

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE SPECIAL MEETING HELD ON JULY 26, 2024
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer (via tele-conference)
Mark Glinz, Manager (via tele-conference)
Mitch Opdahl, Manager (via teleconference)

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer (via video conference)
Kale Van Bruggen, Secretary/Counsel (via video conference)

APOLOGIES: Wally Brandjord, Vice Chair

2. COMMENCEMENT The meeting was called to order at 1:17 p.m.

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

4. ASSESSMENT DRAINS

4.1 South Landa Drain Engineer Jennifer Malloy (Apex Engineering) reported on a proposal from SRT to move fiber optic lines in 14 locations located in Section 2 of Eidsvold West Township (Township 162 North, Range 79 West) and Sections 12 and 32 of Eidsvold East Township (Township 162 North, Range 78 West) where the fiber optic lines cross the South Landa Assessment Drain construction. Malloy reported on proposed Change Order #3, which covers the moving of the fiber optic lines as proposed by SRT for a construction contract cost increase of \$106,763.00. If approved, the total construction contract would remain approximately \$350,000 below the estimated construction contract price approved in the assessment drain vote. The Board discussed Malloy's report.

Moved Manager Glinz/Seconded Manager Opdahl

That the SRT proposal to move fiber optic lines in 14 locations in Section 2-162-79 and Sections 12 & 32-162-78 and the related Change Order #3 for \$106,763.00 be approved and that Chair Issendorf and Engineer Malloy be authorized to sign all necessary documents on behalf of the Bottineau County Water Resource District.

Carried.

Administrator Jennifer Malloy, P.E. (Apex Engineering) presented an analysis of the estimated construction costs under the terms of the contract to construct the South Landa Assessment Drain dated July 12, 2024. Malloy's certification of the items of total cost to be paid by special assessments included the preliminary engineering, administrative, and legal expenses, the original contract with Change Orders #1 and #2, the approved Change Order #3, a reasonable allowance for the cost of extra work that may be authorized under the plans and specifications, acquisition of right-of-way, engineering, fiscal agents' and attorney's fees for services in connection with the authorization and financing of the project, cost necessarily paid for damages, interest, and all other expenses to be incurred in making the improvement and levy of

assessments. The certification accounted for cost-share reimbursement and current pre-payments.

Administrator Malloy, P.E. (Apex Engineering) also presented a draft letter to landowners in the South Landa Assessment District notifying them of the estimated final assessment for the South Landa Assessment Drain project and their right to pre-pay the estimated final assessment to avoid incurring interest charges on property tax statements. Malloy reported that it is estimated the interest rate will be approximately 3.5 percent.

The Board reviewed and discussed Malloy's certification of items of total cost and the draft prepayment letter.

Moved Manager Glinz/Seconded Manager Opdahl

That special assessments in the amount of \$1,551,911.76 shall be levied against all parcels within the South Landa Assessment District in proportion to the percentage benefits approved for the South Landa Assessment Drain project, and that Administrator Jennifer Malloy, P.E. of Apex Engineering is authorized to issue pre-payment letters on behalf of the Bottineau County Water Resource District to owners of all parcels who have not pre-paid all of the special assessment for their parcel.

Carried.

- 4.2 Stone Creek Drain Lateral B** Administrator Jennifer Malloy, P.E. (Apex Engineering) presented an analysis of the estimated construction costs under the terms of the contract to construct the Stone Creek Lateral B Assessment Drain dated July 12, 2024. Malloy's certification of the items of total cost to be paid by special assessments included the preliminary engineering, administrative, and legal expenses, the contract costs, a reasonable allowance for the cost of extra work that may be authorized under the plans and specifications, engineering, fiscal agents' and attorney's fees for services in connection with the authorization and financing of the project, interest, and all other expenses to be incurred in making the improvement and levy of assessments. The certification accounted for cost-share reimbursement and current pre-payments. Malloy reported that project costs are approximately 35 percent over the estimated final project costs and that the overages are mostly due to the unexpected and increased costs of right-of-way acquisition.

Administrator Malloy, P.E. (Apex Engineering) also presented a draft letter to landowners in the Stone Creek Lateral B Assessment District notifying them of the estimated final assessment for the Stone Creek Lateral B Assessment Drain project and their right to pre-pay the estimated final assessment to avoid incurring interest charges on property tax statements. Malloy reported that it is estimated the interest rate will be approximately 3.5 percent.

The Board reviewed and discussed Malloy's certification of items of total cost and the draft prepayment letter.

Moved Manager Drangsholt/Seconded Manager Opdahl

That special assessments in the amount of \$287,229.23 shall be levied against all parcels within the Stone Creek Lateral B Assessment District in proportion to the percentage benefits approved for the Stone Creek Lateral B Assessment Drain project, and that Administrator Jennifer Malloy, P.E. of Apex Engineering is authorized to issue pre-payment letters on behalf of the Bottineau County Water Resource District to owners of all parcels who have not pre-paid all of the special assessment for their parcel.

DRAFT/UNOFFICIAL MEETING MINUTES

Carried.

5. NEW BUSINESS

5.1 2024 Operation and Maintenance Assessments Administrator Jennifer Malloy, P.E. (Apex Engineering) reported on the July 2024 draft of the proposed operation and maintenance assessments for all assessment drains. The Board reviewed and discussed Administrator Malloy's proposal. Administrator Malloy asked the Board to further review the proposal before the regularly scheduled August 2024 Board meeting. The final operation and maintenance assessments will be levied and certified to the Bottineau County Auditor at the August 19, 2024, regularly scheduled board meeting.

6. CLOSE OF MEETING Having completed all business on the noticed agenda, the Chair declared the meeting adjourned at 1:36 p.m.

Minutes approved by the Board on August 19, 2024.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

DRAFT