

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON OCTOBER 16, 2023
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Wally Brandjord, Vice Chair
Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer
Mitch Opdahl, Manager
Benjamin Tonneson - arrived at 9:10 a.m; left at 9:55 a.m.

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Kale Van Bruggen, Secretary/Counsel – via video conference
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:15 a.m.

APOLOGIES: Mark Glinz, Manager

2. COMMENCEMENT The meeting was called to order at 9:04 a.m.

3. SETTING OF THE AGENDA Chair Issendorf called for corrections or additions to the agenda. Attorney Van Bruggen (Rinke Noonan Law Firm) requested to add the “2021 + 2022 State Audit” to the agenda between Items 2.A. & 2.B and to add the “NDWRDA Annual Conference & 2024 Goals & Resolutions” to the agenda Item 5. Hearing no other corrections or additions to the agenda, the Chair declared the agenda adopted as amended.

4. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

4.1 Financial Report & Proposed Appropriations Lorenz (Chad Strand Agency, P.C.) presented the financial report for October 2023 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 2021 & 2022 State Audit (Chad Strand Agency, P.C.) reviewed recommendations received from the ND Office of State Auditor for the 2021 & 2022 audit. The recommendations include a formal recommendation regarding segregation of duties and an informal recommendation regarding adjustments for work done in one year and billed in the following year. Lorenz reported that a challenge of the segregation of duties comment is that the Water Resource Board has limited staff; however, in addition to Lorenz’s signature on checks, there must be an additional signature from someone from the Board and the Board has to review and approve all checks. All payments go to the auditor’s office for deposit.

Moved Manager Brandjord/Seconded Manager Drangsholt

That the responses to the 2021 & 2022 State Audit proposed by Lorenz shall be approved, and that Engineer Malloy (Apex Engineering) shall be authorized to sign the responses on behalf of the Bottineau County Water Resource Board, subject to Lorenz’s follow-up with the State Auditor’s Office regarding accounts payable adjustments.

Carried.

4.3 2023 Third Quarter Financial Summary Lorenz (Chad Strand Agency, P.C.) presented the 2023 Third Quarter Financial Summary for review and discussion by the Board.

5. OPEN MIC

5.1 Benjamin Tonneson Benjamin Tonneson appeared before the Board to discuss Easement 27 for the South Landa Drain project. Tonneson asked for an explanation of how an Easement ends up on the Board’s agenda and what the Board discusses regarding an Easement on its agenda. Attorney Van Bruggen (Rinke Noonan Law Firm) noted that the Board is obligated to obtain right-of-way easements once an assessment drain project is approved by more than fifty-percent of votes filed with the Board. Van Bruggen noted that easements are drafted and a letter is sent to grantors along with the engineering plans and specifications. The letter invites grantors to sign and return easements that are acceptable or informally negotiate with the Board if it has concerns about the Easement. Those concerns are brought to the Board and any Easements that are not returned within 60-days are put on the Agenda for the Board to discuss its options. The Board may follow up with Grantors or may follow the formal negotiation procedures in N.D. Century Code, section 61 -16.1-09(2)(b). Tonneson reminded the Board that he appeared at the assessment hearing and objected to the proposed assessment on his belief that his property does not benefit in the 100% category like other properties. Tonneson wasn’t sure what adjustment the Board made in the final assessment list. Engineer Malloy (Apex Engineering) reviewed the reductions made by the Board in the Resolution Confirming Assessments for the Project in response to Tonneson’s comments at the assessment hearing. Malloy discussed the improvements proposed in the Project to the Tonneson property and downstream of the Tonneson property. Tonneson noted he believes the 100% assessment is unfair because of the existing natural watercourse and grade downstream of the property assessed at 100%. Tonneson noted that he believed the assessment should be 10% of total per acre benefits. Tonneson thanked the Board for listening to his concerns again and for their work on the project.

6. CONFIRMATION OF MINUTES

Moved Manager Drangsholt/Seconded Manager Brandjord
That the minutes of the regular Board meeting held on September 18, 2023, be approved as presented.
Carried.

7. 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:

- 7.1 LaPorte Coulee Drain Engineer Malloy (Apex Engineering) reported that a draft petition and map is being circulated with local landowners for review and signature. Malloy will work with Attorney Van Bruggen (Rinke Noonan Law Firm) on a cost estimate.
- 7.2 McHenry County Extension to Russell Drain Chair Issendorf reported that some of the areas seeded after construction have not successfully re-established. Engineer Malloy (Apex Engineering) reported that Mikkelsen Aggregates has not been paid for seeding because it was seeded so late. Malloy will visit with Mikkelsen Aggregates about re-seeding.

Moved Manager Drangsholt/Seconded Manager Opdahl
That Engineer Malloy (Apex Engineering) shall be authorized to contract with the county for mowing weeds across disturbed areas of the drain that have not re-established grass and have or are prone to erosion issues.

Carried.

7.3 Scandia-Scotia Drain Manager Brandjord reported on alternatives discussed with Apex Engineering for improvements within the watershed of the Scandia-Scotia Drain.

7.4 North Landa Drain Engineer Malloy (Apex Engineering) reported that a survey of the proposed alignment was complete and Apex Engineering will be sharing that data with local landowners interested in petitioning for the assessment drain project.

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- 7.5 South Landa Drain** Engineer Malloy (Apex Engineering) reported construction will begin where easements have been granted in order to keep costs caused by delay on the project as minimal as possible. Malloy reported the permit for crossing the railroad property is in the final review step with the railroad. Attorney Van Bruggen (Rinke Noonan Law Firm) reported an appraisal was ordered on Easement 14 (S&S Farms). The Board discussed informal negotiations with grantors on Easement 12 (Artz), Easement 24 (Siercks), Easement 25 (Anderson), Easement 26 (Martinson, Maxwell, et al.), Easement 28 (Jodi Quiner et al.), and Easement 29 (Hjalmer Nordmark Trust).

Moved Manager Opdahl/Seconded Manager Brandjord

That Rinke Noonan, Ltd. be authorized to begin formal negotiations under N.D. Century Code 61-16.1-09(2)(b)(1)(b) with landowners on Easement 26 and that Chair Issendorf be delegated authority to select and contract with an appraiser to produce an appraisal for just compensation.

Carried.

Moved Manager Opdahl/Seconded Manager Brandjord

That Engineer Malloy (Apex Engineering) be authorized to engage in further informal negotiations with landowners on Easement 27.

Carried.

- 7.6 Brandt Drain** Engineer Malloy (Apex Engineering) reported the county is working with Apex Engineering on preparing a cost estimate for cleaning out and repairing the Brandt Drain in 2024.

8. OLD BUSINESS

- 8.1 Oak Creek Water Resource District Boundary Correction** No updates.

9. NEW BUSINESS

- 9.1 60th Annual Joint ND Water Convention & Irrigation Workshop** Engineer Malloy (Apex Engineering) and Attorney Van Bruggen (Rinke Noonan Law Firm) reviewed the invite from the N.D. Water Resource District Association to the 60th Annual Joint North Dakota Water Convention and Irrigation Workshop December 5-8, 2023 in Bismarck.
- 9.2 2024 Goals & Resolutions for NDWRDA:** Attorney Van Bruggen (Rinke Noonan Law Firm) reviewed the request from the N.D. Water Resource District Association to participate in the Association's Resolutions Committee process and submit proposed policy resolutions in writing. The Board requested that Van Bruggen and Engineer Malloy (Apex Engineering) prepare recommendations to the Board for its November meeting on proposed policy resolutions that impact the Bottineau County Water Resource District.

10. MANAGERS' UPDATES

- 10.1 Souris River Joint Board** Chair Issendorf reported on a request from Bottineau County to the Souris River Joint Board regarding a bridge on County Road 20 NW in Section 18-160N-78W. The Board requested that Attorney Van Bruggen (Rinke Noonan Law Firm) and Chair Issendorf coordinate to send a letter of support to the Souris River Joint Board.

- 11. CLOSE OF MEETING** Having completed all business on the noticed and amended agenda, the Chair declared the meeting adjourned at 11:30 a.m.

Minutes approved by the Board on November 20, 2023.

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Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

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