

REGULAR MEETING MINUTES
FOSTER COUNTY WATER RESOURCE BOARD

Carrington, ND
January 17, 2024

The regular scheduled meeting of the Foster County Water Resource Board was held on Wednesday, January 17, 2024, commencing at 7:00 am at the Foster County Courthouse in the Community Room with all board members present. (Board member Doug Zink present via Microsoft Teams) Also present were Paul Straley 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 December 13, 2023. After discussion, it was moved by Bata, second by Stedman, to approve the minutes of the December 13, 2023 meeting. All in favor. Motion carried.

FINANCIAL REPORT. The financial condition of the board was reviewed, with a balance of \$234,842.30 per the statement of December 31, 2023, being held at Bremer Bank in Carrington. (Assessment Drain No. 1 Bond Balance-\$30,810.86) Motion to approve by Bata, second by Stedman, all in favor. Motion carried.

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

Apex Engineering (General Services)-\$1,026.50

Rinke Noonan (General Services)-\$3,196.50

Ethan Stangeland (NW 1/4Section 35 147-63)-\$500.00

FOSTER COUNTY ASSESSMENT DRAIN NO. 1. Landowner Paul Straley requested to be on the agenda to address concerns and/or questions in regards to the project. Straley inquired as to why an easement was sent to landowners in the NW ¼ of Section 10-146-66 as the preliminary engineering report did not extend to that property nor was that property part of the voting assessment district. After review of the engineer's records, Jennifer Malloy acknowledged that this was an inadvertent error in the construction plans and the drain is not to extend to that property. The Board directed counsel to send a letter apologizing to the landowners and cancelling the easement requested. The construction plans will be revised to correct the error. Straley also asked that the Board clarify if the proposed depth of the drain was necessary only to drain the NW ¼ of Section 10. Malloy reported on the correlation between elevations of lands within the assessment district and the depth of the drain to accommodate private improvements for landowners in the assessment district. Malloy pointed to elevations on lands within the assessment drain and construction plan set as the basis for setting the depth of the drain. Straley demanded that the Board either abandon the assessment drain project or deny his appeal so that he could elevate his appeal to the next level. Attorney Van Bruggen pointed out that no appeals of the resolution establishing the drain and the resolution confirming the percentage assessments were filed and there was no current appeal to deny and therefore no action for the Board to take. Attorney Van Bruggen thanked Straley for bringing the issue to the Board's attention. Jennifer Malloy gave an update to the board. Bids were opened on January 10, 2024

at 10:00 a.m. in the Community Room located in the Foster County Courthouse. Two bids were received for the project. After discussion it was moved by Bata to award the lowest bid in the amount of \$678,241.00 to Gladen Construction and authorize Apex Engineering to start the contracting with Gladen Construction, seconded by Stangeland. All in favor. (Zink abstains from vote) Motion carried.

FOSTER COUNTY ASSESSMENT DRAIN NO. 1- EASEMENT ACQUISITION. No updates at this time. (See agenda item; "Foster County Drain No. 1" for minutes regarding the cancellation of an easement request for Section 10-146-66)

NORTH DAKOTA DEPARTMENT OF TRUST LANDS WATERWAY CLEAN OUT SECTION 16. TOWNSHIP 145N. RANGE 64W. Attorney Van Bruggen explained that the original berm/blockage that was reported is not located on the ND Department of Trust Lands' property. After discussion Zink moved to not proceed with the cleaning of the waterway, second by Stedman. All in favor. Motion carried.

ELECTIONS. After discussion, motion made by Stangeland to nominate Doug Zink as Chairman, second by Bata. Nominations ceased and motion carried upon unanimous vote. Motion was made by Zink to nominate Brent Bachmeier for Vice Chairman, second by Bata. Nominations ceased and motion carried upon unanimous vote. Motion was made by Bata to Appoint Danielle Koeplin as Secretary/Treasurer, second by Stedman. All in favor. Motion carried.

ADJOURNMENT. It was mutually agreed the next regular board meeting will be held February 14, 2024 being no further business; it was moved by Bata, and seconded by Stedman to adjourn at 7:35. All in favor. Motion carried.

Danielle Koeplin,
Recording Secretary

Doug Zink
Chairman

****DRAFT MEETING MINUTES****