STATE BOARD OF PUBLIC SCHOOL EDUCATION
MINUTES OF MEETING
January 23, 2023

Members of the State Board of Public School Education met in the CTE 15th Floor Conference Room at the State Capitol and via Teams on Monday, January 23, 2023. The meeting was called to order by Chairman Sonia Meehl at 1:00 p.m. with the following State Board members in attendance:

Chairman Sonia Meehl
Burdell Johnson
Lyndsi Engstrom
Eric Nelson
Mike McHugh
Josh Johnson
Superintendent Kirsten Baesler

Also present: Allyson Hicks, Mark, an Intern from the UND Law School, Laura Doll, and Administrative Law Judge Timothy Dawson

Present Virtually: Alice Johnson

1. APPROVAL OF MINUTES – September 20, 2022
Lyndsi Engstrom moved to approve the minutes from the September 20, 2022 meeting.
Mike McHugh seconded the motion. Motion carried unanimously.

2. REA GUIDING FRAMEWORK
Chairman Meehl stated there were a few minor changes to the document since it was adopted, and the addition of the PK12 Strategic Vision Framework provided to the REAs to clearly identify what the expectations are for the Bi-Annual presentation to the State Board. Chairman Meehl requested one additional revision to remove line 2 completely and incorporate the word “Performance” into the title on line 3. There were no other suggestions or thoughts. Josh Johnson moved to approve the Guiding Framework with the changes
Josh Johnson asked for a list of the REAs, and when presentations were completed. Laura will email the list to the State Board members prior to the next meeting.

3A. HOLD A HEARING, DISCUSS, AND TAKE ACTION ON THE ANNEXATION OF PROPERTY FROM MINOT PUBLIC SCHOOL DISTRICT NO. 1 TO UNITED PUBLIC SCHOOL DISTRICT NO. 7 (APPEAL OF FEIST PETITION)

Chairman Meehl stated the Feist Petition had opposition at the county level, and there will be a hearing today. Ms. Hicks informed the board that the Feist Petition is not a hearing due to opposition; it is an appeal. The petition will be approved or denied in its entirety by the State Board.

The hearing was held Monday, January 23, 2023, beginning at 1:08 p.m. and was conducted by Administrative Law Judge Timothy Dawson from the Office of Administrative Hearings, pursuant to North Dakota Century Code Chapter 15.1-12. This is an evidentiary hearing for the board to hear testimony and consider other evidence as presented on issues as outlined in the annexation packet. The annexation packet was entered into evidence and marked as Exhibit 1. Judge Dawson noted the rules of evidence were waived, applying North Dakota Century Code Section 28-32-24. Only relevant evidence will be admitted at the hearing. The proceedings were tape-recorded, and persons testifying were sworn in by Administrative Law Judge Dawson.

Jodi Johnson, Ward County Superintendent of Schools. Ms. Johnson stated she is neither for nor against the Feist annexation. Ms. Johnson supplied a handout to the Board and Judge Dawson as her testimony, to be offered as evidence and marked as Exhibit 2. Ms. Johnson reviewed how the taxes may change if the annexation is approved. Ms. Johnson shared information on the bonded indebtedness of Minot #1 based on the current mill levies. Ms. Johnson noted there are three school-age children in the upcoming school year.

Josh Johnson asked if it was the board’s intent to attach all of the mill levy or only the 18.34 that was present at the time of the hearing. Ms. Johnson stated she had asked the board to be specific because it was a gray area. The motion was made only for the 18.34 mills. Josh Johnson asked if they were aware of the 34.15 mills. Ms. Johnson stated it was discussed, and
at that time, it was not known what it would be because the mill levies were not set yet; it was understood it would be around 30 mills. Josh Johnson clarified that it was their decision not to include the mills as part of the new bond. Ms. Johnson stated that was correct.

Ms. Allyson Hicks asked for clarification on the decision to choose the 18.34 mills; was it due to the fact that that was the amount of mills in effect as of the date of the hearing or did it have more to do with the notice issue, and being able to tabulate what the taxes would be if the additional mills were tacked on at that time. Ms. Johnson responded yes to both questions with further explanation. Ms. Johnson added that it was not known what mill levy they were using because it was not established until January of 2023.

Josh Johnson asked when the petition was applied for and received; and when did Minot Public Schools pass their bond. Ms. Johnson stated the petition was signed on September 7, 2022, and it was submitted then, and the bond issue for Minot Public School District was December 2021. The hearing and the vote on the bond were in 2021, and it took them a year to sell the bonds and set them up. Ms. Johnson review the maps in the packet, where the petitioners live, and the lots involved.

**In Support:**

**Tim Feist**, petitioner. Mr. Feist stated they live in Robinwood Estates, a development where some attend Minot, and others attend DLB United #7. Mr. Feist stated they live closer to Burlington but are considered a part of the Minot School District. Mr. Feist explained that he never really thought about where his tax dollars go as far as the school district until there was a conversation with another volleyball parent. Mr. Feist further testified his daughter is active in sports and other activities, and they would like to support the smaller school district where she attends. Mr. Feist added that they are not allowed to be part of the school board as they are not a part of the DLB school district. Ms. Hicks asked Mr. Feist if he would be in favor of paying the 18.34. Mr. Feist stated he would be in favor of paying the 18.34 but no additional. Ms. Hicks confirmed that Mr. Feist would not be on board if the full 53 mills would be assessed to his property. Mr. Feist agreed. Superintendent Baesler asked if Mr. Feist’s daughter was open enrolled in DLB and not a tuition waiver. Mr. Feist stated she is open enrolled. Mr. Feist stated his daughter is currently seventeen years old and a junior this school year.
Brady Schmitt, Petitioner. Mr. Schmitt stated his daughter is eight years old and a third grader at Burlington, and they have a four-year-old son who will be attending Burlington as well. Mr. Schmitt stated his daughter is open enrolled at Burlington, and his son will be too. Chairman Meehl asked if Mr. Schmitt supports the annexation if it requires the payment of the 18.34 mills. Mr. Schmitt stated he would pay the 18.34 if they have to pay extra back to Minot. Chairman Meehl asked if Mr. Schmitt was required to pay the 53.87 additional mills, would he support it. Mr. Schmitt stated he would not support it.

Christopher Bachmeier, Superintendent for United School District #7. Mr. Bachmeier confirmed the amount of foundation aid at $6.3 million, and local taxes are $2.78 million. He further stated there are 127 mills, with an indebtedness of 38.37. Mr. Bachmeier questioned what determines why indebtedness follows for some and why not for others.

Opponents:

Mark Vollmer, Superintendent of Minot School District #1. Dr. Vollmer stated he is not against the annexation and shared his concerns with the lack of clarity in regard to the bonded indebtedness. Dr. Vollmer agreed with Mr. Bachmeier that this is a long-standing procedural issue where they do not require bonded indebtedness; this has recently started at the county level. Dr. Vollmer stated he is not standing in the way of these families keeping their children in the United school district.

Josh Johnson asked Dr. Vollmer to talk about the impact on the school district if this petition was to be approved by the State Board and also on the taxpayers of Minot Public Schools. Dr. Vollmer stated that the impact on the Minot School District is not huge. Josh Johnson asked Dr. Vollmer to give an understanding as to why the county voted unanimously 4-0 to deny the annexation request. Dr. Vollmer stated he was surprised as well; he stated he cannot speak on this, and Jodi Johnson may be able to explain. Dr. Vollmer stated this bonded indebtedness piece is a new concept coming out of Ward County. Dr. Vollmer stated he wants to make sure that the families understand exactly what they are getting into if it is approved because it is a significant financial impact.

Chairman Meehl asked if bonds are ever refinanced, if old ones are paid off, and get new ones
due to more favorable rates. Dr. Vollmer stated that was just done in 2021. Chairman Meehl asked if this could further complicate what should be attached or what the intent of the county or state board is, and what should be attached to the parcels. Dr. Vollmer responded by asking Superintendent Baesler to pay attention to his idea. Dr. Vollmer suggested that if the State of North Dakota, through the legislative process, would buy down all of the bonded indebtedness in the state and have it all paid back to the Bank of North Dakota at 1% interest, that would save everyone a ton of money. Dr. Vollmer further stated that when looking at tax savings for individuals, bonded indebtedness is huge.

Chairman Meehl asked to recall Ms. Johnson and asked if there are new county board members on the Ward County Commission from a year ago. Ms. Johnson stated yes, the county reorganization board is five members at large appointed by commissioners. Ms. Johnson added that in the last three years, they have had three new members. Chairman Meehl asked if Ms. Johnson got the impression or have the impression that any county committee members believed there to be some kind of a mandate from the State Board that the State Board wants them to attach the bonded indebtedness to the detached parcels. Ms. Johnson replied she does not think so; she thinks it is something that a specific board member decided to start pursuing; the initial motion was made about three years ago of attaching the bonded indebtedness. It has come from then on. Chairman Meehl asked if there was a motion in one of these cases to approve the annexation without the inclusion of the bonded indebtedness, and that failed for a lack of a second. Ms. Johnson stated that was correct; Clarke Ranum made the motion to approve the annexation without the bonded indebtedness, and the motion failed due to a lack of a second. Chairman Meehl stated then someone else made a motion to deny it all together. Ms. Johnson stated yes because when she had talked to the petitioners, she wanted them to be sure what they were getting into with the hearings, with testimony taken, and with a decision made afterward. Ms. Johnson wanted them to be clear in the bonded indebtedness and what that would mean for their taxes, so at that time, Ms. Johnson had told them about the indebtedness, and it was at that time that Ms. Johnson told them about the additional mills of 18.34 which were all there was at that time. Chairman Meehl referred to page 36 of the Feist annexation packet, where it was moved that the petitioners be responsible for the 18.35 bonded indebtedness of Minot and the taxes of the district they are attached to. This was the motion acted upon; Chairman Meehl stated it failed
4-0. Ms. Johnson stated that was correct and further explained that testimony was given by
the petitioners at the hearing, and they did not want to have any additional taxes from the
Minot School District attached to them. Ms. Johnson continued that since that time, the
petitioners have asked a lot of questions, and according to their testimony, they have a better
understanding of exactly what that meant. Ms. Johnson stated that if you don’t deal with mill
levies and taxable values, it can be confusing to someone for the first time.

Ms. Hicks asked if all of the 18.34 mills in the sinking and interest fund levy are bonded
indebtedness or are they just indebtedness. Ms. Johnson stated she did not have the answer.
Eric Nelson asked that over the 200 annexations Ms. Johnson has overseen in Ward County,
only two of them have had indebtedness move with them. Ms. Johnson stated yes, this is new.
Ms. Engstrom asked whether the appeal would include the Foss property. Ms. Johnson stated
that was correct.

Chairman Meehl asked to recall Mr. Feist and asked if Mr. Feist’s wife had been on a school
board previously. Mr. Feist stated yes, she had been on the Harvey School Board when they
lived in Harvey before moving to Minot. Chairman Meehl asked Mr. Feist if he would
support the annexation if he was required to pay the 18.34 mills. Mr. Feist stated his first
option would be to be done like it normally was done, just moving to another district. Mr.
Feist further stated that if he cannot do it that way, he wants his tax dollars to support the
school his daughter attends. Mr. Feist stated if that is the only way he can get there, yes.
Chairman Meehl asked if he would support the annexation if he was required to pay some
additional, such as the 53.87. Mr. Feist stated no.

Chairman Meehl asked to recall Mr. Bachmeier and stated she failed to ask about open
enrollment and whether United School District allows open enrollment, and does he anticipate
open enrollment would ever be closed in the district. Mr. Bachmeier stated yes, they allow
open enrollment, and he was not able to answer if it would ever be closed. Mr. Bachmeier
stated there has not been any discussion about closing open enrollment. Mr. Bachmeier stated
that he testified that he did state that with the three-class systems of basketball and how it is
determined, where they are, and what students count for what, there will be discussion that
comes up in the future.
There being no further testimony, Judge Dawson closed the evidentiary hearing at approximately 2:26 p.m. and returned the meeting to Chairman Meehl.

**Discussion and decision:**

Chairman Meehl read the Findings of Fact for the Feist annexation. Ms. Hicks noted a mathematical error on D4, the Taxable Valuation, If Approved, for the Minot School District should be $219,691,860, and for the United School District, it would be $21,236,962. Chairman Meehl continued.

Ms. Hicks read the current student valuation and noted the taxable valuation changed on the other page. Therefore, the numbers will not match what is in the packet. Ms. Hicks stated the petitioner’s school district, the taxable valuation, if approved, is $219,691,860 divided by enrollment, if approved, of 8,572 students for a per-student valuation, if approved, of $25,629. For the United School District, the taxable valuation, if approved, is $21,236,962 divided by enrollment, if approved, of 708 students for a per-student valuation, if approved, of $29,996. The per-student difference is $4,367; this will result in a decrease in the difference in per-student valuation by $3,497. Ms. Hicks continued reading the remainder of the student valuation. Chairman Meehl completed reading the annexation packet.

Review, discussion, and consideration of the information contained in the annexation packet:

Findings of Fact

1. United currently allows open enrollment, and the students involved are open enrolled in United;
2. Feist and Schmitt stated they would not support the annexation if they were required to pay the full bonded indebtedness of Minot Public Schools but would if it were for the 2014 to 2021 bonds;
3. United will continue to bus to the area, regardless if the annexation is approved or denied;
4. The county board voted unanimously to deny the petition;
5. There was opposition at both the county and state hearings;
6. The petitioners did not request to annex excessive property;
7. The taxable valuation per student is reasonable;
8. Petitioner Foss did not sign the appeal and did not appear at the county or state hearing in support or opposition to the annexation due to military duty;
9. There is additional bonded indebtedness over the 18.34 reflected in the petition (Ms. Hicks to add specific details);

Josh Johnson explained that relative to C2 of the findings, a petition was received, it went to the county, the county denied the petition, and it was appealed to the state board. Two of the three property owners that were part of this petition, excluding the Schmitt family, were part of the bond vote in the Minot Public School District in December of 2021. Subsequent to that vote in the fall of 2022, after the bond was approved, the petition was initiated. Josh Johnson stated he believes that since they were part of that and now petitioned to annex land after that was approved, Josh Johnson recommends that the full bonded indebtedness of Minot Public Schools be attached to the properties that would be annexed from Minot Public Schools into United 7.

Chairman Meehl asked about adding a finding detailing this timeline, outlining that the petitioners petitioned for annexation after the bond had been passed by Minot. Ms. Hicks stated she will put together a timeline of the vote and the petition for annexation and when the people moved relative to the bond vote. Ms. Hicks will put together a timeline finding for review to be approved at the next meeting. Chairman Meehl added that if this is denied, the petitioners can, after 90 days, submit another petition for action, and it can be considered again by the county committee.

10. The board discussed the timing of the bond vote and the signing of the petition (Ms. Hicks will include specific dates in the findings to be reviewed for approval at the next meeting);
11. The petitioners would like their taxes to follow where their children are being educated; and
12. At least one of the petitioners has expressed interest in participating in the school board.
Josh Johnson moved that for item C2 of the findings, the full bonded indebtedness of 53.87 mills, which is now known, would be attached to this petition. Motion failed due to lack of a second.

Superintendent Baesler moved to attach the bonds from the years 2014 to 2021. Mike McHugh seconded the motion. Chairman Meehl clarified that there is a motion on the floor to complete C2 of the findings by including the bonded indebtedness identified on the illustration from years 2014 to 2021. Motion passes 6-1.

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Mike McHugh moved to approve the annexation based on factors 1, 2, and 12. Burdell Johnson seconded the motion. Josh Johnson shared that he would vote in opposition because of opposition by the county unanimous and feels that if the board makes the decision, it takes away from that local decision.

Lyndsi Engstrom also stated she supports the desires of the petitioners and asked if there would be other contiguous ways to successfully annex. Ms. Hicks stated yes, there may be other ways, but the financial hit to Minot would be worse than this being the most direct pathway. Eric Nelson suggested adding finding 11 to the motion. Mike McHugh and Burdell Johnson agreed to amend the motion and add finding 11. Motion passes 5-2.

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Chairman Meehl called for a recess at 3:42 p.m. The meeting was reconvened at 3:54 p.m.

Chairman Meehl and Ms. Hicks deferred item 4 on the agenda until the February meeting.

**3B. HOLD A HEARING, DISCUSS, AND TAKE ACTION ON THE ANNEXATION OF PROPERTY FROM MINOT PUBLIC SCHOOL DISTRICT NO. 1 TO UNITED PUBLIC SCHOOL DISTRICT NO. 7 (KRUSE PETITION)**

Chairman Meehl turned the meeting over to Administrative Law Judge Dawson to conduct the hearing.

Judge Dawson began the hearing at 3:55 p.m. on the annexation of property from Minot Public School District No. 1 to United Public School District No. 7 (Kruse Petition). The hearing is being conducted pursuant to North Dakota Century Code Chapter 15.1-12. This is an evidentiary hearing for the board to hear testimony and consider other evidence presented on issues outlined in the annexation packet. The annexation packet was entered into evidence and marked as **Exhibit 1**. Judge Dawson noted that the rules of evidence were waived for this hearing.

**Jodi Johnson**, Ward County Superintendent of Schools. Ms. Johnson stated she is neither for nor against the Kruse annexation. Ms. Johnson stated it is one lot from Minot to United, and there are two school-aged children involved. Ms. Johnson stated the one thing unusual with the annexation was the motion made on page 9, where the committee elected to approve the annexation and the petitioners will be responsible for the debt and taxes of United along with the bonded indebtedness of 18.34 mills of Minot. The problem Ms. Johnson has with the 18.34 mills is that the mill levy is subject to change. Ms. Johnson shared a document from the business manager from Minot Public where the mills were broken down. Ms. Johnson
provided Judge Dawson with the handout; it was marked as *Exhibit 2* and admitted into evidence. Ms. Johnson further stated she feels that a lot of the issues have already been discussed.

Josh Johnson stated the county committee approved a unanimous 4 – 0 on this annexation, attaching the 18.34 mills of bond indebtedness for Minot Public Schools petition. Josh Johnson asked for an understanding of why they approved this, and previously they denied it. Ms. Johnson stated this was a separate hearing, and she explained to the petitioners the bonded indebtedness, which was 18.34 mills at that time; she sent them a letter explaining exactly what that meant in dollars, so they would have a better understanding. Ms. Johnson stated that the petitioners stated if they could become part of the United Public School District, they would consider paying out those bonds, and the committee heard that testimony and decided that if they were okay with that, they would make that motion to approve with just those bonds. Ms. Johnson noted the petition was submitted in August 2022, and the hearing was held on November 2, 2022. Chairman Meehl confirmed the Kruse annexation was heard first by the county on November 2nd, and the Feist annexation was heard on November 16, 2022. Ms. Johnson agreed.

**In Support**

**Arnold “Gus” Kruse,** Petitioner. Mr. Kruse stated he and his wife bought their house in 2008 and stated they never paid attention as to where their tax money was going. When they found out it was going to Minot, they wanted it to go to Burlington United #7 because that is where their kids go. Mr. Kruse stated that out in their area, the land is all chopped up. Mr. Kruse stated at the committee meeting, there were four members, and after they explained their case, the first member said yes, this is done all the time in that neighborhood; go ahead and annex in; however, no one seconded the motion, and it was denied. Mr. Kruse stated their sons are 10 and 14 years old and will graduate from United #7, and that is where they want their tax dollars to go. Mr. Kruse further added that Dr. Vollmer is for open enrollment, but he was at the county meeting and was against them. Mr. Kruse questioned if he is for open enrollment, then why did he deny them to annex into United #7?
Eric Nelson asked Mr. Kruse if he had to take on the additional 2014 to 2021 indebtedness, which is around 18.34 mills, would he still be in favor? Mr. Kruse stated he would still be in favor which would prove nothing; he explained he would like his tax dollars to go to the school his children attend. Chairman Meehl asked if this was approved, some of his tax dollars would be going to the United District, and some of them would still be going to the Minot District. Mr. Kruse stated he is okay with that.

Christopher Bachmeier, Superintendent for United School District #7. Mr. Bachmeier made a clarification on a clerical error made on the MISO3 amount in the first hearing and corrected it in the second hearing. Josh Johnson asked Mr. Bachmeier if he believed at the second hearing that the decision to deny was on the basis there was uncertainty of whether the petitioners were going to pay the 18.34 or explain the difference between the two. Mr. Bachmeier explained that the number of 53 mills is still not correct as there are still 19 bonds out there. Mr. Bachmeier noted it will be higher than that, and he stated that was the problem at the hearing; no one knew what the number was and just took the number that was on the form and said this is what we are going to put on the petitioners. Then the second hearing, they were confused as well as to what the number was, and when asked, they preferred to have it none, so they voted unanimously to deny that.

Chairman Meehl asked if United allows open enrollment. Mr. Bachmeier stated yes. Chairman Meehl further asked whether there is a conversation to discontinue open enrollment in the near future. Mr. Bachmeier stated no.

Eric Nelson asked to recall Superintendent Jodi Johnson and asked if it was her perception that this change from the first hearing to the second hearing was over the confusion of that exact number. Ms. Johnson stated she thinks her board wanted to make sure it was clear what it was for the petitioners, so they used 18.34. Josh Johnson asked if it was also her perception that they were limiting the scope of the indebtedness transfer for 2014 to 2021 enumerated indebtedness and not the 2022. Ms. Johnson stated they did not know what that number was; they guessed it was about 30 more mills based on the taxable value. Ms. Johnson stated again she wanted to make sure the petitioners, whom she helps, had a clear understanding of what they were going to be given. She further stated if she does not know what the number is, then
she cannot figure out what it would be in school taxes. Eric Nelson asked if, on the county level, was there any intent to include the 2022 indebtedness. Ms. Johnson stated no.

There being no further testimony, the hearing was closed at approximately 4:15 p.m. by Judge Dawson and turned over to Chairman Meehl.

Discussion and Decision:
Chairman Meehl read the findings of fact for the Kruse annexation. Chairman Meehl noted a correction, as stated in the hearing, to the United A2 building amount of $10,988,394, which should be 37 million. Chairman Meehl read C2 as follows, if the annexation is approved, the petitioners will be responsible for the debt and taxes of United and the bonded indebtedness of 18.34 mills of Minot. Chairman Meehl asked for a discussion or a motion. Ms. Hicks added that this is different from the Feist annexation. Ms. Hicks explained this is not a petition where changes can be made; this is a review of the approval. Ms. Hicks stated the 18.34 stays, but as Ms. Johnson testified, the intent behind that was the 2014 to 2021 bonds. The recommendation that Ms. Hicks made was to amend the language not to be 18.34; instead, amend to the 2014 to 2021 bonds, but cannot change what C2 is in the hearing. Eric Nelson moved to replace the 18.34 mills with the specific 2014 to 2021 bonds. Lyndsi Engstrom seconded the motion. Motion passes 7-0.

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Chairman continued reading the annexation packet. Ms. Hicks read the current student valuation.
Review, discussion, and consideration of the information contained in the annexation packet:

Findings of Fact

1. United currently allows for open enrollment, and students involved in the petition are open enrolled;
2. United provides transportation and will continue transportation regardless of whether the annexation is approved or denied;
3. There was no opposition at the state board meeting;
4. The county committee voted unanimously in favor of the petition;
5. The family wants to vote in the district;
6. The children have always attended United;
7. The family is active in the community;
8. Petitioner is in agreement to pay the 2014 to 2021 bonds from Minot Public Schools;
9. Taxable valuation per student is reasonable;
10. Petitioners express they would like their taxes to follow the educational establishment their children attend; and
11. The petitioner took the least amount of land for purposes of the annexation.

Lyndsi Engstrom moved to accept the Kruse annexation from Minot Public Schools to United District #7 to include the bonded indebtedness of 2014 to 2021 bonds based on factors 8, 9, and 11. Eric Nelson seconded the motion.

Josh Johnson stated that in reaching his decision, he relied heavily upon what happens at a local level or county level, and so his decision will be based on that. Motion passes 7 – 0.

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Chairman Meehl stated agenda item 4 will be deferred until the February meeting.

NEXT MEETING
The next meeting is scheduled for Monday, February 27, 2023, at 1:00 p.m.

There being no other business before the Board, the meeting was adjourned at 4:35 p.m.

Minutes taken and prepared by Laura Doll