

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON JANUARY 15, 2024
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer – arrived at 9:10 a.m.
Wally Brandjord, Vice Chair
Mitch Opdahl, Manager – via video conference

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Kale Van Bruggen, Secretary/Counsel – via video conference
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:10 a.m.
Paxton Engelhard

APOLOGIES: Mark Glinz, Manager

2. COMMENCEMENT The meeting was called to order at 9:05 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. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

4.1 Financial Report & Proposed Appropriations Lorenz presented the financial report for January 2024 and proposed appropriations. Bills from Apex Engineering were not received in time for proposed January 2024 appropriations. The report and proposed appropriations were reviewed and discussed by the Board.

Moved Manager Brandjord/Seconded Manager Opdahl

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. Wayne Drangsholt arrived at the meeting.

5. ELECTION & APPOINTMENT OF OFFICERS Chair Issendorf called for nominations for the position of Board Chair for the 2024 year.

Moved Manager Opdahl/Seconded Manager Drangsholt

That the following slate of candidates be nominated for the 2024 officer positions: Clifford Issendorf, Chair; Wally Brandjord, Vice Chair; Wayne Drangsholt, Treasurer; and appoint Attorney Kale Van Bruggen as Secretary; that nominations cease and a unanimous ballot for the slate as proposed be cast.

Carried.

6. CONFIRMATION OF MINUTES

Moved Manager Drangsholt/Seconded Manager Brandjord

That the minutes of the regular Board meeting held on December 18, 2023, 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:

DRAFT/UNOFFICIAL MEETING MINUTES

- 7.1 **Baumann Drain** Engineer Jennifer Malloy (Apex Engineering) reported she has completed elevation maps requested by Craig Harper who is considering a lateral to Baumann Drain. The maps will be sent to Harper this month.
- 7.2 **LaPorte Coulee Drain** Engineer Jennifer Malloy (Apex Engineering) presented a draft preliminary cost estimate to share with landowners interested in petitioning for establishment of the LaPorte Coulee Drain. The cost estimate still needs to be reviewed by Rinke Noonan. The Board discussed the proposed alignment for the petition and whether the assessment drain would lead to consolidation with contributing assessment districts.
- 7.3 **Russell Drain** Engineer Jennifer Malloy (Apex Engineering) received a call from Dan Keller, whose daughter owns property in the NW¼ of Section 2 on McHenry Lateral. Keller is demanding that the road be built up near this property.
- 7.4 **Scandia-Scotia Drain** Engineer Jennifer Malloy (Apex Engineering) reported no new developments have been made since November regarding addressing issues in Section 19. Manager Wally Brandjord discussed alternatives to consider for design. The Board also directed Malloy and Kale Van Bruggen (Rinke Noonan, Ltd.) to investigate existing easement restrictions in the W½SE¼ Section 11-163-79.
- 7.5 **North Landa Drain** Engineer Jennifer Malloy (Apex Engineering) presented topographic survey maps of the general area of the proposed North Landa Drain. The Board discussed alternatives for potential drain alignments and existing conditions in the watershed, including crossings. After discussion, Board consensus was for Apex Engineering to prepare a preliminary cost estimate to discuss with local landowners in the vicinity of the proposed drain who expressed interest in petitioning for the project.
- 7.6 **South Landa Drain** Engineer Jennifer Malloy (Apex Engineering) reported that pay application No. 2 was received for work completed this fall.

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

Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported to the Board on the status of easement acquisition.

Van Bruggen reported that Point Value Appraisal is working on an appraisal of the easement value for Easements 19 and 24. Van Bruggen and attorney Nick Delaney (Rinke Noonan, Ltd.) continue to work on addressing options for Easement 26.

Van Bruggen noted he previously reported that informal negotiations have exceeded sixty days on Easement 28 and those negotiations have failed. Van Bruggen tried contacting the two grantors that have not signed Easement 28 and those grantors have not returned his call. The Board discussed alternatives for further informal negotiations to formal negotiations. Board consensus was to continue attempts to contact the two landowners who have not signed Easement 28.

Van Bruggen noted that work continues addressing Easement 26 with the grantors that are responsive.

- 7.7 **Willow Drain #5** Engineer Jennifer Malloy (Apex Engineering) reported that U.S. 83 is being re-constructed from 6-Mile corner to the city limits of Westhope with shoulder wide work. Farden Construction discussed needs for fill with landowners on Willow Drain #5. NDDOT requires testing to confirm fill is appropriate for use. Landowners are working with Malloy on elevations for cleaning out and repairing the drain if that fill qualifies for use.

DRAFT/UNOFFICIAL MEETING MINUTES

8. OLD BUSINESS

8.1 Oak Creek Water Resource District Boundary Correction Chair Issendorf reported that Troy Olson has been appointed to the 3-member Board. No updates on the boundary correction work.

9. NEW BUSINESS

9.1 NDWRDA Membership Form Engineer Jennifer Malloy (Apex Engineering) reviewed the membership form of the Board members for the ND Water Resource District Association. Attorney Van Bruggen (Rinke Noonan, Ltd.) will send this to the Association.

10. STAFF REPORTS

10.1 Engineer/Administrator Report Engineer Jennifer Malloy (Apex Engineering) led the Board through completion of the ND Water Users Association strategic planning process three-year Strategic Plan (2024-2027) survey.

10.2 Attorney Report Attorney Van Bruggen (Rinke Noonan, Ltd.) reported on the SCWRD v. Beck et al. decision from the ND Supreme Court.

11. CLOSE OF MEETING Having completed all business on the noticed agenda, the Chair declared the meeting adjourned at 11:15 a.m.

Minutes approved by the Board on February 19, 2024.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary