

BCWRD Meeting Minutes
February 8, 2023
Approved 3/7/2023

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
--------------	------------	--------------	----------------------	----------

Present: James Landenberger; Dennis Reep; Roger Smith; Randy Binegar; Cory Palm; Michael Gunsch and Travis Johnson, Houston Engineering; Dave Bliss, Bliss Law Firm, Jerry Woodcox, Burleigh County Commissioner and Wendy Egli, Fronteer Professional Services
Others Present: Dave Robinson and Dave Mayer (Bismarck Parks & Rec), Mitch Flanagan (Burleigh County Planning), Nicki Vasbinder, John Homelvig, Becky Strutz, Clark Coleman, Lisa Pagan, (Hoge Island Residents), Brett Falk and Nik Diehl (A to Z)

Chairman Landenberger called the meeting to order at 8:02 am. Roll call was taken and a quorum was declared.

Agenda Items	Discussion	Action Taken	Responsible Party(s)	Due Date
Approval of 01/04/2023 Minutes		Mgr. Smith motions to approve 01/04/2023 minutes; Mgr. Binegar second. Carried by unanimous voice vote		
Amendments and Approval of Agenda	Add Hoge Island to New Business and US Army Corps Meeting being held on February 24 th . Also add 1 bill	Mgr. Palm motions to approve agenda as amended, Mgr. Smith seconds. Carried by unanimous voice vote.		
Comments from Members of the Pubic	None noted.			
Approval of Agenda Only Contact List	Mark Sponskowski and the three new county commissioners need to be added to list.	No action required		
McDowell Dam				
Facility Update	No updates	Archery R100 event was cancelled due to a conflicting national event in SD		
Supplemental Water Supply Alternative intake site update	Travis Johnson from Houston Engineering has contacted the landowner and sent her the information. We are waiting on a reply			
Emergency Action Plan Update	This is completed – Houston Engineering will send out a full digital copy			
O&M Manual Revisions	Houston Engineering states this is roughly 80% completed.			
Financial Reports				
Balance Sheet	None noted.	Mgr. Reep motion to approve balance sheet; Mgr. Smith second. Carried by unanimous roll call vote.		

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
Profit & Loss	None Noted	Mgr. Reep motion to approve profit & loss; Mgr. Palm second. Carried by unanimous roll call vote.		
Bliss Law Firm 2023 Fee Schedule	For information only as it was approved last month			
Drainage Permits/Complaints/ Issues: Open	None			
Drainage Permits/Complaints/ Issues: Closed	None			
Projects				
Sibley Island				
Preliminary Engineering Report	This is scheduled for April			
Economic Assessment	This has been completed			
SWC Cost Share	Cost share request has been completed. There are two different loan programs that may be available. Houston is reviewing the application process to see if they fit the project.			
Special Assessment District	Landowners are being advised that if they have a specific request regarding their property, they will need to notify the board within 30 days.			
Landowner Notification Letter	Landowner notification letter was sent out regarding the public information meeting being held on February 15 th . The information is on our website also.			
Meeting with Bismarck Parks and Rec				
Public Information Meeting	Public Information Meeting (PIM) is being held on February 15 th . There will be a 30-45 minute presentation that is televised, then a non-televised public input Q&A.			
Other Old Business				
Policy Manual				
New Business				
NDWRDA Action Alert				

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
	<p>HB 1076 creates a tiered regulatory framework for dikes based on what the dike is protecting and not a specified volume. It does this by eliminating the requirement for a professional engineer for the construction of agricultural dikes and farmstead ring dikes, increasing the threshold for requiring a construction permit for an agricultural dike from 50 acre-feet volume protected to 80 acres or more protected area, and requiring construction permits for construction of municipal dikes if they are protecting residences or occupied structures.</p> <p>This passed the house unanimously – good change</p>			
	<p>HB 1239 would renew legislation passed during the 2021 session that requires landowners to notify water resource districts when they are conducting a subsurface drain project that is under 80 acres. The notification requirement that was passed in 2021 will sunset if this legislation does not pass.</p>			
	<p>HB 1391 would require water resource districts publish and distribute meeting minutes within 72 hours after a meeting., this may fail – there is a sister bill HB1462 regarding aggrieved parties that is similar.</p> <p>It would also alter the trigger for when projects that are cleaning or repairing a drain have to go to a public vote. Currently, these projects only go to a vote when the cost of the project, minus dollars received for sources other than annual levies,</p>			

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
	<p>exceeds the amount the board receives over six years in annual levies. This proposal would require projects that cost more than that six-year max, regardless of other funds, to go to a vote.</p> <p>Water districts oppose this bill</p>			
	<p>SB 2036 is the clean-up bill put together by the interim drainage committee. This bill combines the current two chapters of code that deal with assessment projects into one chapter and makes some updates to the assessment process. The committee made a slight amendment to the bill to update a reference to the Department of Water Resources and fix a drafting error. The Senate passed the bill unanimously.</p> <p>This is supported by the district and is expected to pass</p>			
	<p>SB 2037 is the proposed economic analysis bill from the interim drainage committee. This bill would require water resource districts to conduct an in-depth economic analysis on every parcel proposed to be part of an assessment district.</p> <p>This is opposed</p>			
	<p>SB 2326 would clarify that the State Water Commission could only require an economic analysis on flood control and water conveyance projects above \$1 million. This would remove the SWC's ability to lower that threshold via policy as is current practice.</p>			
	<p>SB 2372 would require the Department of Water Resources to establish boundaries for watershed districts and then require counties to appoint managers to the watershed districts. The current</p>			

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
	drainage chapter of code, 61-16.1, would apply to watershed districts.			
Sovereign Land Permit Application No. S2398, BNSF Bridge Demolition SB 2303	There is a 30 day comment period for this and a public information meeting is on March 3, 2023			
	Bill to require new construction to nothave their basement below 1 foot ordinary ground level			
ND Dept of Water Resources Annual Water Use Report	Houston will complete		Houston Engineering	
US Army Corps	Garrison Dam Meeting on Friday, February 24th			
Hoge Island	Notice was received regarding some rapid damage to the riverbank on Hoge Island north of Misty Waters. Discussion between board and residents was held	Mgr. Reep made a motion to offer up our consulting engineer's time to assist and manage the situation. Limited to assistance, not to include design work. Motion 2nd by Mgr. Smith. Motion passed via unanimous roll call vote.		
Approval of Bills	Bills were presented totaling \$59,830.15, Roger Smith's reimbursement was added making total \$60,020.15	Mgr. Reep motion to approve payment of bills; Mgr. Smith second. Motion carried by unanimous roll call vote.		
Next Meeting	The next meeting date is February 7, 2023 at 8:00 AM in the Tom Baker Room.			

With no further business the meeting adjourned at 9:33 a.m.

Wendy Egli, BCWRD Admin. Secretary