

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON NOVEMBER 20, 2023
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Wally Brandjord, Vice Chair – arrived at 9:07 a.m.
Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer
Mitch Opdahl, Manager

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Kale Van Bruggen, Secretary/Counsel – via video conference
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:13 a.m.
Arlan Nelson - arrived at 9:13 a.m.; left at 9:30 a.m.

APOLOGIES: Mark Glinz, Manager

2. COMMENCEMENT The meeting was called to order at 9:00 a.m.

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

4. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

4.1 Financial Report & Proposed Appropriations Lorenz presented the financial report for November 2023 and proposed appropriations. The report and proposed appropriations were reviewed and discussed by the Board.

Manager Brandjord arrived at the meeting.

Lorenz presented the bill from the Office of the State Auditor for the 2021-2022 audit. The Board discussed the allocation of audit costs toward the assessment drain operation & maintenance funds. Audits of the assessment drains accounts are required by state law.

Moved Manager Opdahl/Seconded Manager Drangsholt

That eighty percent of the Office of State Auditor audit costs be allocated to the operation & maintenance funds from the assessment drains and that twenty percent be allocated to the District general fund.

Carried.

Stacy Lorenz (Chad Strand, P.C.) left the meeting. Arlan Nelson arrived at the meeting.

Without objection from the Board, the Chair tabled the Approval of Financial Report/Appropriations to accommodate a guest for the Open Mic portion of the agenda.

5. OPEN MIC

5.1 Arlan Nelson Arlan Nelson appeared to discuss the Scandia Scotia assessment drain in Section 19 of Scandia Township. Nelson stated that water is standing at the east end and not the west end of culvert crossings. Engineer Jennifer Malloy (Apex Engineering) reported that Apex Engineering has surveyed the area but is still working on the plan set to present alternatives for affected landowners to consider. Nelson and the Board discussed alternatives and considerations. Nelson said he will check back with the Board next summer.

Arlan Nelson left the meeting.

4. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS (CONT.)

- 4.1 Financial Report & Proposed Appropriations (cont.)** Without objection, the Chair brought the Financial Report & Proposed Appropriations from the table.

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 Water Infrastructure Revolving Loan Fund Commitment Letter** Attorney Van Bruggen (Rinke Noonan Law Firm) and Engineer Malloy (Apex Engineering) discussed the need to convert temporary improvement financing on the Stone Creek Lateral B project to permanent financing. Financing is available at the best interest rate from the Bank of North Dakota's Water Infrastructure Revolving Loan Fund. Van Bruggen reviewed a Loan Fund Commitment Letter from the Bank of North Dakota.

Moved Manager Brandjord/Seconded Manager Opdahl

That the Bank of North Dakota Water Infrastructure Revolving Loan Fund Commitment Letter for permanent financing for the Stone Creek Lateral B project be approved and the Chair be authorized to sign the Commitment Letter on behalf of the Bottineau County Water Resource Board.

Carried.

- 4.3 Stone Creek Lateral B Definitive Improvement Warrant, Series 2023** Attorney Van Bruggen (Rinke Noonan Law Firm) reviewed the Financing Resolution authorizing issuance of a definitive improvement warrant in the amount of \$363,000 to the Bank of North Dakota for permanent financing of the Stone Creek Lateral B project construction. The repayment period on the warrant is 15 years with a fixed interest rate on outstanding principal at 2.0%. The Financing Resolution authorizes the Chairman of the Board and appointed Secretary to sign the Water Infrastructure Revolving Loan Fund between the Bank of North Dakota and the Bottineau County Water Resource District.

Moved Manager Brandjord/Seconded Manager Drangsholt

That the Financing Resolution authorizing the issuance of Definitive Improvement Warrant, Series 2023 in the amount of \$363,000 for the Stone Creek Lateral B Legal Drain be approved and that the Board Chairman and Secretary be authorized to sign the Financing Resolution and the Loan Agreement and Warrant referenced therein.

Carried.

Van Bruggen reviewed the Closing Certificate for the Stone Creek Lateral B Definitive Improvement Warrant, Series 2023, in the amount of \$363,000. The closing certificate contains representations made by the Board of Managers and its officers.

5. CONFIRMATION OF MINUTES

Moved Manager Drangsholt/Seconded Manager Opdahl

That the minutes of the regular Board meeting held on October 16, 2023, 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 Haas Coulee Phase IV Repair** Engineer Jennifer Malloy (Apex Engineering) reported that Mikkelsen Aggregates is close to completing its work and she had heard they left the construction area. Manager Drangsholt questioned whether the contractor's work extended far enough. Malloy will follow up on completion of the work.
- 6.2 Kane Tacoma Drain** Engineer Jennifer Malloy (Apex Engineering) reported Mikkelsen Aggregates is starting repair work on Kane Tacoma Drain, and is going to start with the culverts first.
- 6.3 Tacoma Bitz Drain** Chair Issendorf suggested the District's Engineer send a letter to owners along assessment drain alignments regarding the importance of protection of grass side-slopes on assessment drains in order to reduce maintenance needs and best management practices for adding private laterals. Chair Issendorf recommended the letters be sent concurrent with new drain construction and again when drains are cleaned out and repaired.
- 6.4 LaPorte Coulee Drain** Engineer Jennifer Malloy (Apex Engineering) is working on a preliminary cost estimate to share with landowners interested in petitioning for establishment of the LaPorte Coulee Drain.
- 6.5 South Landa Drain** Engineer Jennifer Malloy (Apex Engineering) reported on the status of construction and complaints made to the county on the condition of roadways. Malloy has been discussing the concerns with the county highway engineer and working through them.

Malloy presented a change order in the amount of \$15,800 for construction of the Texas crossing on the Easement 09 property. The Board had previously discussed the need to provide the crossing to maintain access for the landowner.

Moved Manager Brandjord/Seconded Manager Drangsholt

That the change order in the amount of \$15,800 for construction of the Texas crossing on the Easement 09 property be approved and that Chair Issendorf and Engineer Malloy be authorized to sign the change order on behalf of the owner-District.

Carried.

Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported to the Board on the status of easement acquisition. Van Bruggen reported that presently, informal negotiations have exceeded sixty days on 5 easements (Easements 19, 24, 25, 26, and 28) and those negotiations have failed. The Board discussed alternatives for further informal negotiations to formal negotiations.

Moved Manager Opdahl/Seconded Manager Brandjord

That Engineer Jennifer Malloy (Apex Engineering) be authorized to engage in further informal negotiations with the landowners on Easement 24.

Carried.

Moved Manager Opdahl/Seconded Manager Brandjord

That Engineer Jennifer Malloy (Apex Engineering) and Attorneys Kale Van Bruggen and Nick Delaney (Rinke Noonan, Ltd.) be authorized to engage in further informal negotiations with Timothy & Janette Martinson on Easement 26.

Carried.

Moved Chair Issendorf/Seconded Manager Opdahl

That Engineer Jennifer Malloy (Apex Engineering) be authorized to engage in further informal negotiations with the landowners on Easement 28.

Carried.

DRAFT/UNOFFICIAL MEETING MINUTES

Malloy reported that Burlington Northern Inc.'s attorney is still reviewing the permit application for the crossing.

- 6.6 **Stone Creek Drain Lateral B** Engineer Jennifer Malloy (Apex Engineering) reported that Farden has completed its portion of the project and is working with the county on a start date for the county portion of the project.
- 6.7 **Brandt Drain** Engineer Jennifer Malloy (Apex Engineering) reported the county is continuing working with Apex Engineering on preparing a cost estimate for cleaning out and repairing the Brandt Drain in 2024.

7. OLD BUSINESS

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

8. NEW BUSINESS

- 8.1 **NDWRDA 2024 Goals and Resolutions** Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported on his review of the 2023 NDWRD Goals and Resolutions. Van Bruggen discussed with the Board the lack of authority to add acres to an assessment drain administratively for surface drains equal to authority for subsurface water management systems permitting and S.B. 2372 joint board drainage basins. Consensus for the Board was to review proposals from other water resource districts to the 2023 NDWRD Goals and Resolutions.
- 8.2 **Update change order approval authority** Engineer Jennifer Malloy (Apex Engineering) reported that at the February 19, 2018 BCWRD Meeting, the Board adopted a motion authorizing the District Administrator to approve construction project change orders up to \$10,000; approve change orders up to \$25,000 with the concurrence of a manager designated as the contact authority for that project, and that all change orders above \$25,000 should be referred to the Board. Malloy requested the Board modify the delegation of authority for change orders in order to require the Chair to concur with change orders up to \$10,000 and that the Chair and a designated manager concur with change orders up to \$25,000.

Moved Manager Opdahl/Seconded Manager Drangsholt

To amend the February 19, 2018 motion delegating authority for change orders as follows:
That the District Administrator/Engineer, with the concurrence of the Chair of the Board, shall have the authority to approve change orders on construction projects of up to \$10,000; that the District Administrator/Engineer shall have authority to approve change orders up to \$25,000 with the concurrence of the Chair of the Board and a manager designated as the contact authority for that project; and that the District Administrator/Engineer shall refer all change orders over \$25,000 to the Board.

Carried.

9. Manager Updates

- 9.1 **Chair Issendorf:** Chair Issendorf reported that Leroy Rude had indicated his intent to attend the Board meeting to ask the District to look into its records regarding no-wake or speed restrictions on Hellick Lake. Engineer Jennifer Malloy (Apex Engineering) will review the District's records and report back to Rude and the Board.

10. **CLOSE OF MEETING** Having completed all business on the noticed agenda, the chair declared the meeting adjourned at 11:34 a.m.

Minutes approved by the Board on December 18, 2023.

DRAFT/UNOFFICIAL MEETING MINUTES

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

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