

REGULAR MEETING MINUTES
FOSTER COUNTY WATER RESOURCE BOARD

Carrington, ND
October 11, 2023

The regular scheduled meeting of the Foster County Water Resource Board was held on Wednesday, October 11, 2023, commencing at 7:00 am at the Foster County Courthouse in the Community Room with all board members present. Also present were Jayme Tenneson, Randy Hoverson 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 September 13, 2023. After discussion, it was moved by Bata, second by Zink, to approve the minutes of the September 13, 2023 meeting. All in favor. Motion carried.

FINANCIAL REPORT. The financial condition of the board was reviewed, with a balance of \$333,014.23 per the statement of September 30, 2023, being held at Bremer Bank in Carrington. (Assessment Drain No. 1 Bond Balance-\$32,949.75) Motion to approve by Zink, second by Stedman, all in favor. Motion carried.

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

Rinke Noonan (General Services)-\$1,510.88

Rinke Noonan (Drain No. 1)-\$316.89

FOSTER COUNTY ASSESSMENT DRAIN NO. 1. No update at this time.

FOSTER COUNTY ASSESSMENT DRAIN NO. 1- EASEMENT ACQUISITION. No update at this time.

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

Prior to discussing the Department of Water Resource's Solicitation of Views, Manager Stangeland reported he may have a conflict of interest regarding the matter due to him farming land that would be benefited by the construction of the drain that is subject to the permit application. Attorney Kale Van Bruggen reported the Board is required to conduct a conflict analysis. N.D.C.C. §44-04-02 was reviewed and reported that opinions issued by the N.D. Attorney General's office state the existence of a conflict is highly fact specific and an issue that public officials should review closely with the board's attorney. If the review is not dispositive, then the question of whether a member may participate should be decided by a majority vote of the remainder of the members of the board's governing body. Following discussion, Manager Zink moved to declare that Manager Stangeland does have a conflict in the matter under N.D.C.C. §44-04-22 and that Manger Stangeland may not participate in or vote on matters relating to Permit Application No. 6237. Motion was seconded by Manager Bata. Upon roll call vote, the following managers voted in favor of the motion: Bata, Stedman, Zink, and Bachmeier. Manager Stangeland abstained from voting. The motion passed. With the conflict issues the Board

proceeded with discussion regarding the Department's Solicitation of Views and it was moved by Zink to authorize Chairman Bachmeier to sign and submit the letter prepared by Attorney Van Bruggen. Second by Bata. All in favor. Motion carried. (Stangeland abstained from vote)

TILE PERMIT APPLICATION NO. 2023-0006. (DAVID SWANSON)

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

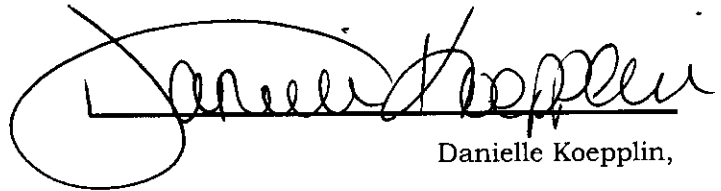
CULVERTS- SECTION 16 & 19. TOWNSHIP 146. RANGE 65

Zink moved to hire Pat Biel to put rocks around the culverts on the outlet side in Sections 16 & 19, Township 16, Range 65., second by Stedman. All in favor. Motion carried.

REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY.

Doug Zink presented a Request for Drainage on Highway Right of Way. After discussion it was moved by Stangeland to authorize Chairman Bachmeier to sign the request and submit to the NDDOT (Attn; Wyatt Hanson Devils Lake District), second Bata. All in favor. Motion carried. (Zink abstained from the vote)

ADJOURNMENT. It was mutually agreed the next regular board meeting will be held November 8, 2023 being no further business; it was moved by Bata, and seconded by Stedman to adjourn at 7:28. All in favor. Motion carried.

A handwritten signature in black ink, appearing to read "Danielle Koeplin", written over a horizontal line. The signature is cursive and somewhat stylized.

Danielle Koeplin,
Recording Secretary

A handwritten signature in black ink, appearing to read "Brent Bachmeier", written over a horizontal line. The signature is cursive and somewhat stylized.

Brent Bachmeier
Chairman