

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON APRIL 20, 2026
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer (via video conference)
Paxton Engelhard, Manager (via tele-conference) – left at 11:10 a.m.
Mitch Opdahl, 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 9:13 a.m.
Ryan Walker, Walkers Lawncare, LLC (via video conference) – left at 10:15 a.m.
See attached sign-in sheet for additional attendees. – left at 11:10 a.m.

APOLOGIES: Jared Abernathey, 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. Attorney Kale Van Bruggen (Rinke Noonan Law Firm) requested that the “Starbuck Drain” be moved on the Agenda from 5.B. New Business to 3.S. Assessment Drains and that reference to “Discussion” be removed from the agenda item, as the Board may take action today. Hearing no objections, corrections, or further additions, Chair Issendorf declared the agenda approved as amended.

4. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

4.1 Financial Report & Proposed Appropriations Stacy Lorenz (Chad Strand, P.C.) presented the financial report for April 2026 and proposed appropriations. The report and proposed appropriations were made available to the Board and the public in advance of the meeting and were reviewed and discussed by the Board.

Moved Manager Opdahl/Seconded Manager Engelhard

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

Carried.

Stacy Lorenz left the meeting at 9:13 A.M.

The Chair noted a request to take up two items out of the regular order of the agenda. By unanimous consent, the Board agreed to suspend the order of business to allow Ryan Walker of Walkers Lawncare, LLC to present his matter at this time so that he could depart following the discussion. Then following that, to allow owners of property in the vicinity of the Starbuck Assessment Drain to address their proposed project so they can depart following that discussion. The Board then proceeded to consider the items before returning to the regular agenda.

5. NEW BUSINESS

5.1 Mowing and Weed Services - Walkers Lawncare, LLC Administrator Jennifer Malloy (Apex Engineering) introduced Ryan Walker of Walkers Lawncare, LLC, who responded to the Board’s advertisement for mowing and weed maintenance services on the District’s assessment drains.

Walker discussed the challenges of spraying a ditch bottom with a 48" width, since drones do not come that narrow. Malloy noted that most drains are 8' wide at the bottom or more, which Walker noted is about the minimum width that a drone could service with minor drift up the side-slopes.

Walker noted that Walkers Lawncare, LLC can provide spraying services but doesn't currently have the equipment needed to do the mowing services. Malloy noted that we have 186 miles of assessment drains in Bottineau County, and the District needs the assessment drains mowed, mostly in the fall, to control vegetation before the following spring. Spray alternatives to mowing services were discussed.

The Board requested photos representative of work on assessment drains, which Walker will email to Administrator Malloy.

Walker reported that most drone services are charged by the hour, around \$450/hour, but discounts are offered based on volume of services requested.

Moved Manager Opdahl/Seconded Manager Drangsholt
Motion to authorize Chair Issendorf and Administrator Jennifer Malloy to contract with Walkers Lawncare, LLC for spraying services on the District's assessment drains.
Carried.

6. ASSESSMENT DRAINS

6.1 Starbuck Drain Owners of property within the vicinity of a new, proposed assessment drain project, known locally as the Starbuck Drain, along with a representative from Starbuck Township, were present and spoke to the Board about their desire to establish, construct, and maintain an assessment drain project.

Engineer Jennifer Malloy (Apex Engineering) presented preliminary drawings of a proposed assessment drain alignment, the watershed of the proposed alignment, and the proposed outlet. Malloy noted that the watershed is preliminary based on high-level data and could be refined based on site investigations and surveyed data.

Landowners and Engineer Malloy discussed design criteria for the proposed assessment drain, and use of the assessment drain, once constructed, as outlet for private drainage. Landowners and Attorney Kale Van Bruggen (Rinke Noonan Law Firm) discussed the procedures in N.D. Century Code, chapter 61-16.1 for establishment of an assessment drain, and financing an assessment drain with a construction loan from the Bank of North Dakota backed by special assessments. Malloy reported on the process of requesting and obtaining cost-share funding from the ND Department of Water Resources.

Landowners and Engineer Malloy discussed alternative alignments based on information shared by landowners at the meeting. Landowners and representatives of Starbuck Township reported on existing culvert crossing sizes and locations within the proposed alignment and watershed of the assessment drain. Malloy reported that Apex Engineering would verify crossings through survey and site visits if the project proceeds.

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Chair Issendorf invited discussion from representative of the Starbuck Township Board of Supervisors. Representatives of the Board asked for information on what the project could cost the Township. Engineer Malloy reported that the Township would be requested to pay forty (40)-percent of the cost of culvert crossings on the assessment drain. The Township reported that, historically, the County would provide these funds to cover the Township's share.

Ryan Walker left the meeting at 10:15 a.m.

Engineer Malloy discussed how operation and maintenance assessments and decisions are made and collected once an assessment drain is constructed and the construction assessment has been levied. Landowners clarified that connections made from private property to the assessment drain outlet are the responsibility of the private landowner, and not paid for by the assessment district, which Engineer Malloy confirmed.

Engineer Malloy reported on the construction design for permanent and temporary construction, operation, and maintenance and the easement acquisition process for permanent and temporary right-of-way.

Chair Issendorf reported that Nathan Boll, who could not be present at today's meeting, previously expressed support to Chair Issendorf for the proposed drain and noted he would contribute toward a cash bond with the petition.

Chair Issendorf presented the landowners a draft petition for establishment and construction of the Starbuck Assessment Drain. Several landowners signed the petition and filed it with the District Board of Managers Chair and District Administrator.

Engineer Malloy reported that she will reach out to petitioners and schedule a field visit as Apex Engineering works on the preliminary engineer's report and project design.

Landowners present for the Starbuck Drain discussion left the meeting by 11:10 a.m.

The Chair declared a five-minute recess. The meeting stood in recess at 11:10 a.m. Following the recess, the Chair called the meeting back to order at 11:15 a.m. and the Board resumed its regular business.

Chair Issendorf reported that Nathan Boll deposited a cash bond in the amount of \$2,000 with the District in support of the petition.

Manager Paxton Engelhard left the meeting at 11:10 a.m.

Attorney Van Bruggen presented a draft reimbursement-intent resolution for the Starbuck Assessment Drain project. The resolution lets the District spend money now on the proposed project and preserves the ability to pay itself back later from the proceeds of tax-exempt bonds that may be issued for the project in the future. Engineer Malloy recommended that the draft resolution use a cost estimate of \$1,500,000. The cost estimate is subject to further refinement and is not the cost estimate required for Century Code establishment procedures.

Moved Manager Opdahl/Seconded Manager Drangsholt

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That the Resolution Relating to the Issuance of Bonds and the Reimbursement of Certain Expenditures for the Starbuck Assessment Drain be approved and that Chair Issendorf and Secretary Van Bruggen be authorized to sign the Resolution on behalf of the Bottineau County Water Resource District.

Carried.

Attorney Van Bruggen presented the draft Resolution Declaring Necessity for Further Proceedings on the Proposed Starbuck Assessment Drain and explained that its purpose is to formally find that further proceedings are warranted and that construction and maintenance of the proposed drain are necessary under Chapter 61-16.1. Van Bruggen further explained that the resolution does not finally establish the project, but instead moves the matter into the next statutory phase by identifying the project's purpose, requiring the petitioners' bond, designating Jennifer Malloy, P.E., of Apex Engineering Group, Inc., as the engineer, directing preparation of plans and cost estimates, and authorizing publication and the additional hearing, voting, and assessment procedures required before any final establishment of the project or confirmation of special assessments.

The Board discussed an amount appropriate to ask for an initial cash bond to cover preliminary expenses. Consensus of the Board was to set the initial bond amount at \$40,000, and to set a deadline of June 15, 2026.

Moved Manager Opdahl/Seconded Manager Drangsholt

That the bond amount required by N.D. Century Code § 61-16.1-15 shall be \$40,000 and the deadline for filing the bond shall be June 15, 2026.

Carried.

Administrator Jennifer Malloy will email the petitioners and other interested landowners notifying them of the bond amount and the deadline bond amount.

Moved Manager Opdahl/Seconded Manager Drangsholt

That the Resolution Declaring Necessity for Further Proceedings on the Proposed Starbuck Assessment Drain be approved and that Chair Issendorf and Secretary Van Bruggen be authorized to sign the Resolution on behalf of the Bottineau County Water Resource District.

Carried.

- 7. CONFIRMATION OF MINUTES** The Board reviewed the draft minutes from the March 16, 2026, regularly scheduled Board meeting.

Moved Manager Drangsholt/Seconded Manager Opdahl

That the minutes of the regular Board meeting held on March 16, 2026, be approved as presented.

Carried.

- 6. ASSESSMENT DRAINS (continued)** Discussion was held on the status of all the District's existing assessment drains and proposed assessment drain projects. During the discussion, Administrator Malloy compiled a list of assessment drains where spraying or mowing services are needed. Special discussion was held on the following items:

6.2 Haas Coulee Drain

6.2.1 Haas Coulee Improvement (2026-1) Engineer Jennifer Malloy (Apex Engineering) reported that the engineering report is about 80-percent complete. A draft will be shared with the District's legal counsel once ready.

6.3 Kane Tacoma Drain Chair Issendorf reported that south of where the new culvert was installed, there are cattails downstream to the outlet that need to be sprayed or mowed to maintain the drain outlet.

6.4 Russell Drain Chair Issendorf reported that in addition to the bottom of the drain, portions of the Russell Drain main trunk also needs spraying completed on the side slopes.

6.5 Stone Creek Drain

6.5.1 Lateral B Engineer Jennifer Malloy (Apex Engineering) reported that she contacted Farden Construction regarding erosion repair needs. Farden Construction indicated it did not have availability to perform the work and provided several contractor recommendations. Malloy then contacted Premier Landscaping of Minot regarding seeding approximately 5 acres on Stone Creek Lateral B. Premier Landscaping submitted a written quote dated April 20, 2026, in the amount of \$7,800.00, based on an estimated 5 acres. Malloy noted that the final cost will be based on actual acreage seeded. Engineer Malloy reported that cost-share funding from the DWR will be available for the final costs.

Moved Manager Opdahl/Seconded Manager Drangsholt

That the April 20, 2026 quote from Premier Landscaping for seeding services on Stone Creek Lateral B, and to authorize the Chair and Administrator Malloy to execute a contract with Premier Landscaping consistent with the quoted unit pricing and subject to verification of actual quantities.

Carried.

6.6 Stone Creek Lateral (Elysian)

6.6.1 Gardena Lateral to Stone Creek Lateral

6.7 White Spur Drain

6.7.1 White Spur Drain Reroute Attorney Van Bruggen (Rinke Noonan Law Firm) provided an update on the acquisition of easements for the White Spur Drain Reroute.

Attorney Kale Van Bruggen (Rinke Noonan Law Firm) reported that Manager Paxton informed him that he obtained signatures from Grantors Matthew & Heather Kersten for Easement 01 across the South Half of the Northeast Quarter of Section 14, Township 160 North, Range 77 West (Wheaton Township) and mailed it to Rinke Noonan Law Firm. Manager Paxton will also obtain Rodney & Faye Kersten's signature on Easement 01 and mail it to Rinke Noonan Law Firm.

Van Bruggen reviewed Easement 01 and recommended the Board approve the Easement contingent upon receipt of Grantors' signatures.

Moved Manager Opdahl/Seconded Manager Drangsholt

That contingent upon receipt of signatures by the Grantors, that the Easement for the White Spur Drain Reroute by Grantors Matthew & Heather Kersten across the South Half of the Northeast Quarter of Section 14, Township 160 North, Range 77 West (Wheaton Township), be approved; that Chair Issendorf be

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authorized to sign the Easement on behalf of the District; and that Rinke Noonan Law Firm be directed to record the fully executed Easement.
Carried.

Van Bruggen reviewed Easement 02 by Grantors Daniel & Dianna Bullinger in the SE1/4 Section 14, Township 160 North, Range 77 West (Wheaton Township) signed by Grantors on April 2, 2026 and received by Rinke Noonan Law Firm.

Moved Manager Opdahl/Seconded Manager Drangsholt

That the Easement for the White Spur Drain Reroute signed by Grantors Daniel & Dianna Bullinger across the Southeast Quarter of Section 14, Township 160 North, Range 77 West (Wheaton Township), be approved; that Chair Issendorf be authorized to sign the Easement on behalf of the District; and that Rinke Noonan Law Firm be directed to record the fully executed Easement.

Carried.

Attorney Van Bruggen reported that signatures have been received by the District from Grantors Rodney & Faye Kersten, but not from Stuart and Erin Kersten, for Easement 03 across the South Half of the Southwest Quarter of Section 13, Township 160 North, Range 77 West (Wheaton Township). Manager Paxton reported to Van Bruggen that he discussed the easement with Stuart Kersten who said that he would sign and mail in the easement. Manager Paxton will follow up with Stuart Kersten.

Van Bruggen reviewed Easement 03 and recommended the Board approve the Easement contingent upon receipt of Grantors' signatures.

Moved Manager Opdahl/Seconded Manager Drangsholt

That contingent upon receipt of signatures by the Grantors, that the Easement for the White Spur Drain Reroute by Grantors Rodney & Faye Kersten and Stuart & Erin Kersten across the South Half of the Southwest Quarter of Section 13, Township 160 North, Range 77 West (Wheaton Township), be approved; that Chair Issendorf be authorized to sign the Easement on behalf of the District; and that Rinke Noonan Law Firm be directed to record the fully executed Easement.

Carried.

Engineer Jennifer Malloy (Apex Engineering) reported that the ND Department of Water Resources determined that the assessment drain is not of statewide or interdistrict significance. Malloy will have an assessment of the permit application prepared for the May meeting. Engineer Malloy is also applying for cost-share funding.

Moved Manager Drangsholt/Seconded Manager Opdahl

That Surface Drain Permit Application No. 6092 be approved based on the District's previous analysis and approval of the same application; and that Engineer/Administrator Malloy and Attorney Van Bruggen be authorized to send out the notice of decision.

Carried.

8. OLD BUSINESS

8.1 2027 Legislative Issues No report.

8.2 2027-2029 DWR/SWC Water Development Plan Administrator/Engineer Jennifer Malloy (Apex Engineering) presented a list of potential projects recommended for inclusion in the Department of Water Resources (DWR) and the State Water Commissioner (SWC) 2027-2029 Water Development Plan. The list of potential projects include Elms Drain, Gardena Lateral, Hulse Coulee, North Landa Drain, Serguis Drain, Spring Creek Drain, Stone Creek Lateral C, Stone Creek Extension, Brander Drain Extension, and Starbuck Drain. The Board reviewed preliminary alignment maps prepared by Apex Engineering for each potential project. Apex Engineering will file the response with the DWR & SWC by the deadline of April 30.

5. NEW BUSINESS (continued)

5.2 2026 Joint Summer Water Meeting Administrator Malloy (Apex Engineering) reported on the 2026 Joint Summer Water Meeting taking place in July in Watford City. Manager Opdahl plans to attend the meeting on behalf of the Board. Other managers interested in attending will notify Administrator Malloy who offered to assist with registration and arrangements.

5.3 Solicitation of Views – Lake Metigoshe Boat Ramp Attorney Kale Van Bruggen (Rinke Noonan Law Firm) reported on a March 30, 2026 letter from the ND Department of Water Resources soliciting views of the District on a proposed Sovereign Lands permit proposed to be issued to rehabilitate a boat ramp on Lake Metigoshe. Board consensus was not to submit a response.

9. OPEN MIC No members of the public were present to address the Board.

10. ITEMS FOR DISCUSSION & INFORMATION

10.1 Staff Reports

10.1.1 Engineer/Administrator Jennifer Malloy, Administrator (Apex Engineering) reported that there was training offered today by the ND Water Resource District Association today on state audit requirements. Recordings are available on the Association's website.

Malloy reported on a recent training offered by the Association pertaining to a determination process to calculate theoretical benefits of assessment drains to affected properties. Chair Issendorf reported on the recent training offered by the Association on drain tile permitting procedures. Malloy will forward the training links to the Board.

10.1.2 Attorney Report Kale Van Bruggen (Rinke Noonan Law Firm) provided general information from the ND Department of Water Resources (DWR) on the legislative-directed study of the State Water Commissioner's Cost-Share Policy. The DWR reported at the March 26 Water Topics Overview Committee Meeting on a 14-year strategic funding plan to address a projected \$1.3 billion gap between expected revenues and known water infrastructure needs. The plan prioritizes the Red River Valley Water Supply Project and Mouse River Enhanced Flood Protection Project.

Van Bruggen also provided general information from the ND DWR on the new administrative rules that went into effect on April 1. According to DWR, under the updated process, applications will undergo a "completeness" review before evaluation begins, and revisions will only be accepted if requested by DWR. Additional updates

adjust public meeting requirements and include changes to the appeals process, temporary permitting, and fee structures.

10.2 Upcoming Events

10.2.1 ND Water Resource District Association Training Attorney Kale Van Bruggen (Rinke Noonan Law Firm) reported that the ND Water Resource District Association is hosting a training to be led by Aaron Carranza and Abby Ebach from the ND Department of Water Resources on the new administrative rules that went into effect April 1.

10.2.2 May Board Meeting The May Board Meeting will be held at 9:00 a.m. on May 18, 2026, in the Commissioners Room of the Bottineau County Courthouse.

10.2.3 June Board Meeting The June Board Meeting will be held at 9:00 a.m. on June 15, 2026, in the Commissioners Room of the Bottineau County Courthouse.

10.3 Managers' Updates

10.3.1 Souris River Joint Board Chair Issendorf reported on the latest construction developments of the Souris River Joint Board.

11. CLOSE OF MEETING Having completed all business on the noticed agenda, the Chair declared the meeting adjourned at 12:25 p.m.

Minutes approved by the Board on May 18, 2026.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

Monthly
Bottineau County WRD

4/20/26

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