

**FOSTER COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE SPECIAL MEETING HELD ON DECEMBER 6, 2022
FOSTER COUNTY DRAIN NO. 1 ASSESSMENT DRAIN
BUFFALO ROOM OF THE CHIEFTAIN CONFERENCE CENTER**

1. ATTENDANCES

PRESENT: Brent Bachmeier, Manager
Jeff Bata, Manager
Ronn Stangeland, Chair
Doug Zink, Vice-Chair

IN ATTENDANCE: Danielle Koeplin, Secretary/Treasurer
Jennifer Malloy, Engineer
Thomas Demke, Engineer
Kale Van Bruggen, Counsel
Michael Gussiaas
Trevor Vandehoven
Jim Cook
Kevin Guthmiller

APOLOGIES:

- 2. CALL TO ORDER & OPENING OF PUBLIC HEARING** The public hearing was called to order and opened by the Foster County Water Resource District ("FCWRD") Board of Managers Chair Ronn Stangeland at 8:00 a.m.

The meeting location was moved from the Navajo Room to the Buffalo Room at the requirement of the Chieftain Conference Center. Attorney Van Bruggen stood at the door of the Navajo Room until shortly after the meeting commenced in order to assure any members of the public were directed across the hall to the Buffalo Room.

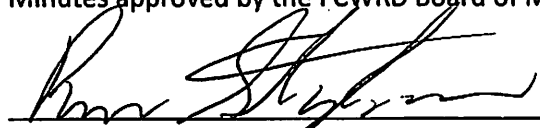
- 3. PROCEDURE OVERVIEW & RECORD NOTICE REQUIREMENTS** Attorney Van Bruggen welcomed those in attendance to the public hearing. Van Bruggen explained that the purpose of the public hearing was to review the proposed assessments for Foster County Drain No. 1 Assessment Drain, to hear from the public on the proposed assessments, and to answer questions.

Van Bruggen explained that the N.D. Century Code instructs the FCWRD to assess the percentage of the cost of acquiring right-of-way and constructing and maintaining an assessment drain in accordance with benefits received against any county, township, or city which is benefited thereby and any lot, piece, parcel or interest in land which is either directly or indirectly benefited by such drain or by such drain in connection with other existing or proposed drains. Van Bruggen noted that the Century Code instructs that the board, in considering the benefit and assessing the percentage of costs to each affected tract, parcel, or piece of land may, among other things, take into consideration the present drainage facilities under any existing drainage district, potential use of the proposed drain by such land, whether any such lands will be benefited or harmed by any change in the existing flow and course of drainage water by reason of the construction of the drain, and such other matters as may be pertinent to the question of benefits.

Van Bruggen noted that the FCWRD Board of Managers will hear all complaints relative to the percentage assessments, will review the complaints, and then will correct or confirm the same at one of its upcoming regularly scheduled or special meetings.

4. **PUBLIC COMMENTS & QUESTIONS** Chair Stangeland opened the floor for public comments and questions. A roster of public comments is attached hereto and incorporated herein as part of the public hearing record and these special meeting minutes. Attorney Van Bruggen and Engineer Malloy requested commenters identify themselves. Malloy and Van Bruggen, as representatives of the FCWRD, offered to visit with affected landowners individually to address any questions or concerns about the proposed project. When all comments from the public in attendance had ceased, the Chair declared the public comment portion of the public hearing closed.
5. **ADJOURNMENT** The Chair announced that the Board its staff will process all comments and that adoption of a final assessment list will be on the Board's agenda for one of its regularly scheduled or special meetings. Having completed all business on the special meeting agenda, the Chair declared the meeting adjourned at 8:12 a.m.

Minutes approved by the FCWRD Board of Managers on December ²¹~~14~~, 2022.



Ronn Stangeland, Chair



Danielle Koeplin, Secretary