F150 vehicle he had ordered for their office was cancelled. He worked with Besette's and received an estimate for a Chevrolet pickup. Commissioner Beumer made a motion to approve the change from the original Ford F150 to a Chevrolet, seconded by Commissioner Copenhaver. Roll call vote included:

- Commissioner Beumer – aye
• Commissioner Scanson – aye
• Commissioner Copenhaver – aye
• Commissioner Utke – aye motion passed.

Ellen Roudy, Interim Auditor, presented the BOCC with two raffle permits. Commissioner Copenhaver motioned to approve the raffle permits for Caring-ton preschool and for FFA, seconded by Commissioner Beumer. All voted aye and the motion passed. Roudy asked to designate Danielle Koepplin as the Superintendent of Schools for Foster County. There is an Attorney General opinion that creates a conflict of interest to have the auditor be the superintendent of schools. Roudy spoke with NDACo Executive Director, Aaron Birst, and there is a bill that would eliminate this, but, to designate someone in the meantime. The BOCC will also have designate five individuals to be on the school re-organization board. Commissioner Copenhaver motioned to designate Danielle Koepplin the Superintendent of Schools, seconded by Commissioner Utke. All voted aye and the motion passed. Roudy asked to clarify that there will need to be a transition period from Public Health breaking away from the county and becoming their own district. There are some funds that need to be cleaned up and other financial items that need to be tied up. Commissioner Utke spoke on the building for public health and that they will need to come with an agreement, and it will take some time. The BOH was able to negotiate terms to keep Hilbert as the Administrator. The new EM, Darlene Thomas, asked about reimbursement for travel time and mileage. Roudy spoke with State's Attorney Kara Brinster, and Chuck Horter, NDACo HR Coordinator. Horter recommended if travel to the county was only going to be once or twice a month to look at reimbursing her time. Brinster stated that the IRS is clear on the mileage reimbursement and that Carrington is considered her "home" for work, however, her time could be reimbursed. There is enough of a distinction with the EM position and other positions within the county to justify it. The county was having trouble filling the position so had to expand their search. Commissioner Copenhaver motioned that due to the

difficulty filling the position and the distinction between the EM and other positions in the county to approve to reimburse travel time to the county when necessary, seconded by Commissioner Utke. All voted aye and the motion passed. Arrowwood has a propane tank lease for the Chairman to sign. Commissioner Utke motioned to approve Chairman Scanson to sign the lease, seconded by Commissioner Copenhaver. All voted aye and the motion passed. Lastly, Roudy presented the BOCC with the NDDOT Project BRC-BRS-0099(008) Bridge inspection/load rating certification. Commissioner Copenhaver motioned to approve signing the certification, seconded by Commissioner Utke. All voted aye and the motion passed.

Kara Brinster, Foster County State's Attorney, asked the BOCC to motion to approve to join the opioid settlement with Teva, Allergan, CVS, Walgreens, and Walmart. Commissioner Copenhaver motioned to join the settlement group, seconded by Commissioner Utke. All voted aye and the motion passed.

Commissioner Utke asked the BOCC if they would like a physical copy of the Water Manager Handbook. The board agreed it would be good to have a physical copy and a copy with the States Attorney and Auditor. Commissioner Utke motioned to purchase seven copies of the Water Manager Handbook, seconded by Commissioner Copenhaver. All voted aye and the motion passed. Commissioner Beumer motioned to appoint Commissioner Becky Hagel to the Central Prairie Zone Board, seconded by Commissioner Copenhaver. All voted aye and the motion passed. Roudy stated that they did not receive the security grant for the door system. She is working on getting quotes from two other businesses and will update the BOCC once received. Commissioner Utke stated that two addendums on the drawings have been sent out. These are not changes but specifications to the drawings. Commissioner Utke has spoken with EAPC and their involvement with the State Historical Society. EAPC has contacted the State Historical Society and is in a good position to work with them as an EAPC employee is on the State Historical Society board. EAPC will continue to work with the county and the State Historical Society on the project. Commissioner Utke met with the ambulance board, they are working with the corporate level on the proposed agreement. Commissioner Scanson is going to look into the history of the ambulance building. Commissioner Utke updated the BOCC that Darin Anderson resigned from SORN 20/20 and is the new director for the state radio. Commissioner Utke may try and get a meeting here in the next few months. The BOCC went over items for February and March on their calendar.

With no further business, Chairman Scanson adjourned the meeting at 4:39pm.

## SPECIAL MEETING FEBRUARY 9, 2023

At 8:30 am, Chairman Scanson called the Foster County Commission Special meeting to order. Roll call included Commissioner Scott Beumer, Commissioner Alan Scanson, Commissioner David Utke and Commissioner Pat Copenhaver. Also present was Interim Auditor Ellen Roudy and Foster County State's Attorney Kara Brinster.

Interim Auditor Roudy updated the BOCC that Foster County has two AA Felony murder cases charged since September 2022. Both cases are being actively prosecuted with trial preparations. The Attorney General's Office, who normally aids in these situations, is currently understaffed and unable to provide additional resources at this time. The current State's Attorney position is part time and not staffed to handle these major criminal cases simultaneously. The Foster County State's Attorney has reached out to former Pembina County State's Attorney, Rebecca Flanders, for assistance. Brinster stated she would work thirty-two hours a week and we would offer her six thousand a month in wages. This position would not be benefited as it is not a regularly funded position and under limited duration. Commissioner Beumer made a motion to approve the States Attorney to hire the temporary help for her office, seconded by Commissioner Utke. Roll call voted included:

- Commissioner Beumer – aye
• Commissioner Scanson – aye

• Commissioner Copenhaver – aye
• Commissioner Utke – aye motion passed.

Roudy presented the BOCC with a bill from Jerome and Ryan Zink for flooring installation at the ambulance building. If paid by February 17th, there would be a discount. Commissioner Beumer made a motion to approve paying Jerome \$2,100.00 and Ryan \$2,125.00 for the flooring installation, seconded by Commissioner Copenhaver. Roll call vote included:

- Commissioner Beumer – aye
• Commissioner Scanson – aye
• Commissioner Copenhaver – aye
• Commissioner Utke – aye motion passed.

The Auditors Office is working through catching up on delinquent payments and cleaning up funds

that should've been phased out in 2016. The Dickey County Auditor uses the same software program and has been helpful with providing information and assistance when needed and has offered to come up for a day or two to work through cleaning up the funds. Roudy asked the BOCC if we would be willing to pay for her mileage as she is doing Foster County a favor. Commissioner Beumer made a motion to approve the Dickey County Auditor to travel to Foster County if needed and to reimburse what is necessary, seconded by Commissioner Utke. Commissioner Utke stated they do not want to step on any toes and would want to make sure that their BOCC is aware of her time helping. All voted aye and the motion passed.

With no further business, Chairman Scanson adjourned the meeting at 8:42 am.

## REGULAR MEETING FEBRUARY 21, 2023

At 3:30pm, Chairman Scanson called the Foster County Commission meeting to order. Roll call included Commissioner Becky Hagel, Commissioner Alan Scanson, Commissioner Pat Copenhaver, and Commissioner David Utke. Also, present were Interim Auditor Ellen Roudy, State's Attorney Kara Brinster, Foster County Independent Reporter Leasa Lura, Deputy Auditor Hailey Bachmeier and Road Superintendent Nate Monson.

The meeting began with approval of the minutes for February 7th, 2023, regular meeting and February 9th, 2023, special meeting. Commissioner Hagel made a motion to approve the minutes, seconded by Commissioner Copenhaver. All voted aye and the motion passed.

Commissioner Copenhaver made a motion to approve the bills, seconded by Commissioner Utke. All voted aye and the motion passed.

Bills: 35053, Avid Hawk, LLC, \$35.00; 35054, Berts Truck Equipment of MHD, Inc., 27,663.00; 35055, Briss Oil Company, 224.00; 35056, Central Business Systems, 125.00; 35057, Central City Lumber, Inc., 2,482.79; 35058, Computer Express, 1,939.00; 35059, Computer Express, 1,903.00.

35060, Korean Swart, 207.45; 35061, Darlene Thomas, 10.50; 35062, Dr. Michael Page, 1,850.00; 35063, Information Technology Dept., 1,263.45; 35064, Maertens Welding and Machine Company, 9,305.40; 35065, Matthew Bender & Co., Inc., 47.43; 35066, ND Dept. of Environmental Quality, 330.00; 35067, ND State Radio Communication, 16,743.28; 35068, NDACo Resources Group, 1,222.30; 35069, North Dakota Water Education Foundation, 210.00.

35070, ODP Business Solutions, LLC, 58.06; 35071, Software Innovations, 750.00; 35072, Tracey Adkins, 13.94.

Commissioner Utke asked to add tablets under commissioner discussion. Commissioner Copenhaver motioned to approve the agenda with the addition, seconded by Commissioner Hagel. All voted aye and the motion passed.

Old Business
No new business reported for the gravel pit.

New Business
Nate Monson, Road Superintendent, approached the BOCC with an update from the Road Department. There has been minimal snowfall of around 3.0" since February 7th. The winds have made travel and road conditions unfavorable. The boiler was inspected in the shop and there is potential for repairs. Commissioner Utke made a motion to approve Monson to line up the necessary work to repair the boiler, seconded by Commissioner Copenhaver. Roll call vote included:

- Commissioner Hagel – aye
• Commissioner Scanson – aye

• Commissioner Copenhaver – aye
• Commissioner Utke – aye motion passed. Monson provided the BOCC with information on renting a crack sealer for fifty-five hours the cost would be \$1,950.00. Commissioner Utke motioned to approve Monson to rent the crack sealer seconded by Commissioner Copenhaver. Roll call vote included:

- Commissioner Hagel – aye
• Commissioner Scanson – aye

• Commissioner Copenhaver – aye
• Commissioner Utke – aye motion passed. Discussion was had on the open equipment operator position. Commissioner Utke also updated the BOCC on the call routing for the road department. He has been working with the deputy auditor to get it up and rolling.

Darlene Thomas, Emergency Manager, joined the meeting via phone. She discussed the EMPG grant. Money can be used on preparedness programs. Commissioner Hagel asked that Thomas reach out to Joe Lies to see what we've used it on in the past. Commissioner Utke spoke on the early warning siren grants. He has sent the application out to the mayors, fire departments and ambulance departments. DES will help with the process, but the local agencies must complete the site work.

Karen Evans, Tax Director, approached the BOCC with a floodplain permit. Steve Kessler with the NDDOT has reached out for a new application on Hwy

9. Commissioner Utke motioned to appoint Darlene Thomas, EM, as the floodplain administrator, approve and sign the flood plain application seconded by Commissioner Copenhaver. Discussion was had on the project and how to help Thomas in the process. Commissioner Hagel provided Stutsman County's EM contact information to Thomas for reference. All voted aye and the motion passed.

Kara Brinster, Foster County State's Attorney, updated the BOCC on the opioid settlement agreement with Teva, Allergan, CVS, Walgreens, and Walmart required 70% of the funds to go to future opioid mediation, 30% could be kept for past mediation.

Commissioner Utke spoke to the BOCC regarding tablets for county use. He reached out to the county's IT for quotes. Commissioner Hagel has been in contact with NDACo GIS services about re-drawing the lines for ambulance districts. The line must follow geographical lines. Commissioner Utke and Commissioner Scanson will plan to set up a meeting with all parties involved to review boundaries. Commissioner Hagel also spoke on the parcel mapping project. Commissioner Hagel motioned to designate Karen Evans, Tax Director, the authority to work with NDACo GIS Division on the parcel mapping project, seconded by Commissioner Utke. All voted aye and the motion passed. Lastly, Commissioner Hagel updated the BOCC on some 9-1-1 addressing that will need to be updated. Interim Auditor Roudy will contact previous EM, Aaron Devereaux, on the addresses in question. Commissioner Hagel would like the BOCC to send the letter to the residents as it could be controversial, however, the next generation 9-1-1 is requiring this. The BOCC discussed legislative topics. They are appreciative of the work and receptiveness received by Senator Terry Wanzek. Nothing new to report for the door security system. Commissioner Utke updated the BOCC on the building projects. No bids were received for the basement project. In speaking with EAPC this is not uncommon, and they referenced manpower as a main factor. Chris Thomas, Project Manager recommended to Commissioner Utke to extend the bid opening by two weeks. Commissioner Utke motioned to extend the bid opening to March 7th, 2023 at 1:00 PM at the courthouse, seconded by Commissioner Hagel. All voted aye and the motion passed. Commissioner Utke also stated that EAPC will look at the Public Health building and old county shop and provide proposals for the BOCC to review. No update on the ambulance building. Commissioner Scanson will have a planning and zoning meeting and NDSU meeting before the next regularly scheduled commissioner meeting. Commissioner Hagel has a Human Service Zone meeting in the morning. She plans to speak with the director on temporary relocation of staff if the basement project moves forward. Commissioner Utke stated that they are hoping to have an LEPC meeting in March. The main agenda item will be SORN radio program. Discussion was had on items for the BOCC to look at in February and March.

With no further business, Chairman Scanson adjourned the meeting at 5:28pm.

## SPECIAL MEETING MARCH 3, 2023

At 9:00 am, Chairman Scanson called the Foster County Commission Special meeting to

order. Roll call included Commissioner Scott Beumer, Commissioner Becky Hagel, Commissioner Alan Scanson, Commissioner David Utke and Commissioner Pat Copenhaver. Also present was Interim Auditor Ellen Roudy and Deputy Auditor Hailey Bachmeier.

Commissioner Beumer made a motion to offer Garrett Matteson \$30.00/hour for the equipment operator position, seconded by Commissioner Hagel. Discussion included making an adjustment to the entire road department. The BOCC will have to look at potentially increasing blade rates for townships or removing the yearly credit to help cover some of these costs for the following year. Commissioner Hagel stated that this will put these employees between steps 8 and 9 and they will sit at that until the COLA catches up to where they are at on the scale. Options the BOCC can do are to move all employees, adjust the scale, or move some employees. There was discussion that if other employees questioned this that Commissioner Beumer and Commissioner Scanson would be available. Commissioner Utke believes that the BOCC will have a responsibility to look at all positions and all departments come budget time. Commissioner Beumer stated that if they cannot fill the open equipment operator position that they would have to look at contracting out in the private sector. Roll call vote included:

- Commissioner Beumer – aye
• Commissioner Hagel – aye
• Commissioner Scanson – aye

• Commissioner Copenhaver – aye
• Commissioner Utke – aye motion passed.

Commissioner Hagel made a motion to move all full-time equipment operators from grade 11 to grade 13 and that we pay them \$30.00/hour. The part-time operator would be at \$25.45, the Road Foreman would move from grade 13 to grade 14 at step 9 and the road superintendent from grade 14 to grade 15, step 9. This would also move the maintenance employee that helps the road department to \$27.46 for the difference in job classifications, seconded by Commissioner Utke. It was stated that the employees would sit at that step until the COLA reaches up to them.

Commissioner Utke stated that the BOCC should appoint portfolios to the commissioners to work with the road superintendent and his crew on expectations and the new departmental phone system. They will discuss doing portfolios for all county departments at a later date.

Roll call vote included:

- Commissioner Beumer – aye
• Commissioner Hagel – aye
• Commissioner Scanson – aye

• Commissioner Copenhaver – aye
• Commissioner Utke – aye motion passed. Commissioner Beumer added that the Sheriff's department and Road department differ from offices inside the courthouse. Commissioner Hagel explained why the grades were set up the way they were based on responsibility impact to the county, supervision and working conditions.

With no further business, Chairman Scanson adjourned the meeting at 9:39 am.

Ellen Roudy, Auditor
Alan Scanson, Chairman
Foster County
Board of Commissioners
(Publish March 20, 2023)

## NOTICE OF APPLICATION APPLICATION FOR APPROPRIATION OF WATER FROM GROUND WATER

TAKE NOTICE that BLACK, KEVIN, GLENFIELD, ND, has submitted Water Permit Application No. 7300 to the North Dakota Department of Water Resources for a permit to divert and appropriate water from ground water. The application requests a permit to appropriate water from ground water, utilizing point(s) of diversion located in the SW1/4 of Section 30, Township 147 N., Range 063 W., Foster County, at a pumping rate of 800 gallons per minute during the operating season for each year said water permit may remain in force, with an annual appropriation of 388.16 acre-feet of water, for the purpose of irrigating 12.44 acres in the NE1/4 of Section 30, Township 147 N., Range 063 W., 52.76 acres in the NW1/4 of Section 30, Township 147 N., Range 063 W., 111.05 acres in the SW1/4 of Section 30, Township 147 N., Range 063 W., and 82.52 acres

in the SE1/4 of Section 30, Township 147 N., Range 063 W., as shown on the map(s) accompanying the application.

TAKE NOTICE that written comments regarding the proposed appropriation must be filed in the North Dakota Department of Water Resources, 1200 Memorial Highway, Bismarck, North Dakota 58504-5262, by 5 o'clock p.m., on the 19 day of April 2023. The Department of Water Resources shall consider all written comments received and prepare a recommended decision which will be provided to the applicant and any person who filed written comments. Those persons may file additional comments with the Department of Water Resources, request an adjudicative proceeding on the application, or both.

Dated at Bismarck, North Dakota, on March 10, 2023.

/S/ John Paczkowski, P.E.
North Dakota State Engineer
1200 Memorial Highway
Bismarck, ND 58504-5262
(Publish March 20 & 27, 2023)

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