

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON JUNE 17, 2024
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Clifford Issendorf, Chair
Wally Brandjord, Vice Chair
Wayne Drangsholt, Treasurer - via video conference
Mitch Opdahl, Manager

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:20 a.m.

APOLOGIES: Kale Van Bruggen, Secretary/Counsel
Mark Glinz, Manager

2. COMMENCEMENT The meeting was called to order at 9:08 a.m.

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.

3. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

3.1 Financial Report & Proposed Appropriations Stacy Lorenz (Chad Strand, P.C.) presented the financial report for June 2024 and proposed appropriations. The report and proposed appropriations were reviewed and discussed by the Board.

Moved Manager Opdahl /Seconded Manager Drangsholt

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, P.C.) left the meeting. 9:20 am

4. CONFIRMATION OF MINUTES

Moved Manager Drangsholt/Seconded Manager Opdahl

That the minutes of the regular Board meeting held on May 20, 2024, be approved as presented.

Carried.

5. 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:

5.1 Stead Drain Phase II Engineer Jennifer Malloy (Apex Engineering) presented the preliminary construction plans for Stead Drain Phase II.

Moved Manager Drangsholt /Seconded Manager Opdahl

That the preliminary construction plans for Stead Drain Phase II be approved.

Carried.

Apex Engineering will provide the construction plans to Rinke Noonan, Ltd. for easement and right-of-way acquisition.

5.2 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), located in the Kane Tacoma watershed, asked Manager Opdahl and Engineer Malloy for an opinion on the ability to make surface drain improvements to an outlet in Brander Drain. Malloy reported it is not feasible to outlet into the Brander Drain. Malloy offered to discuss the alternatives presented with the landowner.

5.3 LaPorte Coulee Drain

Malloy presented the preliminary construction plans for board review.

5.4 Russell Drain

Malloy talked to Mikkelsen Aggregate regarding additional seeding and fixing erosion areas. Malloy will be completing a site visit on June 17, 2024.

5.5 Scandia-Scotia Drain

Malloy will coordinate with Farden regarding the construction schedule to repair the existing erosion on the dam spillway.

The board discussed alternatives to improve the drain, including channel improvements and a lift station's installation.

5.6 North Landa Drain

Engineer Jennifer Malloy (Apex Engineering) reported that Apex is currently working on the preliminary construction plans. Manager Brandjord requested Jennifer Malloy investigate other laterals and alternatives and present the results to the board.

5.7 South Landa Drain Engineer Jennifer Malloy (Apex Engineering) provided a construction update. Farden Construction submitted a change order request in the amount of \$82,138.25. The change order is for two Texas Crossings and approach improvements to provide field access for the landowners.

Motion made by Opdahl, seconded by Brandjord.

That Change Order #2 in the amount of \$82,138.25 be approved.

Malloy presented the SRT proposal to move fiber optic lines.

Engineer Jennifer Malloy (Apex Engineering) delivered the report of Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) regarding the status of easement acquisition.

The District received a signed easement from Easement 26 (Martinson et al.) grantors Robert & Mary Clare Trerise and Vernon & Kathy Kastings. Easement 26 grantors that have not signed are Timothy & Janette Martinson, the Estate of Alberta Eva Maxwell, and Tara Martinson. Of the grantors that have not signed, Timothy Martinson is the only one that has responded to correspondence from the District. Timothy is not able to identify the personal representative for the estate of Alberta Eva Maxwell and is not able to locate Tara Martinson. According to Timothy, nobody in the family can identify or locate these grantors either. Negotiations with Timothy Martinson are at a standstill. The Board previously authorized Rinke Noonan, Ltd. to obtain an appraisal for the easement from Point Value Appraisal. Apex Engineering is reviewing the width of the easement area proposed for Easement 26. If a smaller easement area can be accommodated, the revised easement area and acres will be shared with Point Value Appraisals and a final appraisal will be forwarded to the Board. Once the appraisal is received, Rinke Noonan, Ltd. proposes sending a letter to Timothy & Janette Martinson providing a last written

offer equal to the amount of the final appraisal value if Timothy & Janette Martinson sign the easement by a deadline set in the letter and an agreement to indemnify and hold the District harmless from claims by any other owners of the Easement 26 property. If an agreement is not reached by the date stated in the last written offer, legal counsel would be authorized to file an eminent domain proceeding against all owners of the Easement 26 property to acquire Easement 26. Negotiations would continue throughout the process.

Moved Manager Opdahl, Seconded Manager Brandjord

That Rinke Noonan, Ltd. shall be authorized to send a final written offer to Timothy & Janette Martinson offering just compensation equal to the final appraisal value for Easement 26 in exchange for Martinsons signing an easement and an agreement to indemnify and hold harmless the District against any claims by other owners of the Easement 26 property. Further, that Rinke Noonan, Ltd. shall be authorized to file and proceed with an eminent domain action under N.D. Century Code Chapter 32-15 if the Martinsons do not sign and return the easement and agreement by the deadline provided in the written offer.

Carried.

Rinke Noonan, Ltd. has been negotiating with Chris & Lisa Morris, grantors on Easement 24. Grantors are requesting spoil piles from the project be used to build a berm on the Morris property. Malloy reviewed a map of the berm location, ingress & egress, and proposal. Malloy also reviewed with the Board revisions to the proposed Easement 24.

Moved Manager Brandjord Seconded Manager Opdahl

That the revised Easement 24, Easement for South Landa Assessment Drain, between Chris & Lisa Morris and the Bottineau County Water Resource District be approved, that Rinke Noonan, Ltd. be authorized to offer the revised Easement 24 to grantors, and that Chair Issendorf be authorized to sign the revised Easement 24 on behalf of the District.

Carried.

The District received a signed easement from Easement 19 (Tennysons et al.) grantor Deborah Fiala. Easement 19 grantors that have not signed are Leonard & Deborah Tennyson and Derek Tennyson. Leonard & Deborah Tennyson and Derek Tennyson have refused to sign for certified letters from the District offering the appraised value as just compensation for the easement. The offer letters were sent to the Ward County Sheriff's Office for personal service on May 20. Leonard & Deborah Tennyson were successfully served, but the Sheriff's Office has not been able to successfully serve Derek Tennyson. A private process server may be used if the Sheriff's Office cannot tender service.

No further developments on Easement 28 (Jodi Quiner et al.) or the Burlington Northern, Inc. RR crossings.

- 5.8 Stone Creek Lateral B Drain** Engineer Jennifer Malloy (Apex Engineering) provided a construction update. Farden Construction submitted a change order request in the amount of \$6,580.00. The change order includes riprap at the drain outlet, construction of a ditch block, and lowering an approach culvert.

Motion made by Opdahl, seconded by Brandjord.

DRAFT/UNOFFICIAL MEETING MINUTES

That Change Order #2 in the amount of \$6,580.00 be approved.

5.9 Brandt Drain Engineer Jennifer Malloy (Apex Engineering) provided a construction update. The approach culverts were installed the week of June 10, 2024.

6. OLD BUSINESS

6.1 Oak Creek Water Resource District Boundary Correction No updates.

7. NEW BUSINESS

7.1 Option to Prepay Letters

8. OPEN MIC

9. ITEMS FOR DISCUSSION & INFORMATION

9.1 Staff Reports

9.2 Managers' Updates

Souris River Joint board update – Minot Flood control project

Assiniboine River Basin

10. CLOSE OF MEETING Having completed all business on the noticed agenda, the Chair declared the meeting adjourned at 11:13 a.m.

Record of minutes taken by Administrator Jennifer Malloy.

Minutes approved by the Board on July 15, 2024.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary