

BCWRD Meeting Minutes  
June 14, 2023  
Approved 07/12/2023 Meeting

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
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**Present:** James Landenberger; Dennis Reep; Randy Binegar; Cory Palm; Jerry Woodcox, Burleigh County Commissioner; Michael Gunsch and Travis Johnson, Houston Engineering; Dave Bliss, Bliss Law Firm, and Wendy Egli, Fronteer Professional Services  
**Others Present:** Dave Robinson and Dave Mayer (Bismarck Parks & Rec); Toni Erhardt (USACE); Jerry Heiser (ND DWR); Steve Leibel (Knoll Leibel LLP); Julie Fettig, John & Alice Homelvig, Kellen Krueger; Nat Strutz;

Chairman Landenberger called the meeting to order at 8:00 am. Roll call was taken and a quorum was declared.

Agenda Items	Discussion	Action Taken	Responsible Party(s)	Due Date
<b>Approval of 05/10/2023 Minutes</b>		Mgr. Reep motions to approve 05/10/2023 minutes, Mgr. Palm seconds. Carried by unanimous voice vote		
<b>Amendments and Approval of Agenda</b>	Add Burnt Creek Spraying update to old business	Mgr. Palm motions to approve agenda as amended, Mgr. Binegar seconds. Carried by unanimous voice vote.		
<b>Comments from Members of the Pubic</b>	None noted.			
<b>McDowell Dam</b>				
<b>Facility Update</b>	Bobcat/Doosan was out for day of caring and did various different projects including clearing out of a good portion of the trees and shrubs from the emergency spillway, moved trees and put in a culvert, trimmed grass on the dam and stained multiple picnic tables.			
<b>Supplemental Water Supply Alternative intake site update</b>	Survey has been completed at the intake location on Apple Creek. Ready to move ahead with asking Dave Bliss to move ahead with a purchase agreement for the land. Plan is to go forward with additional easements.			
<b>McDowell Dam Inspection</b>	Travis has been in touch with NRCS, they are aware of the activity to comply with their responses.			
<b>Financial Reports</b>				
<b>Balance Sheet</b>	None noted.	<b>Mgr. Reep motion to approve balance sheet; Mgr. Palm second. Carried by unanimous roll call vote.</b>		
<b>Profit &amp; Loss</b>	None Noted	<b>Mgr. Reep motion to approve profit &amp; loss; Mgr. Binegar second. Carried by unanimous roll call vote.</b>		

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<b>Drainage Permits/Complaints/ Issues: Open</b>	6460 and 6260 80 <sup>th</sup> St NE – Iverson Complaint and Fettig Counter-Complaint – No conclusion yet. Houston has looked at the hydrology, the soils, profile information, cross sections. Have not done a physical survey, not sure there is one needed yet. Still working on a formal conclusion. Draft will be ready for July’s meeting. At this time we table until July for a formal report from Houston Engineering.			
<b>Drainage Permits/Complaints/ Issues: Closed</b>	None			
<b>Projects</b>				
<b>Sibley Island</b>	Did receive emails confirming three landowners do NOT want to be a part of the project. New landowner is willing to participate and have the levy on their property. Number are all going to be adjusted. Cost share for this job and McDowell are due by the end of June. Houston asks for consensus to allow Chairman Landenberger to approve these requests.	<b>Consensus given by board for Chairman Landenberger to be allowed to approve cost share requests due by end of month.</b>		
	Discussion was had regarding returning ballots. Ballots can be dropped off at Fronteer Professional’s offices at 1838 E Interstate Ave, Ste B, brought to a meeting, or mailed.30 day deadline could be extended also.			
<b>Hoge Island</b>	<p>The Preliminary Engineering Report for this project along with opinions of probable costs for this project are all in the packet. The PER needs to be presented to the Department of Water Resources to be placed on the agenda for their next meeting.</p> <p>Michael Gunsch goes through all of these reports in the packet.</p> <p>Toni Erhardt from the Corps is in attendance and spoke about their timeline for approving permits being 120 days. If 408 ends up getting invoked it could affect that timeline.</p> <p>Jerry from ND DWR is in attendance and discussed that although they would issue individual permits for each homeowner, they would need to look at the repairs and plans collectively to make sure the entire project will work together.</p> <p>A special assessment district will spread costs of the project out over 20 years rather than up front payments.</p>	<p>Mgr. Binegar makes a motion to accept the PER from Houston and approve resolution #2 for signature. Mgr. Palm 2nds. Motion is carried via a roll call vote.</p> <p>Mgr. Binegar makes a motion to direct Houston Engineering to prepare and submit the required Department of Water Resources and the US Army Corps of Engineers and the Burleigh County Floodplain project permit applications as designated in the preliminary engineering report. Mgr. Reep 2nds. Motion carries via a roll call vote.</p> <p>Mgr. Binegar makes a motion to direct Houston Engineering to provide the preliminary engineering report to the ND DWR requesting the applicable cost participation per the O&amp;M Agreement and to move forward with a public hearing and vote. Mgr. Palm 2nds. Motion carries via a roll call vote.</p>		
<b>Public Comments</b>				

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<b>Other Old Business</b>				
<b>Highway Dept O&amp;M Agreements</b>	No Updates			
<b>Policy Manual</b>	No Updates			
<b>E-Mail response to Shane Carroll</b>	An email was received asking about a structure on 119 <sup>th</sup> Street on Apple Creek – a response was sent, no follow up response has been received.			
<b>Burnt Creek Spraying</b>	Dakota Helicopters were unable to get to us last year. There has been some attempt to contact them but have been unable to. Dave Bliss will attempt to contact again and if no contact is made we will go ahead with hiring someone else. If contact is made, a deadline for completion will be given.			
<b>New Business</b>				
<b>2024 Budget</b>	2024 budget was submitted to the State Auditor on June 9, 2023. Our mill request is 1.75 and does include consideration for McDowell Dam capital improvement projects.			
<b>149<sup>th</sup> Ave Outfall Damage</b>	Discussion was had about whether the board wants to set a precedent of paying for this type of project. The project is on sovereign land and the easement is a public easement. Burleigh County Highway Dept does not have an obligation to pay to the repairs.	<b>Decision tabled for now as the Board would like more information from Houston Engineering.</b>		
<b>August Meeting</b>	Date changed to August 8th	<b>Mgr. Binengar made motion to change the date of August's meeting to Tuesday, August 8<sup>th</sup>. Mgr. Reep 2nds. Motion carried by voice vote.</b>		
<b>Bismarck/Burleigh County Floodplain Ordinance Stakeholder Report</b>	Dennis attended – they are looking at getting city and county ordinances to align with each other along with revising flood maps.			
<b>Approval of Bills</b>	Bills were presented totaling \$17,930.67	<b>Mgr. Reep motions to approve payment of bills. Mr. Palm 2<sup>nd</sup>. Motion passed via unanimous roll call vote.</b>		

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<b>Next Meeting</b>	The next meeting date is July 12, 2023 at 8:00 AM in the Tom Baker Room.			

With no further business the meeting adjourned at 9:40 a.m.

Wendy Egli, BCWRD Admin. Secretary