

North Prairie Regional Water District  
04 March 2025  
Special Meeting Minutes  
City of Minot Public Works Building

Directors Present: Lisa Krueger, Darrel Loftesnes, Kelly Drevecky, Mike Rudnick, Matthew Zelinski.  
Austin Hanson, Crystal Hendrickson by Team Meet

Others present: GM Teresa Sundsbak, Attorney Monte Rogneby, OFM Karla Anderson,  
OPM Joddy Meidinger

Chairman Krueger called meeting to order 11:06 am.

Chairman Krueger opened the meeting and recognized Attorney Rogneby who briefed the board on the issue with General Manager Sundsbak's property. This issue was raised by an ex-employee of the District and it was on a water service line that runs to a trailer that is occupied by Peyton and Anna Sundsbak. Mr. Carpenter's accusation is that the water line that runs from Manager Sundsbak and her husband's curb stop on the inside of the meter, which means that all the water is being metered, and that the water line is a violation of the District policy. That instead the trailer should have its own curb stop and its own meter. That was the allegation or complaint. When that complaint was received, Attorney Rogneby and President Krueger investigated it to try to determine what policy the District has for when a service line can be used to serve multiple locations and when a separate curb stop is required. What that investigation disclosed is that there is no written policy in the District and that the District determines those questions on a case-by-case basis. The determination at that time was that there was no issue for the board to consider, but as you saw and was provided to the board the complete packet with this information. Attorney Rogneby's conclusion was that the District should draft a policy on a going forward basis to clarify under what circumstances a curb stop is required and what circumstances it is not.

Immediately before the last meeting, Manager Sundsbak, reached out to Attorney Rogneby indicating that a representative of the Ward County Sheriff's Department had contacted her because he had questions about the board's policy concerning curb stops. Attorney Rogneby indicated to Manager Sundsbak to have the representative call him and he would have a conversation about that. That was on Tuesday of last week.

On Wednesday of last week, the Sheriff's Department served a Search Warrant on the District, asking for Manager Sundsbak and her husband's billing records. Immediately, Manager Sundsbak contacted Attorney Rogneby indicating that the District had been served with this warrant and what she should do. Attorney Rogneby contacted President Krueger and the officers, and we suggested that Manager Sundsbak should not be involved in responding to the warrant or investigating this issue or resolving the issue. President Krueger agreed. Manager Sundsbak has not been involved in responding to the Sheriff's Department.

Attorney Rogneby and his law partner Jesse Welstad, have communicated with the Sheriff's Department and the Ward County States Attorney office and clearly communicated that the District will be transparent and they didn't need a search warrant they could have simply called us and asked for the information and

it would have been provided. Any additional information that the Sheriff's Department needs or wants will be provided.

Once it was understood what the issue was with search warrant, Attorney Rogneby's recommendation to President Krueger was to call this meeting. The issue as Attorney Rogneby understands it is, the Ward County Sheriff's Department is investigating Manager Sundsbak and her husband, for the crime of stealing governmental services based on this waterline that is running to this trailer. Attorney Rogneby continued, the question of whether or not the District is a victim of a crime should be decided by the board. The District should decide that question, at least, on the first hand and should not be decided by the Sheriff's Department or the Ward County States Attorney.

Attorney Rogneby asked President Krueger to call this meeting so that we could have a conversation, and the board could decide this issue, either Manager Sundsbak has violated policy and the law and if the board comes to that conclusion then they need to take some action, or she has not, and if the board concludes that, then that is the message that needs to be communicated to the Ward County States Attorney and to the Sheriff's Department. Ultimately, the decision about whether or not policy or law has been violated concerning this issue, is a decision this board has to make.

Attorney Rogneby then briefed his understanding of the relevant facts are:

1. The District does not have any written policy on whether any additional curb stop is necessary, whether a single curb stop can serve multiple uses.
2. The District, up to this point, has examined these issues on a case-by-case basis, so in some circumstances the District has required an additional curb stop, and in some cases has not. The guiding principle of when the additional curb stop has been required is whether the service line is serving a use that could be split from the property.
3. Are there other members of The District, that have this same situation?
  - a. And if so, how many other members would this affect?
4. Director Hendrickson raised the question; how many families would be affected by a policy?
  - a. Attorney Rogneby answered that the way families use land, and the way that you have multiple uses on a farmstead, he hasn't been able to get an idea of a "true" number.
5. One reason there currently is not a written policy, nor has there been the last 50 years. It will be difficult to draft a policy to address the numerous issues that will fall under this policy.
6. Attorney Rogneby stated: whatever the policy is that the District has for this, should be applied consistently.
  - a. If the District does not have a policy and is facilitated on a case-by-case basis, there are bound to be inconsistencies.
  - b. But the above is separate from the question; has a crime been committed? We don't want these 2 items to bleed over into each other.
  - c. Has this Board, and previous Boards, done a poor job in facilitating policies? Maybe? But that does NOT mean a crime has been committed.

Once delivering the above facts; Attorney Rogneby reiterated the main issues before the board:

1. Has Manager Sundsbak committed any wrong doings against The Water District?
2. Does the Board believe Manager Sundsbak has committed a crime against The District?
  - a. If so, is The District ready to support Criminal prosecution against Manager Sundsbak? If yes, then The Board needs to decide how to proceed.
3. Attorney Rogneby stated: The District has responsibilities towards Manager Sundsbak.

- a. Has she violated policy?
- b. Has she committed a crime? If the Board concludes that some wrongdoing has been committed.

President Krueger asked for a motion, to discuss if The Board feels there has been a crime committed by Manager Sundsbak, against the District. Director Hendrickson stated: you don't need a motion to discuss anything. Attorney Rogneby corrected Director Hendrickson and said: Yes, you do need a motion to discuss an item. Director Crystal made a motion that the District's Policy is that all users must have their own curb stop. No second was made for Director Hendrickson's motion, so motion dies.

Director Drevecky made a motion for the District to determine if it has been a victim of a crime. Director Loftesnes seconded the motion. Discussion was held at length. President Krueger called for a vote, on the motion. Reiterating the motion: Do we- The NPRWD Board – determine if the District is a victim of a crime? Director Kelly Dravecky called Point of Order. Attorney Rogneby suggested, from a Point of Order: The motion be amended to clearly state – The Board finds that a crime has been committed. OR: The Board finds that a crime has not been committed. Director Drevecky amended the motion to state: The District determined that there has been a crime that has been committed against it. Director Rudnick 2<sup>nd</sup> the motion. Vote Yes – We approve the amendment. Vote No – We do not approve the amendment. Roll Call Vote to Approve the Amendment:

Director Loftesnes – Aye

Director Rudnick – Aye

Director Hanson– Aye

Director Drevecky - Aye

Director Hendrickson - Yes, a Crime has been committed!

Director Zelinski – Abstained. Due to a Conflict of Interest

Motion Carried

Chairman Krueger stated the Motion, with the amendment is: The District determined a crime has been committed against the District. Yes Vote = You believe a crime has been committed. No Vote = You do not believe a crime has been committed. Director Drevecky reiterated at this moment, based on the current evidence we have, is what our determination is based on.

Roll Call Vote:

Director Loftesnes– No.

Director Rudnick– No.

Director Hanson – No.

Director Drevecky - No.

Director Hendrickson- Yes, of course.

Director Zelinski- Abstained

Motion Defeated.

Attorney Rogneby stated: If the Board feels that no crime has been committed, that we need another motion to clearly state. So far; We haven't really taken a public stand on this issue. If our intent is to communicate on the District's behalf that The District does not believe a crime has been committed; then we need a motion that states this.

President Krueger called for a motion, based on Attorney Rogneby's recommendation. Director Loftesnes made a motion, we do not feel a board, that a crime has been committed. Director Rudnick 2<sup>nd</sup> the motion. A discussion was held at length. It was decided that the wording of the motion was incorrect and rather than amend the motion, the board would vote on this motion and then make another motion with correct wording. President Krueger reiterated: If you vote Yes, you agree with the statement.

She called for a Roll Call Vote:

Director Loftesnes – Yes

Director Rudnick – No

Director Hanson – Yes

Director Drevecky – Yes

Director Hendrickson – No

Director Zelinski – Abstained

President Krueger stated: 3 to 2 vote, motion passes.

Director Drevecky made a motion: At this time, The Board does not feel that the current water usage on Teresa Sundsbak's property constitutes a crime. Director Rudnick 2<sup>nd</sup> the motion. No discussion was had. President Krueger asked for a Roll Call vote. A Yes vote means we- The Board – agree with the motion.

Director Loftesnes – Aye

Director Rudnick – Aye

Director Hanson – Aye

Director Drevecky – Aye

Director Hendrickson – No

Director Zelinski – Abstained.

Motion passes, 4-1 vote.

President Krueger moved onto Item # 4 on The Meeting Agenda. This is to discuss the District does not have any written policy on whether any addition curb stop is necessary, whether a single curb stop can serve multiple uses. 1<sup>st</sup> question: What do we do, going forward? 2<sup>nd</sup> question: Do we make this retroactive, whatever policy we come up with or, do we just go on from here? Discussion was held at length. It was determined that this was a complex issue, and it was going to take more time than we had to develop a comprehensive policy.

President Krueger asked for a motion to move to adjourn. Director Rudnick made the motion. No 2<sup>nd</sup> because we had an executive session.

There was a ten-minute break

President Krueger stated that The Board will move into Executive Session.

Executive Session.

The Board will hold an executive session under N.D.C.C. Section 44-04-19.2, pursuant to N.D.C.C. Section 44-04-19.1(9) to provide negotiation instructions to its attorney and to receive its attorney's advice and guidance regarding the negotiation that is reasonably likely to occur in the immediate future to

resolve a pending adversarial administrative proceeding and such discussions in an open meeting would have an adverse fiscal effect on the bargaining or litigating position of the Board.

Board entered executive session at: 12:42 P.M.

Board concluded executive session at: 1:01 P.M.

Meeting Adjourned: 1:06 P.M.

ATTEST:

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Matthew Zelinski, Secretary