

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON JANUARY 20, 2025
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

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

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer (via video conference)
Kale Van Bruggen, Secretary/Counsel (via video conference)
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:23 a.m.

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

3. ELECTION & APPOINTMENT OF OFFICERS Attorney Van Bruggen (Rinke Noonan, Ltd.) reported that the Board needs to elect the positions of Chair, Vice Chair, Treasurer, and appoint the position of Secretary for 2025. Van Bruggen called for nominations for the positions of Chair, Vice Chair, Treasurer, and Secretary.

Moved Manager Drangsholt/Seconded Manager Opdahl
To nominate Clifford Issendorf as Chair, to cease nominations, and to cast a unanimous ballot.
Carried.

Moved Manager Drangsholt/Seconded Chair Issendorf
To nominate Mitch Opdahl as Vice Chair, to cease nominations, and to cast a unanimous ballot.
Carried.

Moved Manager Abernathey/Seconded Manager Opdahl
To nominate Wayne Drangsholt as Treasurer, to cease nominations, and to cast a unanimous ballot.
Carried.

Moved Vice Chair Drangsholt/Seconded Manager Abernathey
To nominate Kale Van Bruggen as Secretary, to cease nominations, and to cast a unanimous ballot.
Carried.

4. 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.

5. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

5.1 Financial Report & Proposed Appropriations Stacy Lorenz (Chad Strand, P.C.) presented the financial report for January 2025 and proposed appropriations. The report and proposed appropriations were reviewed and discussed by the Board. Lorenz reported that the line of credit was used to bridge a gap on the timing of the permanent financing for the South Landa

Drain and to help pay bills due before income deposits from Bottineau County. Lorenz reported that it is anticipated that the line of credit can be paid off before the February meeting.

Moved Manager Opdahl/Seconded Manager Abernathey

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

Carried.

- 5.2 4th Quarter Financial Summary by Drain** Engineer Jennifer Malloy (Apex Engineering) & Stacy Lorenz (Chad Strand, P.C.) prepared assessment drain quarterly financial reports through December 31, 2024 and made the reports available to the Board.

Stacy Lorenz (Chad Strand, P.C.) left the meeting at 9:23 a.m.

6. CONFIRMATION OF MINUTES

Moved Manager Opdahl/Seconded Manager Abernathey

That the minutes of the regular Board meeting held on December 16, 2024, 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** Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reviewed the Certificate of Ballot Tabulation signed by Stacy Lorenz (Chad Strand, P.C.) with the Board. The Assessment Drain and Assessment District was approved by 99.13-percent of all votes filed for the project. Van Bruggen reviewed a draft Resolution approving notice of the order establishing the drain and assessment district and setting the time, place, and date for the assessment hearing.

Moved Manager Drangsholt/Seconded Manager Opdahl

That the Resolution Ordering the Establishment of the LaPorte Coulee Assessment Drain Project & LaPorte Coulee Drain Assessment District, & Setting Date & Place for Public Hearing on Objections to Proposed Assessments be approved.

Carried. Chair Issendorf abstained.

- 7.2 Russell Drain** Engineer Jennifer Malloy (Apex Engineering) reported on delays from Mikkelsen Aggregates in getting the seeding completed on construction of the McHenry County Lateral.
- 7.3 South Landa Drain** Attorney Van Bruggen (Rinke Noonan Law Firm) provided an update on the acquisition of easements for the right-of-way of the assessment drain. Eminent domain proceedings were initiated to acquire Easement 19 (Tennysons) and Easement 26 (Martinsons). All defendants on Easement 19 (Tennysons) have been served with the summons & complaint on the eminent domain proceeding as of December 31, 2024. The BCWRD is waiting for answers to the summons & complaints from those defendants. Service on all defendants for Easement 26 (Martinsons) is still in process.

The encumbrances report for those parcels identified a utility easement held by North Central Electric Cooperative, Inc. Attorney Delaney (Rinke Noonan Law Firm) and Engineer Malloy (Apex Engineering) worked with counsel representing the Cooperative to investigate and confirm that the Cooperative's utility easement will not be impacted by the assessment drain construction. Counsel for the Cooperative prepared a draft settlement agreement to settle its claims in the

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eminent domain litigation. Attorney Van Bruggen reviewed the proposed settlement agreement with the Board and recommended its approval.

Moved Opdahl/Seconded Abernathey

That the Settlement Agreement between the Bottineau County Water Resource District and North Central Electric Cooperative, Inc. regarding the Eminent Domain Civil Actions #05-2024-CV-00156 and 05-2024-CV-00158 shall be approved and Chair Issendorf shall be authorized to sign the Settlement Agreement on behalf of the District.

Carried.

- 7.4 Serguis Drain** Being that no progress has been made on development of the Serguis Drain, the Board's consensus was to remove Serguis Drain from the agenda.

8. OLD BUSINESS

- 8.1 Oak Creek Water Resource District Boundary** Kale Van Bruggen (Rinke Noonan Law Firm) reported that the Joint Petition for Boundary Change is being filed with the State Water Commission today.

9. NEW BUSINESS None.

10. OPEN MIC None.

11. ITEMS FOR DISCUSSION & INFORMATION

- 11.1 Attorney/Secretary** Kale Van Bruggen (Rinke Noonan Law Firm) reported on Senate Bills 2118, 2044, 2210, and 2106; House Bills 1218, 1385, and 1396; and Senate Concurrent Resolution 4002.

- 11.2 Souris River Joint Board** Chair Issendorf reported on construction activities of the Souris River Joint Board.

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

Minutes approved by the Board on February 17, 2025.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary