

This special meeting of the Dundy County Board of Commissioners was held on July 22th, 2024 in the Commissioner's meeting room. The notice of this meeting was published in the July 18th, 2024 issue of the Benkelman Post.

Present: Commissioners Scott Olson, Tom Richard, Aaron Keiser, Clerk Miles Preston, Treasurer Penny Denny, Assessor Tish Burrell, Assistant Highway Superintendent Kurt Sellers, Brian Bush, Deputy Emergency Manager Pam Reichert, Dean Settje, Kris Jardine, County Attorney Arlan Wine, Karen Baker, Chief Deputy Tom Jones, Highway Superintendent Kent Anderson, Alex Peterson

Chairman Olson called the meeting to order at 8:30 A.M. Chairman Olson announced the location of the Open Meetings Act poster in the Commissioner's Meeting Room.

Motion by Keiser to approve the agenda for this meeting, seconded by Richard.

Ayes: Unanimous

The Board was notified of a letter of resignation.

Motion by Olson to approve Miles Preston as the county Credit Card point of contact for Dundy County's credit cards provided through Pinnacle Bank, seconded by Keiser.

Ayes: Unanimous

Kurt Sellers discussed the two county road worker applicants and stated that there was a matter regarding individuals that would need to be discussed in Executive Session to preserve personal reputations.

Motion by Keiser to enter Executive Session at 8:37 A.M., seconded by Richard.

Ayes: Unanimous

Motion by Keiser to exit Executive Session at 8:47 A.M., seconded by Richard.

Ayes: Unanimous

Kurt Sellers recommended the Board hire Dallas Jesch for the open road worker position.

Motion by Keiser to hire Dallas Jesch for the county road worker position, seconded by Tom Richard.

Ayes: Unanimous

The Board discussed the situation at the Sandborne crossing. Discussed the agreement between Blackshirt Feeders LLP and Dundy County to allow construction to maintain the crossing. Discussed putting in additional signage or changing existing signage at the railroad crossing in question. There were concerns that additional signage would have little positive effect given that there is already existing signage at that location. Keiser asked if it was possible for Dundy County to "close" the crossing. Kent Anderson stated that he thought there might be a process for the Railroad to change a public crossing to a private crossing.

Recessed temporarily to relocate the meeting to the District Court room to accommodate the public.

Dean Settje arrived and explained the progression of the closure of the existing Railroad crossing in question ("Sandborne Crossing"). Settje stated that after the public hearing and passing of Resolution 76-2023-11, it took nearly 6 months for BNSF to open and review the proposal, and once that began moving forward, there was an insurance liability requirement of \$10 Million of coverage, which was an unprecedented requirement that was challenging to meet. Settje stated that moving forward, the permit will be submitted to BNSF, who intends to review and hopefully approve the permit, then after 60 days BNSF intends to allow construction to begin. Settje has been informed that several of the components required to complete construction of a new crossing, such as lights and cross-arms, are in very limited supply and cannot be acquired. Settje stated that a meeting is planned for August 6<sup>th</sup> between BNSF attendees, Dundy County Road Superintendent, Blackshirt Feeders represented by Settje Engineering, NDOT crossing approval official. Ryan King called Mike Paz, BNSF Roadmaster for any questions the board or public may have about the crossing or processes. Paz explained the County is responsible for everything up to the deck of the crossing at the Sandborne crossing. Paz explained he had spoken to the Blackshirt Feeders' project manager and that individual had informed him that the County was to maintain the crossing. Kris Jardine stated concerns that the Sandborne crossing is unsafe due to visibility constraints. Paz stated that both of the unfortunate recent events were not due to poor visibility: The first accident was caused by the semi-truck becoming high-centered on the crossing, likely due to the approach conditions. In the second incident, it's reported that the driver of the vehicle saw the train and attempted to beat the train across the crossing. Paz stated that the County, State, or

private entities would be the parties responsible for maintaining, improving, installing signage, etc. for the approaches of the crossings. Olson stated that he had concerns about the trees and vegetation to the East of the crossing, which he believes is very close to their right of way. Pam Reichert asked about an illuminated stop sign, and whether that would be at the cost of the county or railroad. Tom Jones asked about the possibility of the railroad reducing the speed through the crossing area, to which Paz stated that he had brought the matter up previously, but he will pass the suggestion up the chain again. Settje then discussed the agreement that was previously submitted to Blackshirt Feeders and stated that the delay with that situation was because the agreement was restructured by Dundy County to shift the liability to Blackshirt Feeders from Dundy County, but the liability is rightly Dundy County's. If Dundy County submits another road/crossing maintenance agreement that leaves the liability on Dundy County, Blackshirt feeders intends to approve the agreement and can have the road changes implemented within days. Kent Anderson suggested that the County has the ability to hire Blackshirt Feeders as a no-cost contractor to maintain the road and approach to the crossing.

Recessed back to the Commissioner's Meeting room

Motion by Olson to enter executive session to discuss personnel at 10:45 A.M., seconded by Keiser.  
Ayes: Unanimous

Present in Executive session: Scott Olson, Aaron Keiser, Tom Richard, Arlan Wine, Penny Denny, Tish Burrell, Miles Preston

Motion by Keiser to exit executive session at 11:53 A.M., seconded by Richard.  
Ayes: Unanimous

With no further business, Chairman Olson adjourned the meeting at 11:54 A.M. The next regular meeting of the Dundy County Board of Equalization will be held on a date to be determined.

These minutes are not the official record and may be corrected. A copy of the approved minutes is available to The Public in the Dundy County Clerk's Office. Any resolutions contained herein are available for viewing at the Dundy County Clerk's Office.

/s/ Miles Preston

Clerk

/s/ Scott Olson

Chairman