

REGULAR MEETING MINUTES  
FOSTER COUNTY WATER RESOURCE BOARD

Carrington, ND  
May 8, 2024

The regular scheduled meeting of the Foster County Water Resource Board was held on Wednesday, May 8, 2024, commencing at 7:00 am at the Foster County Courthouse in the Jury Room with all board members present. Also present were Danielle Koeplin, Secretary/Treasurer, Jeff Wede, Mike Gussiaas, Steve Wede, Jerry Becker, Bobbie Jo Theis, Robert Schaefer. Attorney Kale Van Bruggen and Engineer Jennifer Malloy were present via Microsoft Teams.

Meeting was called to order by Chairman, Doug Zink.

**AGENDA.** The agenda was reviewed, amended, and was followed for the balance of the meeting. Motion to move agenda item "John Murphy Complaint" as the first item on the agenda by Bata, second by Stangeland. All in favor. Motion carried.

**JOHN MURPHY COMPLAINT.** John Murphy submitted a Complaint for Water-Related Issues to Secretary/Treasurer Koeplin on April 19, 2024 against Watson and Henry LLP. Murphy presented maps and photographs to the Board for review and discussed the reason for submitting his complaint. Brent Bachmeier disclosed that he is the tenant of the property owned by the Respondent Watson and Henry LLP on the complaint and that he would be abstaining from any votes on the matter. Bachmeier submitted photographs to the Board for review. John Murphy asked the Board to table the complaint for Murphy to have an opportunity to discuss an amicable resolution to the matter with Bachmeier. After review and discussion, it was moved by Bata to table the complaint, seconded by Stedman. All in favor. (Bachmeier abstains from voting). Motion carried.

**MINUTES.** Board members had received a copy of the minutes of the regular meeting of April 10, 2024. After discussion, it was moved by Bachmeier, second by Bata, to approve the minutes of the April 10, 2024 meeting. All in favor. Motion carried.

**FINANCIAL REPORT.** The financial condition of the board was reviewed, with a balance of \$194,866.07 per the statement of March 31, 2024, being held at Bremer Bank in Carrington. (April bank statement has not been received as of today) (Assessment Drain No. 1 Bond Balance-\$0.00) Motion to approve by Bachmeier, second by Stangeland, all in favor. Motion carried.

**BILLS AND STATEMENTS.** The following bills were discussed, being approved for payment upon motion by Bachmeier, second by Stangeland. All in favor. Motion carried.

United States Postal Service (PO Box Rent)- \$120.00

Point Value Appraisal Inc. (Drain No.1 Straley)-\$3,000.00

Point Value Appraisal Inc. (Drain No.1 VandeHoven)-\$3,000.00

Point Value Appraisal Inc. (Drain No.1 Hoppe)-\$3,000.00

Point Value Appraisal Inc. (Drain No,1 VandeHoven/Straley)-\$500.00

Point Value Appraisal Inc. (Drain No.1 Gussiaas)-\$3,000.00

**ROAD IMPROVEMENT PROJECT (PROJECT NO. CP-1602(025))**. After discussion it was moved by Stedman to authorize Jennifer Malloy to submit a response to Wold Engineering on behalf of the board, second by Stangeland. All in favor. Motion carried.

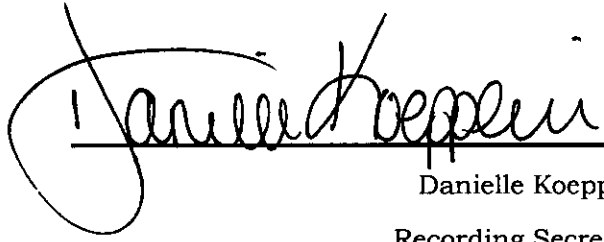
**KELLY CREEK MAINTENANCE/CLEAN-OUT**. Multiple landowners were present and after discussion it was moved by Stedman and second by Bachmeier to clean out approximately 2 ¾ miles of Kelly Creek. Clean out will be done in Sections 15, 22, and 23 of Township 147 N, Range 66 W. (Estabrook Township) Jennifer Malloy is authorized to obtain quotes from Johnson Excavating for the scope of work to be done and Attorney Van Bruggen is to prepare landowner permission slips for the clean out/maintenance work. All in favor. Motion carried.

**KELLY CREEK SURVEY DATA**. Bachmeier moved to authorize Apex Engineering to obtain survey data and elevation data for Kelly Creek, seconded by Stedman. All in favor. Motion carried.

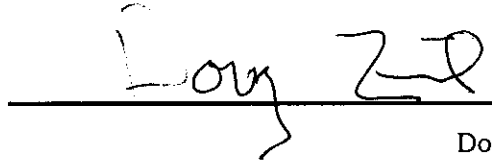
**FOSTER COUNTY ASSESSMENT DRAIN NO. 1**. Engineer Malloy gave an update to the board with a tentative start date of May 20, 2024. Malloy will continue to update the board as construction starts. Updates will also be provided to Nate Monson (Foster County Road Department) and the Foster County Board of Commissioners.

**FOSTER COUNTY ASSESSMENT DRAIN NO. 1- EASEMENT ACQUISITION**. Attorney Van Bruggen gave an update to the board. Appraisals for the four remaining easements left to acquire are complete. It was moved by Bachmeier that the board shall close the public meeting at 7:22 a.m. and move into Executive Session for the purpose of discussing contract negotiation strategies and attorney consultation regarding ongoing contract negotiations related to Easement 01 (VandeHoven), Easement 02 (Hoppe), Easement 06 (Gussiaas) and Easement 07 (Straley) necessary to construct and maintain Foster Drain No. 1 in accordance with N.D.C.C. sections 44-04-19.1(2) and 44-04-19.1(9). Motion was seconded by Bata. All in favor. Motion carried. The Executive Session was recorded via Microsoft Teams and attended by Board Members: Zink, Bachmeier, Stangeland, Bata, and Stedman and Attorney, Kale VanBruggen. Secretary/Treasurer, Danielle Koeplin and Engineer, Jennifer Malloy were also authorized to attend. It was moved by Bachmeier to gavel back into the public meeting at 7:58 a.m., second by Stedman. All in favor Motion carried. Bachmeier moved to approve the Point Value appraisals for Easement 01 (VandeHoven), Easement 02 (Hoppe), Easement 06 (Gussiaas), and Easement 07 (Straley) and to authorize Rinke Noonan, Ltd. to offer just compensation based upon the appraised value of each easement to the respective landowners, to offer 110 percent of appraised value as just compensation if easements are signed and returned by the June Board meeting, and authorize Rinke Noonan to continue the formal negotiations procedures in N.D. Century Code 61-16.1-09(2)(b)(1)(b) and procedures in N.D. Century Code 61-16.1-09(2)(b)(3) if formal negotiations fail. The motion was seconded by Stedman. All in favor. Motion carried. Stedman moved to authorize Apex Engineering to obtain elevation data downstream from Easement 01 (VandeHoven) to the Tollefson Dam and provide Preliminary Information/Data, seconded by Bachmeier. All in favor. Motion carried.

**ADJOURNMENT**. It was mutually agreed the next regular board meeting will be held June 12, 2024 being no further business; it was moved by Stedman, and seconded by Bata to adjourn at 8:10. All in favor. Motion carried.

  
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Danielle Koeplin,  
Recording Secretary

  
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Doug Zink  
Chairman