

REGULAR MEETING MINUTES
FOSTER COUNTY WATER RESOURCE BOARD

Carrington, ND
December 13, 2023

The regular scheduled meeting of the Foster County Water Resource Board was held on Wednesday, December 13, 2023, commencing at 7:00 am at the Foster County Courthouse in the Community Room with all board members present. (Jeff Bata present via Microsoft Teams) Also present were Brandon Gussiaas and Danielle Koeplin, Secretary/Treasurer. Jennifer Malloy and Kale Van Bruggen were present via Microsoft Teams.

Meeting was called to order by Chairman, Brent Bachmeier.

AGENDA. The agenda was reviewed and was followed for the balance of the meeting.

MINUTES. Board members had received a copy of the minutes of the regular meeting of November 8, 2023. After discussion, it was moved by Bata, second by Zink, to approve the minutes of the November 8, 2023 meeting. All in favor. Motion carried.

FINANCIAL REPORT. The financial condition of the board was reviewed, with a balance of \$246,194.56 per the statement of November 30, 2023, being held at Bremer Bank in Carrington. (Assessment Drain No. 1 Bond Balance-\$31,655.36) Motion to approve by Stangeland, second by Stedman, all in favor. Motion carried.

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

Apex Engineering (Drain No. 1)-\$607.50

Apex Engineering (General Services)-\$370.00

Rinke Noonan (Drain No. 1)-\$237.00

Rinke Noonan (General Services)-\$2,811.50

VanBedaf Dairy ("Carrington Creek Cleaning with Excavator")-\$3,200.00

Deluxe (Checks)-\$184.07 (ACH Payment)

ND Water Resource Districts Association Dues-\$675.00

Per Diem (July 2023-December 2023)

Danielle Koeplin-\$2,400.00

Brent Bachmeier-\$730.02

Jeff Bata-\$635.04

Ronn Stangeland-\$1,071.28

Doug Zink-\$932.42

Alex Stedman-Need a Per Diem sheet turned in

VANBEDAF DAIRY- CARRINGTON CREEK CLEAN-OUT.

After discussion, it was moved by Stangeland to ratify the work of Van Bedaf Dairy for Carrington Creek, seconded by Zink. All in favor. Motion carried.

FOSTER COUNTY ASSESSMENT DRAIN NO. 1. Jennifer Malloy with Apex Engineering gave an update to the board. The ad for bid will be published in the Foster County Independent. Bids will be opened on January 10, 2024 at 10:00 a.m. in the Community Room at the Foster County Courthouse. After discussion it was moved by Stedman to approve the final plans and specifications for Foster County Assessment Drain No. 1, seconded by Stangeland. All in favor. (Zink abstains from vote) Motion carried.

FOSTER COUNTY ASSESSMENT DRAIN NO. 1- EASEMENT ACQUISITION. Kale Van Bruggen gave an update to the board. Rinke Noonan will send letters out to the land owners starting this week.

STATE LAND CLEAN OUT SECTION 16. TOWNSHIP 145N. RANGE 64W.

Kale Van Bruggen explained the permit process and what information is needed in order to complete the requested clean-out. After discussion Zink moved to table the topic at this time, second by Stangeland. All in favor. Motion carried.

SURFACE DRAIN PERMIT APPLICATION NO. 6237. (CLAYTON BERGSTAD)

Attorney Kale Van Bruggen reported that the Department of Water Resources issued a decision November 28, 2023 that Surface Drain Permit Application No. 6237- Clayton Bergstad, was not of statewide or interdistrict significance. The application has been referred to the FCWRD for review as required by NDCC 61-32-03 and NDAC 89-02-01-09.1(2) requires the FCWRD Board of Managers to review the permit application and any supporting documentation and determine whether public and private interests would be better served by a specific public meeting to consider the project. The Board deliberated whether public and private interests would be served by a specific public meeting to consider the project. The board noted that multiple federal, state, and local entities have been put on notice of the project through the DWR's solicitation of views, that the drain was originally permitted on May 12, 1995 under Emergency Drain Permit No. 2714 and as a permanent drain under November 17, 1995 Surface Drain Permit No. 2738, and that the project proposes to match the existing drain side slopes and restore the original drain width and depth. Manager Zink moved, seconded by Manager Stedman that the FCWRD determined based on Surface Drain Permit Application No. 6237 and supporting documentation, and the entire record before the Board, that public and private interests are not better served by a specific public meeting to consider the Application. After discussion, the motion carried. (Manager Stangeland abstained from voting) The FCWRD Board of Managers considered Surface Drain Permit Application No. 6237 under the criteria found in NDAC 89-02-01-09.2. Specifically, the Board reviewed an analysis prepared by Apex Engineering of the criteria in in 89-02-01-09.2. The consensus of the Board was to change analysis Factor #2 and Recommendation #1 by Apex Engineering to require revegetation of the side-slopes rather than the channel. Manager Zink moved, seconded by Manager Stedman that the FCWRD Board of Managers approves the Apex Engineering Group assessment based upon the criteria in NDAC 89-02-01-09.2 and authorizes Chairman Bachmeier to sign them, grants Surface Drain Permit Application No. 6237 subject to conditions required by the ND DWR and recommendations made by Apex Engineering Group, and assigns the permit number locally as Foster County Water Resource District Permit No. 2023-0008. (Manager Stangeland abstained from voting) NDAC 89-02-01-09.1(2)(c) requires written notice of the FCWRD's decision on the Application be provided to all parties of record,

anyone who has requested in writing to be notified, and the DWR. Secretary Koeplin will coordinate with Attorney Van Bruggen and Engineer Malloy to issue written notice of the Board's decision to approve the Application.

TILE PERMIT APPLICATION NO. 2023-0007. (MICHAEL GUSSIAAS)

After review and discussion, it was moved by Zink to approve the application without any additional conditions, second by Stedman. All in favor. Motion carried.

FLORENCE TOWNSHIP BLUELINE STREAM CLEANOU-OUT (35-147-63)

After review and discussion, it was moved by Zink to approve the blue line stream clean-out work in Section 35, Township 147, Range 63, second by Stedman. All in favor. Motion carried.

ADJOURNMENT. It was mutually agreed the next regular board meeting will be held January 17, 2024 being no further business; it was moved by Stedman, and seconded by Zink to adjourn at 8:02. All in favor. Motion carried.

Danielle Koeplin,
Recording Secretary

Brent Bachmeier
Chairman

****DRAFT MEETING MINUTES****