

Proceedings Of The Board Of County Commissioners

PROCEEDINGS OF THE MOUNTRAIL COUNTY COMMISSIONERS

1. OPENING & ROLL CALL

The Board met in regular session on Tuesday, September 1, 2026 at 9:00 A.M. in the Emergency/Community Room, Mountrail County Courthouse, Stanley ND with Commissioners Trudy Ruland, Wayne Olson, John DeGroot, Joan Hollekim and Jason Rice present. State's Attorney, Wade Enget was present.

Chairman Ruland called the meeting to order. The Pledge of Allegiance was recited.

2. BUSINESS

A. AGENDA

Moved by Comm. Rice, seconded by Comm. Olson, to review and approve the agenda as corrected. Upon roll call, all present voted yes. Motion carried.

B. MINUTES

Moved by Comm. Hollekim, seconded by Comm. DeGroot, to approve the minutes of the August 18, 2026 meeting as corrected. Upon roll call, all present voted yes. Motion carried.

C. PAYROLL

Moved by Comm. Hollekim, seconded by Comm. DeGroot, to approve the salary increase for completing the satisfactory introductory period for Lillian McFadden with the Weed Control as a Weed Control Tech/GIS Specialist to the amount of \$32.21 per hour/\$67,000 per year. Upon roll call, Rice, Hollekim, Ruland, Olson and DeGroot voted yes. Motion carried.

Moved by Comm. Olson, seconded by Comm. Rice, to approve the salary increase for completing the satisfactory introductory period for Steven Kukowski with the R&B as a Roadworker I to the amount of \$32.86 per hour/\$68,340 per year. Upon roll call, Hollekim, Ruland, Rice, Olson and DeGroot voted yes. Motion carried.

Moved by Comm. Rice, seconded by Comm. DeGroot, to approve the Regular Full-time Employee Classification for Rigoberto Vergara with the R&B as a Roadworker I in the amount of \$28.99 per hour/\$60,300 per year. Upon roll call, Ol-

son, Hollekim, Ruland, DeGroot and Rice voted yes. Motion carried.

Moved by Comm. DeGroot, seconded by Comm. Olson, to approve the Regular Full-time Employee Classification for Samantha Ledahl with the State's Attorney as an Assistant State's Attorney in the amount of \$48.79 per hour/\$101,500 per year. Upon roll call, Ruland, Hollekim, Rice, DeGroot and Olson voted yes. Motion carried.

D. LEASE

Moved by Comm. Hollekim, seconded by Comm. DeGroot, to approve the signing of the one-year lease with the Parkway Property Management for office space for the Veterans Service Officer at 120 South Main Street, Stanley ND. Upon roll call, Ruland, Olson, DeGroot, Rice and Hollekim voted yes. Motion carried.

E. DOMESTIC VIOLENCE

Moved by Comm. Rice, seconded by Comm. Olson, to approve allowing Domestic Violence to utilize the Memorial Building for clients to meet with Robertson Counseling. Upon roll call, Hollekim, Ruland, Rice, Olson and DeGroot voted yes. Motion carried.

F. BILLS

Moved by Comm. DeGroot, seconded by Comm. Rice, to approve the bills totaling \$540,293.17 & August 2 through August 15 payroll, checks #20261-20267 and direct deposits #1-192 totaling \$636,540.17. Upon roll call, Ruland, DeGroot, Hollekim, Olson and Rice voted yes. Motion carried. (A complete list of bills is posted on a regular basis on the Mountrail County website @ www.co.mountrail.nd.us under the County Commissioner heading and/or are available for review in the Auditor's Office during normal business hours).

3. APPOINTMENTS SCHEDULED

9:15 A.M.

Melissa Vachal, Recorder & Planning & Zoning Administrator met with the board to discuss the 2027 budgets for the Recorder, Planning & Zoning and Document Preservation.

Moved by Comm. Hollekim, seconded by Comm. DeGroot, to approve advertising for a temporary part-time intern for the

Recorder's office. Upon roll call, DeGroot, Ruland, Rice, Olson and Hollekim voted yes. Motion carried.

9:30 A.M.

Briselda Hernandez and Kristine Jaeger with Job Development Authority met with the board to discuss the 2027 budget. Discussion was held on the possibility of transferring General fund monies for the 2027 budget.

9:45 A.M.

Amber Fiesel, Assistant State's Attorney met with the board to discuss the 2027 budget. Also present was Samantha Nelson, Assistant State's Attorney.

9:55 A.M.

Jana Hennessy, Road & Bridge (R&B) Engineer met to discuss Road & Bridge. Also present were John Sauber, Sauber Engineering and Joe Baneck.

1. CR3 PALERMO NORTH/PROJECT NO. 03(71)23

Engineer Hennessy along with John Sauber, Sauber Engineering discussed the issues with Jensen Brothers Construction and the corrective action plan failed on

CR3 Palermo North/Project No. 03(71)23. The supporting documents were reviewed during the meeting and will be available at the Auditor's Office. The following is what was supplied and discussed during the meeting:

Supporting Documentation

1. Failure to adhere to the Progress Schedule

• Production Rates Below Planned Performance

The Contractor's project narrative represented that embankment operations would achieve production rates of approximately 6,600 cubic yards (CY) per day (Exhibit A, Points 1a and 1b). During July 2026, there were 24 working days and no rain days. During that period, the Contractor moved approximately 90,000 CY of common excavation, resulting in an average production rate of approximately 3,700 CY per working day, significantly below the production rate represented in

the Contractor's narrative. Daily production varied substantially throughout the month. On days when three scrapers were in operation, production was approximately 5,000 CY per day. On days when only one scraper was in operation, production was approximately 1,000 CY per day.

• **Phase 1 Delays Under the Initial Schedule**

The Contractor's initial project schedule divided the project into three separate three-mile phases. Grading for Phase 1 was scheduled for completion by June 8, 2026 but was not completed until August 22, 2026, a delay of approximately 11 weeks (Exhibit A, Point 2). Aggregate placement for Phase 1 was scheduled for completion by June 30, 2026. As of August 26, 2026, this work remained incomplete and was more than eight weeks behind schedule (Exhibit A, Point 3).

• **Phase 2 Delays Under the Initial Schedule**

Grading operations for Phase 2 were scheduled to begin on June 22, 2026 but did not begin until July 27, 2026, approximately five weeks late (Exhibit A, Point 4). Aggregate placement for Phase 2 was scheduled to begin on August 17, 2026. As of August 26, 2026, aggregate placement had not begun and was more than two weeks behind schedule (Exhibit A, Point 5). Culvert installation in Phase 2 was scheduled for completion by July 23, 2026. As of August 26, 2026, the work remained incomplete and was more than five weeks behind schedule (Exhibit A, Point 6). Project observations indicate that the Contractor suspended culvert installation activities in order to support grading and aggregate placement operations. As a result, progress on culvert installation did not proceed in accordance with the schedule.

• **Failure to Meet the Revised Schedule**

On July 23, 2026, the Contractor submitted a revised schedule. Phase 1 grading was scheduled for completion by July 25, 2026. Actual completion occurred on August 22, 2026, approximately four weeks later than represented in the revised schedule (Exhibit B, Point 1). Aggregate placement in Phase 2 was scheduled to begin on August 12, 2026. As of August 26, 2026, aggregate placement remained approximately one-half mile from the beginning of Phase 2 and had not commenced within that phase, resulting in a delay of more than two weeks (Exhibit B, Point 2). The revised schedule allocated approximately

eight weeks for grading operations in Phase 2, from July 24, 2026, through September 18, 2026. As of August 26, 2026, with approximately three weeks remaining in that scheduled period, only about 25 percent of the Phase 2 grading work had been completed (Exhibit B, Point 3).

• **Failure to Implement Weather Delay Measures**

Prior to the start of construction, the Contractor was requested to revise its schedule and provide a description of how weather-related delays would be addressed. The Contractor's schedule states that, in the event of lost working days due to weather, they would increase working hours and/or days to mitigate schedule impacts (Exhibit A, Point 7). As of August 26, 2026, such measures have not been implemented despite the project's ongoing schedule delays.

2. **Failure to supply sufficient skilled workers**

• **Staffing Levels Below Planned Workforce**

The Contractor's initial schedule, approved on April 9, 2026, identified: A culvert crew consisting of 3 personnel; and Dirt work and aggregate placement crews totaling 15 personnel (Exhibit A, Points 8a and 8b). According to the Contractor's project narrative, the Contractor anticipated a total workforce of approximately 18 personnel, with dirt work operations transitioning to perform aggregate placement activities as work progressed. For July 2026, the Contractor's average crew size was approximately 14 personnel, with a maximum observed workforce of 17 personnel and a minimum of 10 personnel. These figures include the superintendent and foreman but exclude truck drivers, flaggers, and pilot car personnel.

• **Failure to Increase Staffing Following Schedule Revisions**

On July 23, 2026, the Contractor submitted a revised schedule intended to dem-

onstrate its plan for completing the project within the contract time. Unlike the original schedule, the revised schedule planned simultaneous culvert installation, grading, and aggregate placement operations (Exhibit B). However, no corresponding increase in workforce was provided to support the additional concurrent activities.

• **Failure to Implement Corrective Action Staffing Plan**

On August 17, 2026, the Contractor submitted a corrective action plan describ-

ing measures it would take to recover lost time and return the project to schedule (Exhibit C). As part of that plan, the Contractor represented that total project staffing would increase to 24 personnel through assistance from Border States, which was expected to be mobilized and operational on August 24, 2026 in support of aggregate placement activities. As of August 26, 2026, Border States had not mobilized equipment to the project site; Border States personnel were not present on the project; and during the weekly meeting on August 25, 2026, the Contractor acknowledged that it had received no commitment from Border States regarding a mobilization date. On August 25, 2026, the Contractor's workforce consisted of approximately 18 personnel, excluding truck drivers, flaggers, and pilot car personnel. This staffing level was six personnel below the workforce represented in the Contractor's August 17 corrective action plan. When questioned regarding efforts to secure additional resources after Border States failed to mobilize, the Contractor's Superintendent stated that inquiries had been made to only a limited number of contractors and that additional efforts to obtain assistance had not occurred.

Exhibit A Contractor's Initial Narrative and Schedule

Mountrail County Route 3 Narrative

- 7 am to 7 pm weekday~12 hours
- Work every other weekend, 1st week M-Sa, 2nd week M-F
- Pipe crew will continue to install pipe and riprap until they are finished; they won't be limited to the 3-mile disturbance limit. May have to use flaggers or a bypass to accomplish this.

- Work crews will alternate between striping topsoil, common x, aggregate base, discretionary sub cut and spreading topsoil.

Observed Holidays
Memorial Day - May 23rd to the 25th
4th of July - July 3rd to the 5th Labor Day

September 5th to the 7th

Crews and Equipment

- Topsoil - (2) Dozers, (1) Wheel Tractor Scraper, and (1) Motor grader, (3) Operators (3) Crew Size

- Pipe crew - (2) Excavators, (1) Skid Loader, and (1) Wheel Loader, (2) Operators, (1) Laborer (3) Crew Size

- Common X/Subgrade Prep - (2) Wheel Tractor Scrapers, (2) Quad Tractors with pan, (3) Dozers, (1) Sheepfoot Packer, (1) Motor Grader, (1) Water Tanker, (1)

Tractor and Disc, (1) Side Dump Tractor/Trailer, (9) Operators, (1) Truck Driver (10) Crew Size Aggregate Base - (1) Wheel Loader, (1) Webster Scale, (1) Dozer, (1) Motor Grader, (1) Tractor with Wheel Packer, (1) Water Tanker, (1) Side Dump Tractor/Trailer, (12-15) Hired Trucks, (5) Operators, (1) Truck Driver, (3) Laborers laying Geo. (9) Crew Size

- Discretionary Sub cut - (1) Excavator, (1) Dozer, (4) Trucks, (1) Skid Loader, (4) Side Dump Tractor/Trailers, (3) Operators, (4) Truck Drivers, (2) Laborers (9) Crew Size

- Spread Topsoil - (3) Dozers, (1) Wheel Tractor Scraper, (1) Motor Grader, and (1) Skid Loader. (6) Crew

Production Rate

- Stripping Topsoil - 250 cubic yards/hour

- Center Line Pipe - 60 linear feet/day
- Common X-550 cubic yards/hour x 12 hours = 6,600 cv /day

- Aggregate Base, first lift with Geo - 230 tons/hour

- Aggregate Base, 2nd and 3rd lift - 375 tons/hour

- Spreading Topsoil - 300 cubic yards/hour

Mountrail County Route 3 Narrative Phase 1

3D will remove the existing signs and install the necessary temporary traffic control signs. H & H will install the temporary fence and remove the existing fence. Premier will install the perimeter erosion control. All this will happen before we can start stripping and stockpiling topsoil. When we're far enough ahead with stripping, we'll start common x/subgrade prep. The pipe crew will start doing center line pipes and riprap, stripping the topsoil as needed. They will continue with this until all the center lines are in, switching to discretionary sub cuts as needed.

Once the roadway of Phase 1(or balance point) has been graded and prepped, the common x/subgrade prep crew will start doing the aggregate/ geogrid and spreading topsoil. Premier will install the perimeter erosion control on Phase 2, and return to Phase 1 to install the ECB, TRM and seed and mulch.

Phase 2 & 3

Phases 2 & 3 will have similar steps as Phase 1. In the event of lost working days due to weather etc., we will transfer the pipe crew to whatever needs attention. We may also increase our working hours and/or days. This will help us make the Mile-

stone 1 completion date of August 22nd.

We have an additional 5 days for each phase figured in the pipe crew schedule to allow for discretionary sub cuts.

After the roadway is graded and

prepped, the pipe crew will install the approach pipes.

Phase 4

In the spring of 2027, we will reshape the roadway in preparation for the paving by Mayo. As Mayo proceeds, we will gravel the shoulders. On completion of shoulders, Forward Marking & Striping will grind the rumble strips and do the final striping. We will take care of punch list items and move out.

Exhibit B (pie graphs) with the Contractor's Revised Schedule

(PLEASE SEE AUDITOR'S OFFICE)

Exhibit C

Contractor's Corrective Action Plan
Route 3 Mountrail County Project
03(71)23 Jensen Crews and production
Starting 8/17/2026 working every other Saturday

Pipe Crews 17 main line/22 approach (28 working days)

Jensen Crew 1 Avg.2 days per CL pipe & 2 approach per day (each crew)

Steve-operator (340 excavator) Crew size=3

Zavier-operator/Labor (289 skid/packer)

Kelly-operator/Labor(water/packer)

Jensen Crew 2 Starting 8/24

Jared-operator (328 excavator) Crew Size = 3

Jordan-operator/labor (259 skid/packer)

John-operator/labor(water/packer)

Dirt Crew 300k yards (38 working days) Crew size=5

Jensen Scraper Crew Avg. 4,200 cubic yards a day

Joseph-operator (tractor 595/pan scraper)70 loads(23yds)

Josh-operator (tractor 595/pan scraper)70 loads(23yds)

Loyal-operator (627 scraper)70 loads(14yds)

Tyson-operator (562 packer/disc)

Kelly-operator (D6 dozer)

Jensen Trucking Crew Avg.3,800 cubic yards a day

Jerrod-operator (352 excavator) Crew size= 6

4 rented trucks (52 loads each/

day)18yds

Clinton-operator (563 packer/disc)

Tracy-operator/foreman (D6 dozer)

Brandon-operator (D6 dozer)

Josh-project manager/operator (160 road grader)

CL 5 lay down crew (Border States Paving)

140k tons(4,000 tons/day)35 working days Crew size= 5

Starting lay down 8/24/2026 @ Sta. 440+00

Border States will bring lay down crew and equipment

Motor grader, dozer, packer and water truck and a crew of four.

Once gravel gets caught up again with the dirt operation Border States will help with topsoil and sub grading.

Geo lay down crew

Jensen crew Crew Size =2

Timothy-labor

Charles-operator/labor(289 skid)

Crews' timeline

Pipe crew 8/17/2026-9/19/2026

Dirt crew 8/17/2026-10/2/2026

CL 5 crew 8/24/2026-10/16/2026

Total crew size per plan= 24

Engineer Sauber discussed the formal notification under Article 16.02.

Moved by Comm. DeGroot, seconded by Comm. Rice, to approve sending a letter of a formal notification for Declaration of Default under Article 16.02 to Jensen Brothers Construction and the bonding company on CR3 Palermo North/Project No. 03(71)23. Upon roll call, DeGroot, Hollekim, Ruland, Rice and Olson voted yes. Motion carried.

2. TELECOMMUTING AGREEMENT

Engineer Hennessy presented the telecommuting agreement for Alexis Hill up to December 31st.

Moved by Comm. Rice, seconded by Comm. DeGroot, to approve signing of the Employee Policy 214 telecommuting agreement and the addendum with Alexis Hill until December 31st or until a babysitter is found whichever comes first. Upon roll call, Hollekim, Ruland, Rice, Olson and DeGroot voted yes. Motion carried.

3. PLAZA COMPLEX RENTAL

Moved by Comm. Hollekim, seconded by Comm. Olson, to approve the Plaza Complex rental agreement with Basin Electric on September 17th from 4:30 p.m. to 8:30 p.m. Upon roll call, Olson, DeGroot, Ruland, Rice and Hollekim voted yes. Motion carried.

4. MISCELLANEOUS

Comm. Rice discussed the possibility for Water Resource District to utilize the rocks within the right of way on CR9 for rip rap at White Earth Dam to prevent erosion control.

Moved by Comm. Hollekim, seconded by Comm. DeGroot, to approve allowing the rock removal from the right of way on CR9 with Water Resource District with a

partial cost not to exceed \$20,000. Upon roll call, Hollekim, DeGroot, Ruland, Rice and Olson voted yes. Motion carried.

4. PUBLIC COMMENT

No one had any comments.

5. ADJOURN

The Board adjourned at 10:37 A.M. to meet in regular session on Tuesday, September 15, 2026 at 8:30 A.M. Accepted and

approved this 15th day of September, 2026.

Trudy Ruland, Chairman

Mountrail County Commissioner

Stephanie A. Pappa

Mountrail County Auditor