

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON MARCH 18, 2024
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer
Wally Brandjord, Vice Chair

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Kale Van Bruggen, Secretary/Counsel – via video conference
Stacy Lorenz, Chad Strand Agency, P.C. –left at 9:14 a.m.
Ron Tvedt – arrived at 9:34 a.m.; left at 10:08 a.m.

APOLOGIES: Mark Glinz, Manager
Mitch Opdahl, 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 to the agenda, the Chair declared the agenda adopted as presented.

4. CONFIRMATION OF MINUTES

Moved Manager Drangsholt /Seconded Manager Brandjord
That the minutes of the regular Board meeting held on February 19, 2024, be approved as presented.
Carried.

5. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

5.1 Financial Report & Proposed Appropriations Stacy Lorenz presented the financial report for March 2024 and proposed appropriations. The report and proposed appropriations were reviewed and discussed by the Board.

Moved Manager Drangsholt/Seconded Manager Brandjord
That the financial reports be taken and confirmed as presented and that the monthly bills due be paid as presented.
Carried.

Stacy Lorenz (Chad Strand Agency, P.C.) left the meeting.

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 Baumann Drain Engineer Jennifer Malloy (Apex Engineering) reported the last cost-share request has been received for the Westhope Dam. This is the final pending action on the Baumann Drain.

6.2 Haas Coulee Drain Phase V & Stead Drain Phase II Engineer Jennifer Malloy (Apex Engineering) reported the surveyors are beginning work to support final construction design on Haas Coulee Drain Phase V & Stead Drain Phase II. The Board directed Attorney Van Bruggen to research whether right-of-way easements are necessary and if so, begin the acquisition process.

6.3 Brander Drain Manager Brandjord reported on the culverts constructed in Brander Township and inquired on costs sharing for landowners benefitted by construction. Engineer Jennifer Malloy (Apex Engineering) and Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) recommended that Manager Brandjord discuss the costs with the adjacent landowners who benefitted from the construction.

Ron Tvedt arrived at the meeting at 9:34 a.m.

- 6.4 Kane Tacoma Drain** Engineer Jennifer Malloy (Apex Engineering) reported that landowners in all of Section 26 and the NE¼ of Section 27, Brander Township (T161-R80), asked Manager Opdahl and Engineer Malloy for an opinion on the ability to make surface drain improvements that outlet into the Kane Tacoma Drain watershed and assessment district. Malloy reported that the East Half of Section 26 is already in Kane Tacoma assessment district. The NE¼ of Section 27 is in the Kane Tacoma watershed. Attorney Van Bruggen reported that if the improvements require surface drains, the Board could attach conditions to the surface drain that require landowners to agree to being added to the Kane Tacoma Assessment District. If the surface drains are less than 80-acres in watershed, the Board would need to conduct a reassessment of benefits to add in the new lands. Malloy will review options with Manager Opdahl and landowners in the watershed of the proposed improvements.
- 6.5 LaPorte Coulee Drain** Chair Issendorf reported on conversations with landowners in the vicinity of the proposed improvements to the LaPorte Coulee Drain. Ron Tvedt asked the Board why the project is being proposed. Chair Issendorf reported that part of the motivation is to ensure that the outlets that flow through the LaPorte Coulee Drain into the refuge are secured for future operation & maintenance. The Board discussed future consolidation with assessment districts that would use the LaPorte Coulee Drain as an outlet. Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) recommended considering including in the LaPorte Coulee Drain alignment the portions of the channel that connect the outlets of upstream assessment drains to the terminus of the proposed LaPorte Coulee Drain.

Ron Tvedt left the meeting at 10:08 a.m.

- 6.6 Scandia-Scotia Drain** Engineer Jennifer Malloy (Apex Engineering) reported on proposed modifications for lift pump improvements to the Scandia-Scotia Drain and implications for regulatory permitting. Manager Brandjord asked for further analysis on whether the proposed modifications go further than necessary, or not far enough, on the improvements needed for the drain.
- 6.7 North Landa Drain** Engineer Jennifer Malloy (Apex Engineering) reported that the proposed alignment and preliminary cost estimates have been provided to landowners in the vicinity of the proposed drain. Malloy presented the preliminary cost estimates to the Board. Malloy recommended that if a petition is coming forward, Malloy would like to send a letter to the State Water Commission to confirm eligibility for state cost-share dollars. If state cost-share dollars are eligible, the Board would reduce cost-share from the cost estimates in the landowner vote. Malloy reviewed preliminary maps of the watershed boundary and proposed assessment district boundary. The district would be bordered by South Landa Assessment District on the south and the Scandia-Scotia Assessment District on the northeast. These maps were prepared only to estimate the potential cost per acre range to discuss with landowners in the vicinity of the project. The Board directed counsel to prepare a draft petition for circulation with landowners.
- 6.8 South Landa Drain** Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported to the Board on the status of easement acquisitions.

Moved Manager Drangsholt/Seconded Manager Brandjord

That the Board shall close the public meeting at 10:58 a.m. and move into Executive Session for the purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation, reasonably predictable litigation, and ongoing contract negotiations related to Easement 19 (Fiala, et al.) and Easement 24 (Chris & Lisa Morris) necessary to construct and maintain the South Landa Drain in accordance with N.D.C.C. §§ 44-04-19.1(2) and 44-04-19.1(9).

DRAFT/UNOFFICIAL MEETING MINUTES

Upon roll call vote, the following Managers voted in favor: Brandjord; Drangsholt; Issendorf.
The following Managers were absent: Glinz; Opdahl
Carried.

The Executive Session was attended by Chair Issendorf; Manager Brandjord; Manager Drangsholt; Engineer Malloy; and Attorney Van Bruggen.

The Executive Session adjourned at 11:06 a.m. and the regular meeting was reconvened and opened to the public.

Moved Manager Brandjord/Seconded Manager Drangsholt

That the cash consideration recommended by counsel on Easement 19 in exchange for the Easement be approved and that the Chairman be authorized to sign Easement 19 on behalf of the Bottineau County Water Resource District.

Carried.

Moved Manager Brandjord/Seconded Manager Drangsholt

That the cash consideration requested by Grantors on Easement 24 in exchange for the Easement be approved and that the Chairman be authorized to sign Easement 24 on behalf of the Bottineau County Water Resource District.

Carried.

Once the signed easement is received, Van Bruggen will direct Stacy Lorenz to include the cash consideration in the next month's payables.

7. OLD BUSINESS

7.1 Oak Creek Water Resource District Boundary Correction No updates.

7.2 2025 Water Development Plan Engineer Jennifer Malloy (Apex Engineering) reported on the request by the Department of Water Resources and State Water Commission to identify potential water development projects, the timing of their implementation, and estimated costs for the 2025-2027 Water Development Plan. Submissions are due by the end of April 2024. The Board discussed potential projects and Malloy will submit them to the DWR.

8. NEW BUSINESS

8.1 2024 Operation and Maintenance Engineer Jennifer Malloy (Apex Engineering) reviewed a draft 2024 Operation and Maintenance Schedule. The Schedule shows the O&M fund balances by each assessment drain as of March 8, 2024, the maximum levy amount for each account, the 2024 anticipated operation and maintenance, and the estimated construction amount for 2024 anticipated operation and maintenance. The Board discussed the 2024 anticipated operation and maintenance needs for each assessment drain. Operation & maintenance levies will be reviewed at the June & July meeting and approved at the July meeting. The Board directed Malloy to solicit quotes from the contractor used for 2023 spraying to perform 2024 spraying on assessment drains.

9. STAFF REPORTS

9.1 Engineer/Administrator Report Engineer Jennifer Malloy (Apex Engineering) reported she is unable to attend the May meeting.

9.2 Attorney Report Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported on recent updates in case law and NRCS policy related to the certification of wetland determinations issued prior to July 3, 1996.

DRAFT/UNOFFICIAL MEETING MINUTES

10. CLOSE OF MEETING Having completed all business on the noticed agenda, the Chair declared the meeting adjourned at 12:08 p.m.

Minutes approved by the Board on April 15, 2024.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

Draft

BCWRD Board Meeting

3/18/24

Name
Ron Todd

Contact
721-3473