

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON DECEMBER 16, 2024
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer
Mitch Opdahl, Manager
Jared Abernathey, Manager (via video conference)

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer (via video conference)
Kale Van Bruggen, Secretary/Counsel (via video conference)
Stacy Lorenz, Chad Strand Agency, P.C.
Leonard Tennyson – arrived at 10:18 a.m.; left at 11:18 a.m.
Derek Tennyson – arrived at 10:18 a.m.; left at 11:18 a.m.

APOLOGIES: Paxton Engelhard, Manager

2. COMMENCEMENT The meeting was called to order at 9:08 a.m.

3. SETTING OF THE AGENDA Chair Issendorf called for corrections or additions to the agenda. Hearing no corrections or additions, the Chair declared the agenda approved as presented.

4. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

4.1 Financial Report & Proposed Appropriations Stacy Lorenz (Chad Strand, P.C.) presented the financial report for December 2024 and proposed appropriations. The report and proposed appropriations were reviewed and discussed by the Board.

Moved Manager Drangsholt/Seconded Manager Opdahl

That the financial reports be taken and confirmed as presented and that the monthly bills due be paid as presented.

Carried.

4.2 Quarterly Financial Report Engineer Jennifer Malloy (Apex Engineering) & Stacy Lorenz (Chad Strand, P.C.) reviewed the assessment drain quarterly financial reports through September 30, 2024.

5. CONFIRMATION OF MINUTES

Moved Manager Drangsholt/Seconded Manager Opdahl

That the minutes of the regular Board meeting held on November 18, 2024, be approved as presented.

Carried.

6. ASSESSMENT DRAINS Discussion was held on the status of all the District's existing assessment drains and proposed assessment drain projects. Special discussion was held on the following items:

6.1 LaPorte Coulee Drain Jennifer Malloy (Apex Engineering) noted ballots are due on Wednesday, December 18, 2024.

Malloy reported she met with Kerstens on their property at the Kerstens' dam after the November 18, 2024, Board meeting. The emergency spillway currently has large scour holes that Malloy believes are caused by the principal spillway being plugged. The dam was constructed in the 1990s with a riser structure. The culvert outlet started eroding and Kerstens filled the culvert outlet and erosion with concrete. The emergency spillway is currently acting as the primary outlet. Kerstens would like the erosion addressed as part of the LaPorte Coulee Drain proposed project. Malloy reported that Kerstens do not want the channel on the downstream of the proposed assessment drain project cleaned. Malloy will continue discussing these concerns with Kerstens.

Moved Manager Drangsholt/Seconded Manager Opdahl

That Chair Issendorf and Stacy Lorenz shall open the ballots after December 18, 2024, at 5:00 p.m. and present a tally of those votes for the Board to review and confirm at its January 2025 Board meeting.

Carried.

- 6.2 **Scandia Scotia Drain** Engineer Jennifer Malloy (Apex Engineering) reported that the dam maintenance work in Section 28-164-79 was completed. Apex Engineering will inspect the work.
- 6.3 **South Landa Drain** Jennifer Malloy (Apex Engineering) reported that Farden Construction has completed everything they can until next spring. Seeding work remains as well as work on Easement 19 and 26.

Kale Van Bruggen (Rinke Noonan Law Firm) reported that the District is ready to enter into permanent financing for the construction of the South Landa Assessment Drain. Malloy submitted application materials to the Bank of North Dakota and the Department of Water Resources. A commitment letter from the Bank of North Dakota was received dated December 13, 2024, approving the loan under the Water Infrastructure Revolving Loan Program. Attorney Scott Wegner, bond counsel for the Bank of North Dakota, prepared the definitive improvement warrant documents which Van Bruggen reviewed with the Board. The Definitive Improvement Warrant refunds the Temporary Improvement Warrant, Series 2022, dated October 28, 2022.

Moved Manager Drangsholt/Seconded Manager Opdahl

That the December 13, 2024, Commitment Letter between the Bank of North Dakota and the Bottineau County Water Resource District for a loan in the amount of \$1,700,000 under the Water Infrastructure Revolving Loan Program shall be approved and that Chair Issendorf shall be authorized to sign the Commitment Letter on behalf of the District.

Carried.

Moved Manager Drangsholt/Seconded Manager Opdahl

That the South Landa Legal Drain Financing Resolution authorizing the issuance of a Definitive Improvement Warrant, Series 2024, dated December 30, 2024, in the principal amount of \$1,700,000, to the Bank of North Dakota under the Water Infrastructure Revolving Loan Fund for financing the local share of the South Landa Assessment Drain project shall be approved and that Chair Clifford Issendorf and Secretary Kale Van Bruggen shall be authorized to sign the Financing Resolution, the Loan Agreement between the District and the Bank of North Dakota dated as of December 1, 2024, the Warrant, and the Closing Certificate dated December 30, 2024.

Carried.

6.4 Stone Creek Drain Lateral (Elysian)

6.4.1 Gardena Lateral Jennifer Malloy (Apex Engineering) reported that she provided the survey work and stream crossing investigation to the Oak Creek Water Resource Board and to Dan Marquardt.

7. OLD BUSINESS

7.1 Oak Creek Water Resource District Boundary Kale Van Bruggen (Rinke Noonan Law Firm) reported that the Oak Creek Water Resource Board has approved the Joint Petition for Boundary Change and Resolution Authorizing the Signing of the Joint Petition for Boundary Change.

Moved Manager Drangsholt/Seconded Manager Opdahl

That the Resolution Authorizing the Signing of the Joint Petition for Boundary Change shall be approved and that Chair Issendorf and Secretary Van Bruggen shall be authorized to sign it on behalf of the District, and that Secretary Van Bruggen shall be authorized to file the Joint Petition with the State Water Commission.

Carried.

7.2 Kenneth Sivertson Chair Issendorf reported that he has supplied the Manager of the Winter Park with the Sivertson letter and believes that the Winter Park and Sivertsons will be able to reach an amicable solution.

8. NEW BUSINESS

8.1 Beaver Dams on Willow Creek Jennifer Malloy (Apex Engineering) reported she followed up with David Larson regarding the beaver dams that are obstructing flow on Willow Creek. Larson is requesting cost-share or funding to remove beaver dams. The beavers have been trapped and removed. A map was provided of the location of 8-9 beaver dams, but the dams cannot be removed until the spring. It is anticipated that half of them are small enough that spring runoff may remove them. Malloy requested that this be tabled until the January Board meeting. The Board expressed concern that the District does not have a precedence for using general funds to remove beaver dams for benefit of private property. Malloy will relay to Mr. Larson that the Board will not provide funding.

Leonard Tennyson & Derek Tennyson arrived at the meeting at 10:18 a.m.

9. OPEN MIC

9.1 Leonard Tennyson & Derek Tennyson Leonard Tennyson & Derek Tennyson appeared before the Bottineau County Water Resource District Board regarding the South Landa Assessment Drain project.

Leonard Tennyson alleged that notification of the proposed project was not received by Leonard & Derek Tennyson until the June 30, 2023, letter requesting an easement for construction of the proposed assessment drain project. Tennysons noted that they are opposed to the project, and the assessment, and do not believe that the proposed project provides any benefit to their property. Tennysons noted that the tax statements for the property go to their aunt, Deborah Fiala, who received the information and did not share it with Leonard and Derek. She also signed the easement once it was sent to her.

Tennysons are concerned that the construction of the project will cut off access to the northwest corner of the SE¼ of Section 33-163-78.

Tennysons stated that it appears to them that the drainage ditch was already dug without signing easement papers on the south side of the road. From the road, Tennysons stated they can clearly see the culverts were put in and the ditch was dug already in the right-of-way. Tennysons believe the ditch was already dug in the SE¼ of Section 33-163-78, but that it was hard to see from the roadway with crops growing.

Jennifer Malloy (Apex Engineering) says that the culverts were put in, but she stood at the culverts and verified that the contractor did not finish the ditch, just the installation of the culverts in the roadway right-of-way.

As to benefits, Jennifer Malloy pointed out that in Section 4, the culverts are lower than the existing ditch and the ditch on the north side will be lower than the area on the north side that currently floods.

As to access to the northwest corner of the SE¼ of Section 33-163-78, Jennifer Malloy reported that Apex Engineering will work with Tennysons and Farden Construction. Malloy suggested that a rock crossing be investigated as a change order to ensure access to the northwest corner of the SE¼ of Section 33.

Malloy noted that Deborah Fiala and Bob Tonneson have prepaid some of the assessment estimate in September of 2024.

The Board directed its legal counsel to connect with Leonard Tennyson and Derek Tennyson regarding the appraisal value and addressing access to the northwest corner of the SE¼ of Section 33 and report back to the Board at the January meeting.

Leonard Tennyson & Derek Tennyson left the meeting at 11:18 a.m.

8. NEW BUSINESS (CONT.)

8.2 Rinke Noonan 2025 Rates Kale Van Bruggen (Rinke Noonan Law Firm) reported on the 2025 government hourly rates under the District's engagement agreement with Rinke Noonan Law Firm.

8.3 Meeting Resolution Kale Van Bruggen (Rinke Noonan Law Firm) provided an overview of the proposed 2025 Meeting Schedule Resolution.

Moved Manager Drangsholt/Seconded Manager Opdahl

That the Resolution Setting Regular Meeting Schedule for the Year 2025 shall be approved and that Chair Issendorf and Secretary Van Bruggen shall be authorized to sign the Resolution on behalf of the District.

Carried.

8.4 NDWRDA Membership The Board approved renewal of its 2025 NDWRDA membership with the bills approved during this meeting.

DRAFT/UNOFFICIAL MEETING MINUTES

10. ITEMS FOR DISCUSSION & INFORMATION

10.1 Attorney/Secretary Kale Van Bruggen (Rinke Noonan Law Firm) reported that the NDWRDA approved the policy resolution amendment proposed by the Board related to stream crossing studies.

11. CLOSE OF MEETING Having completed all business on the noticed agenda, the Chair declared the meeting adjourned at 11:44 a.m.

Minutes approved by the Board on January 20, 2025.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

Draft

12-16-24 BCWRO Meeting Sign-Up Sheet

Name

Phone Number

Derek Tennyson

701-721-0410

Leonard Tennyson

701-721-1866