



BURLEIGH COUNTY WATER RESOURCE DISTRICT AGENDA

Wednesday, February 14, 2018

City County Building – Tom Baker Meeting Room

8:00 a.m. - Call to Order

1. Roll Call (Reep, Larson, Detwiller, Beck, Landenberger)
2. **Approval of 1-22-18 Minutes..... 3-7**
3. Review and Approve 2018 Portfolios (approved in January) informational only..... 8-9
4. **Review and approve Legal Fees and Agreement..... 10-11**
5. McDowell Dam
 - Water Permit Application (Pending)
 - McDowell Property negotiations (On-hold – Landenberger, Larson)
 - Breach Overlay District – Pending SWC response (Landenberger, Reep, Gunsch)
 - Policy for inventory Tags (Landenberger/Mayer)
 - Extended Warranty for tractor 12-13
6. Comments from Members of the Public:
7. Financial Reports
 - End of January..... 14-15
8. **Approval of Bills \$25,301.84..... 16**
9. **Approval of MRCC Bills: \$746.00..... 16**
10. **Approval of Fox Island Bills: \$10,383.50 16**
11. Drainage Permits/Complaints/Issues
 - Pavlicek – Apple Creek Floodplain – Memorandum (Beck/Gunsch) (action on hearing)
 - Krein - Letters of concurrence required from Pavlick and Burleigh County Highway Dept
 - Krein – Drainage Permit Application required to obtain OSE determination
 - If letters not provided the Board to notify Krein original order will stand
 - SWC requires application to be submitted for them to determine if a permit is required.
 - Jeff Schild, Noel Laxdal, Gary Christianson -Hay Creek Pines Drainage Complaints (HEI/Beck)
 - **Memorandum on findings and recommendations - Notice and Order**
 - Nina Bonanno – SEH on behalf of City of Lincoln – Apple Creek () (Nic Cullen, HEI)
12. Projects
 - Hay Creek Pines – Roadway and Groundwater Issues – Preliminary Engineering Report (on Website)
 - Stormwater Easements (Jeff Schild and Luke Steen) – On hold for project design
 - ND Department of Health request for operating plan for review and approval
 - Technical Meeting with Braun on compliance options
 - Missouri River Correctional Center Flood Control Project
 - Operations and Maintenance Plan (Draft send out for comments)
 - Final Project Accounting (Rick, Mona, Michael)
 - Project close out and completion letter to ND State Engineer – February 2018
 - Fox Island Status (Travis/Nic - HEI)
 - Project Meetings (Larson)
 - Township Roadway ROW - Easement Request (Submitted to County Engineer)
 - USACE Section 408 (Pending) Garrison-Oahe Revetment Easements
 - Plans and Specifications – Ready for permit submittal
 - Landowner Levee Easements (Signatures – Brown's)
 - Temporary Construction Easements – Authorize second letter to affected residents
 - Letter from States Attorney 17-18

13. Break

14. Other Old Business

- Policy Manual – REVISED Draft Update (Michael, Dave, Mona, Landenberger, Beck)
 - Subsurface Drain Tile Permitting
 - Missouri River SOV's and Section 408 Requests
 - Policy on email communications (Bliss)
- Mitchell Lake Culvert – (Greg Larson/Houston Engineering)
- Burnt Creek No hunting signs
- SWC 2019-21 Biennium Water Development Plan (McDowell Dam)
- **SOV S-2089 Letter to Hyder for project approval with conditions** (Detwiler/Beck/Gunsch) 19-23

15. New Business

16. Correspondence or Document Information

- SOV S-2021B 24-28
- Dushinske & Jamison Scholarship 29-31
- Soil Health Workshop 32
- Plats & SWMP – Emailed – will be brought to meeting due to size of some (Comments on Plats)
 - Meadowlark Commercial 10th Addition
 - Boulder Ridge Seventh Addition
 - Huntingron Cottages First Addition
 - Hamburg Industrial Park Third Addition
 - Silver Ranch First Addition First Replat
 - Pending Final Plat for K&R Subdivision

17. Detailed Bills.....33

18. **Executive Session** – meet with Board counsel on the status of Hay Creek Pines appeal and the status of Fox Island re-route proposal to County Commission.

19. Next Meeting: March 14, 2018

20. Adjourn

Note: Bold Items Require Board Action

BCWRD Meeting Minutes
January 22, 2018 – City County Building
Draft – not approved yet

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
<p>Present: Chairman Greg Larson, Dennis Reep, Rick Detwiler, Rod Beck; James Landenberger, Travis Johnson, Houston Engineering, Inc.; Dave Bliss, Bliss Law Firm, LLC; Commissioner Kathleen Jones, Burleigh County Commissioner and Mona Livdahl, Personalized Management Services.</p> <p>Others Present: Alton & Arlene Nitschke, Luke Steen, Alan Klein, and Toni Haider, SEH, City of Lincoln.</p> <p>Chairman Larson called the meeting to order at 8:05 a.m. Roll call was taken and noted all members were present.</p>				
Approval of 12-13-17 Minutes:	Discussion	Action Taken	Responsible Party(s)	Due Date
Reorganization – Election of Officers		Mgr. Detwiler moved to approve, Reep seconded. Motion carried.		
Chairman		Mgr. Reep moved to nominate Larson, Landenberger seconded. A unanimous ballot was cast for Larson.		
Vice Chairman:		Mgr. Beck moved to nominate Reep as Vice chair Landenberger seconded. A unanimous ballot was cast for Reep.		
Secretary/Treasurer:		Mgr. Landenberger nominated Detwiler, Reep seconded. A unanimous ballot was cast for Detwiler.		
Reappointment of Administrative Secretary, Engineer and Legal Counsel:	Chairman Larson discussed the RFPs for engineering services, noting the SWC is rewriting their rules for RFPs so we will wait until next year.	Mgr. Detwiler moved to reappoint our current Administrative Secretary, Engineer and Legal Counsel. Beck seconded. Commissioner Jones asked if the contracts were reviewed by Mr. Bliss. The motion and second was withdrawn. Mgr. Detwiler moved to reappoint pending the review of the contracts by Mr. Bliss. Beck seconded. Chairman Larson noted he spoke to the consultants and the budget was based on the increased amounts in August. Motion Carried.		
Review of 2018 Portfolios:	The portfolios were reviewed and reappointments completed.			
McDowell Dam				
Water Permit:	Have not heard anything.			
Transfer monies for future buffer zone:	Noted monies were put in the budget in 2017 as well as for the water supply	Landenberger moved to transfer budget funds from 2017 from the land purchase and the water supply		

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
	project and we should transfer to a reserve fund once these projects get going.	monies to the 2018 budget. Beck seconded. Motion Carried.		
Property Negotiations:	On hold for now. Need to schedule.			
Inventory tags	Landenberger noted we do have the tags and the company he purchased them from has on online asset management plan for free, so he will work with them.			
Comments from Members of the Public:				
Luke Steen:	Mr. Steen asked about the Hay Creek Pines and questioned if the project design changed and or should not go forward if they would still have a Special Assessment District.	Attorney Bliss to look into.		
Financial Reports				
End of December:	Detwiller reviewed. Discussed the Hogue Island fund noting that we had transferred monies out for the McDowell Dam Fund. Noted we should not have that much in expense for Hogue, and should transfer \$30,000 out to the general fund. Informational only.	Detwiller moved to transfer \$30,000 out of the Hogue Island reserve fund into the general fund. Reep seconded. Discussed the accounting system that we wanted set up, need to wait until after the audit to start this. Motion Carried.		
Bismarck Parks and Rec Income:				
BCWRD Bills:	Detwiller reviewed the bills and found them in order.	Detwiller moved to approve the bills in the amount of \$43,155.20 Landenberger seconded. Motion Carried.		
MRCC Bills:	The amount is basically for work on the O&M Manual. Questioned if any retainage for the contractor was left, Engineer Johnson noted no.	Mgr. Reep moved to approve the MRCC bill in the amount of \$3,840.50 Mgr. Landenberger seconded. Motion Carried.		
Fox Island bills:	Noted these are mainly design and prep bills.	Mgr. Detwiller moved to approve the Fox Island bills totaling \$20,530.25, Landenberger seconded. Motion Carried.		
Drainage Permits & Complaints				
Burnt Creek	Discussed the no trespassing signs, we are in the process of acquiring, not put up yet.	Noted the signs read no hunting or trapping as it is a walk way in that area.		
Pavlicek/Apple Creek	Still have questions on need for permit.	On hold	Beck, Gunsch	
Hay Creek Pines drainage complaints	The memorandum of findings was sent to Mr. Bakke.	Recommendation was that the board not take action until Mr. Bakke has time to review. Tabled for now.	Beck, Gunsch, Bliss	

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
(Schild, Laxdøl, Christianson): Nina Bonanno on behalf of City of Lincoln - Apple Creek Projects:	Mgr. Reep reported, noted it is a dam that is washing out. It was constructed by a federal agency and the dams were turned over to the local water authority.	Need to find out who the definite owner of the dam is. It was noted that Nic Cullen, HEI did the aerials on this. Attorney Bliss will assist in looking at the title.	Beck, Gunsch, Reep, Bliss	
Hay Creek Pines Easements:	On hold.			
Water Quality testing:	The tests were run on the wells and reviewed at our last meeting.	A meeting was held with the Health Department to review the findings.		
Resident's Committee Hearing:	The meeting was held and discussed the operating plan as requested by the Health Department.	Consensus to authorize HEI to develop an operations plan for water quality compliance.		
Luke Steen	Mr. Steen asked if the board would need to go back to the residents if there is substantial change in the overall costs. Questioned the road project as well as the responsibility of the residents to maintain the system and who pays the electric bill.	It was noted that an O&M manual would be prepared and as for maintaining the system, the homeowners would need to discuss this. It was noted that the BCWRD would work with the county engineer on the road design.		
Arlene Nitschke:	Mrs. Nitschke is a downstream landowner. She is opposed to the project, noted she sees sprinklers going off all summer long and feels that is part of the issue of the trees dying. The road is 40 years old and needs replacing because it is worn out.			
MRCC:	Discussed earlier – no further action.			
O&M Plan:	The project is basically closed out, still working on the O&M plan.			
Letter from Mr. Bliss:	Informational only, this is an annual requirement.			
Fox Island:				
Public Informational Hearing:	A public information meeting was held January 8 th with approximately 50 in attendance.			
USACE Section 408/Easements				
Plans and Specs:	Ready to be submitted, just a few questions on access after the project is complete.			

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
Temporary construction easements:	Letters were sent to the affected residents. 8 have not responded back.	Attorney Bliss noted that a number of residents have obtained counsel.		
<i>Break from 9:41 to 9:48 a.m</i>				
Old Business				
Policy Manual	Table at this time.		BCWRD board	2/14/18
Emails:	Discussed having a policy on emails.	Discussed the policy of each board member getting a separate account for the BCWRD related emails.		
Mitchell Lake	Tabled.	Waiting for the contractor to get us a final quote on this. Timeline will be in the spring to complete.	Landenberger, Gunsch	Spring, 2018
Missouri River:	On hold waiting on decisions from other organizations.			
SOV S2089	Discussed the conditions and to send a letter pursuant to the conditions.	Detwiller moved to approve having Beck meet with HEI to send letter to move this forward and pursue the timelines, Reep seconded. Motion Carried.	Landenberger/Gunsch/Beck	
Correspondence				
SOV1646	No action needed.			
SWC 2019-21 Biennium Water Development Plan:	HEI will review and complete, noted we only have one or two projects.	Landenberger moved to allow HEI to complete, Beck seconded. Motion Carried.	Gunsch	
Next Meeting:	The next meeting will be held 2-14-18			2/14/18
:				

Meeting adjourned at 10:04 a.m.

Mona Livdahl

Mona Livdahl, BCWRD Admin. Secretary

Date: 1-22-18

PLEASE PRINT

[illegible]



Burleigh County Water Resource District

1720 Burnt Boat Drive, Suite 205
Bismarck, North Dakota 58503
Website: www.bcwrld.org

BOARD REORGANIZATION JANUARY 22, 2018

The Burleigh County Water Resource District Board (Board) at their January 22, 2018 meeting has reorganized and elected new officers for 2018. The following is a summary of their address, year of appointment, term of office and position.

Greg Larson 2525 Larson Road Bismarck, ND 58504	(2015) 12-31-20 (701) 223-6654 glarsonc21@gmail.com	Chairman (c) 400-7217
Dennis Reep 2213 East Ave F Bismarck, ND 58501	(2014) 12-31-19 (701) 235-7052 H (701) 557-9621 or (c) 595-2142 dwburleighwrld@gmail.com	Vice Chairman
Rick Detwiller 1900 Harbor Drive Bismarck, ND 58504	(2015) 12-31-18 (701) 223-8782 rdetwillerbcwrld@gmail.com	Secretary/Treasurer (c) 226-3820
Rodney Beck 1983 Billings Drive Bismarck, ND 58504	(2016) 12-31-18 (c) 220-5313 rlbeckbcwrld@gmail.com	Manager
James Landenberger 3456 E Century Ave Bismarck, ND 58503	(2017) 12-31-19 (701) 426-6439 james.landenberger@bartwest.com	Manager
Mona Livdahl, Secretary Personalized Management Services, Inc. 1720 Burnt Boat Drive, Suite 205, Bismarck ND 58503		701-222-3499 BCWRD@midco.net
David R. Bliss, Attorney Bliss Law Firm, LLC PO Box 4126, Bismarck ND 58502-4126		(701) 223-5769 dbliss@blisslaw.com
Michael Gunsch, PE Houston Engineering, Inc. 3712 Lockport Street, Bismarck ND 58503		Office: (701) 323-0200 Cell: (701) 527-2134 mgunsch@houstoneng.com

Current Board Members:

Greg Larson, Chairman, Bismarck 400-7217 Dennis Reep, Vice Chairman, Bismarck 223-7052 Rick Detwiller, Secretary/Treasurer, Bismarck 223-8782 Rodney Beck, Bismarck 220-5313 James Landenberger, Bismarck 426-6439

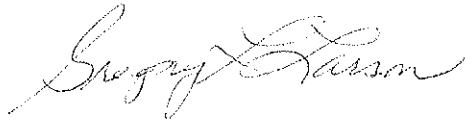
January 22, 2018

The Board has directed its' Treasurer, to work through the Burleigh County Auditor's Office to provide a monthly income/expense reports or a general statement of finances to the Board. The Burleigh County Auditor's office is hereby authorized by this document to act at the direction of and on behalf of its' Treasurer to exercise such duties related to tax collections, payments, fund transfers and/or payments authorized by the Board.

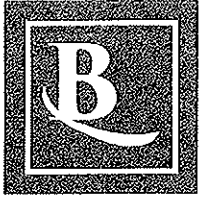
Chairman Larson after consulting with members of the Board and based on past experience appointed the following portfolio leads and alternates to the noted project portfolios. Alternates are available to assist and/or complete assignments, in the absence of the lead, as directed by the Board.

Hay Creek Watershed/Greenway	-	Rod Beck, Lead/Rick Detwiller, Alternate
Burnt Creek Watershed/Floodway		Dennis Reep, Lead/James Landenberger, Alternate
McDowell Dam Recreation Area	-	James Landenberger, Lead/Rick Detwiller, Alternate
Missouri River Issues		Rick Detwiller, Lead/Rod Beck, Alternate
Apple Creek Watershed		Rick Detwiller, Lead/James Landenberger, Alternate
Landowner Complaints		Rod Beck, Lead/Dennis Reep, Alternate Rick Detwiller, Alternate
Missouri River Joint WRB		Greg Larson, Lead/Dennis Reep, Alternate
Dakota Prairie, RC&D		Rod Beck, Lead/James Landenberger, Alternate
Burleigh County Soil Conservation District		James Landenberger, Lead
State Water Commission Liaison		Rod Beck, Lead/Dennis Reep, Alternate
MPO (Bis-Man Metropolitan Planning)		Dennis Reep, Lead/Rod Beck Alternate
Apple Creek Industrial Park		James Landenberger, Lead
Fox Island Projects		James Landenberger, Lead/Greg Larson, Alternate
Missouri River Correctional Center		James Landenberger, Lead/Dennis Reep, Alternate
Sibley Island Flood Control		Rod Beck, Lead
ND Water Users		Dennis Reep, Lead/Rod Beck, Alternate
ND Water Resource Board of Directors		Dennis Reep, Lead
ND Irrigation		Rod Beck, Lead/James Landenberger, Alternate
Ward/Ash Coulee		Rick Detwiller, Lead/Greg Larson, Alternate
Budget		Rick Detwiller, Lead/Dennis Reep, Alternate:

The Board reserves the authority to revise these appointments as needed to complete its statutory and contractual duties and obligations.



Gregory Larson, Chairman
Burleigh County Water Resource District



BLISS LAW FIRM, LLC

PO Box 4126 | 400 E Broadway, Suite 308
Bismarck, North Dakota 58502
701-223-5769 | www.blisslaw.com

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701-226-0716 (cell)

BY ELECTRONIC MAIL AND HARD COPY

January 30, 2018

Greg Larson, Chairman
Burleigh County Water Resource District
City/County Building
221 North 5th Street
Bismarck, ND 58501

Re: Water District Fee Agreement/Bliss Law Firm 2018
Our File No.: 282-94

Dear Chairman Larson:

Thank you for retaining my law firm to represent the District for 2018. As you know, my law firm's discounted 2016-17 hourly rate was \$250 per hour. I propose a five percent increase in my discounted hourly rate, to \$262.00 per hour. My hourly rate is \$300 per hour. I have attached a proposed hourly fee agreement for your review and consideration.

I appreciate the opportunity to provide legal services to the District.

Very truly yours,

DAVID R. BLISS
DRB:vel

S:\Burleigh County Water Resource 22-229\Correspondence\Board Ltr DRB (BLF Contract) 1-30-18.docx

ATTORNEY-CLIENT HOURLY FEE AGREEMENT

The Burleigh County Water Resource District ("the District") hereby retains Bliss Law Firm, LLC, 400 E. Broadway Ave., Suite 308, Bismarck, ND 58502-4126, telephone (701) 223-5769, to represent the District with regard to the following matter: District legal counsel.

- ▶ **IT IS AGREED** that time spent (attorney's fees) by the attorney on this matter will be billed to the District at the rate of \$262.00 per hour for David R. Bliss. Time spent by the legal assistants will be billed to the District at a rate of \$131.00 per hour;
- ▶ **IT IS FURTHER AGREED** that the District will receive from Bliss Law Firm, LLC, once per month, a billing statement itemizing fees and costs for the month;

"Costs" include, but are not limited to:

1. Filing fees;
2. Postage;
3. Photocopying;
4. Services fees;
5. Travel expenses;
6. Discovery fees including photocopying and deposition transcript fees;
7. Online legal research.

Bliss Law Firm, LLC will bill for all time spent on matters concerning District matters, including time spent on telephone conferences, office conferences, document preparation time, correspondence time, research time, and any other time spent on behalf of the District.

Dated this ____ day of February, 2018.

Greg Larson, Chairman
Burleigh County WRD



JOHN DEERE

PowerGard™ Protection Plan Residential

Purchase early to take advantage of our lowest price available!

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Burleigh County Water Resource District
1720 Burnt Boat Dr
Bismarck, ND 58503-0801



Invitation Code:
133044162000109

Dear Burleigh County Water Resource District,

Congratulations on your decision to purchase a John Deere Commercial Front Mower. Keep those smart decisions running with the PowerGard™ Protection Plan Residential. The Residential Plan provides additional coverage after your manufacturer's warranty for up to four years of coverage.*

Make another great choice and activate your PowerGard™ Plan today.

Just go online to www.johndeerepppr.com/special-offer/133044162000109

OR select one of these easy alternatives: →

The best equipment, the best coverage!

John Deere has the best extended repair plan in the business.

- Genuine John Deere parts from your John Deere dealer.
- Factory certified technicians.
- \$0 deductible and NO out-of-pocket expense on covered repairs.
- Flexible terms extending your warranty coverage.
- Added benefit – transportation for covered repairs begins immediately!**

Choose our FlexPay installment plan to make your purchase even easier with eight monthly payments. (FlexPay is valid for credit or debit card purchases made by phone or web only. We cannot accept checks or money orders for FlexPay purchases. Dealer sales excluded.)

Act quickly to ensure you are covered. Please reply by March 8, 2018.

Sincerely,

Jackie Hirsch

Manager of PowerGard™ Protection Plan Residential Program

Five ways to activate your Residential Plan:

- ▶ Go online to: www.johndeerepppr.com
- ▶ Call 1-800-306-6936
M-F, 9am-5pm ET
Have your invitation code ready.
- ▶ Complete and mail the coupon below with your payment.
- ▶ Visit your John Deere dealer
Rdo Equipment Co.
2000 Industrial Drive
Bismarck, ND 58505-8502
- ▶ Scan the code below using your smart device to access your personal web page.



Please disregard this notice if you have already purchased PowerGard™ Protection Plan Residential. Please allow up to 4 weeks to receive your contract in the mail.

* Coverage begins on the date of equipment purchase and extends beyond the manufacturer's warranty or until maximum hours are reached on the covered product, whichever occurs first. Certain limitations or exclusions may apply; refer to www.johndeerepppr.com for complete terms and conditions.

** A surcharge may be assessed if your machine is located outside of the John Deere Dealer's normal service area.
PowerGard™ Protection Plan Residential coverage is issued by National Product Care Company, 175 West Jackson Blvd, Chicago, IL 60604; in AZ, FL & OK by Service Saver, Inc. 175 West Jackson Blvd, Chicago, IL 60604; FL license #80173; in TX by National Product Care Company dba Texas National Product Care Company, Inc. 175 West Jackson Blvd, Chicago, IL 60604; and in WA by ServicePlan, Inc. 175 West Jackson Blvd, Chicago, IL 60604. Coverage provided under form number JD-ALL-MRP (04-15).

Activate your coverage today.

Product: 1550 Commercial Front Mower

Serial number: 1TC1550DVHS030501

☒ **YES!** Please sign me up, my payment is enclosed.

PowerGard™ Protection Plan Residential

Plan Term	4 Years	3 Years	2 Years	1 Year
Plan Price	\$3823.99	\$2870.99	\$1935.99	\$1096.99
Tax	\$0.00	\$0.00	\$0.00	\$0.00
Select one-time payment of:	<input type="checkbox"/> \$3,823.99	<input type="checkbox"/> \$2,870.99	<input type="checkbox"/> \$1,935.99	<input type="checkbox"/> \$1,096.99
OR Select 8 payments* of:	<input type="checkbox"/> \$478.49	<input type="checkbox"/> \$359.37	<input type="checkbox"/> \$242.49	<input type="checkbox"/> \$137.82

*A \$4 processing fee is applied to FlexPay installment plans. Your credit or debit card will be billed automatically.
†A \$4 processing fee is applied to FlexPay installment plans. Your credit or debit card will be billed automatically.

Please return this form with your payment in the envelope provided to: PowerGard™ Protection Plan Residential, P.O. Box 151, Norwalk, CT 06852-0151. Postage required.

Your Invitation Code: **133044162000109**

Prepared for: Burleigh County Water Resource District
1720 Burnt Boat Dr
Bismarck, ND 58503-0801

- ☐ My address has changed. (Please fill out form on back.)
☐ VISA® ☐ MasterCard® ☐ Discover® ☐ American Express®
☐ Personal Check or Money Order

Personal Check or Money Order payable to: JD PowerGardPlan
(Checks or money orders not accepted for FlexPay.)

Account No. _____
Exp. Date ____/____/____
Month Year

Signature _____



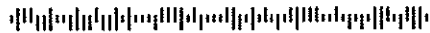


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PowerGard™ Protection Plan Residential

Purchase early to take advantage of our lowest price available!

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000010638-L41
Burleigh County Water Resource District
1720 Burnt Boat Dr
Bismarck, ND 58503-0801



Invitation Code:
133035142000105

Dear Burleigh County Water Resource District,

Congratulations on your decision to purchase a John Deere Commercial Front Mower. Keep those smart decisions running with the PowerGard™ Protection Plan Residential. The Residential Plan provides additional coverage after your manufacturer's warranty for up to four years of coverage.*

Make another great choice and activate your PowerGard™ Plan today.

Just go online to www.johndeereppr.com/special-offer/133035142000105

OR select one of these easy alternatives: →

The best equipment, the best coverage!

John Deere has the best extended repair plan in the business.

- Genuine John Deere parts from your John Deere dealer.
- Factory certified technicians.
- \$0 deductible and NO out-of-pocket expense on covered repairs.
- Flexible terms extending your warranty coverage.
- Added benefit – transportation for covered repairs begins immediately!**

Choose our FlexPay installment plan to make your purchase even easier with eight monthly payments. (FlexPay is valid for credit or debit card purchases made by phone or web only. *We cannot accept checks or money orders for FlexPay purchases. Dealer sales excluded.*)

Act quickly to ensure you are covered. Please reply by March 8, 2018.

Sincerely,

Jackie Hirsch

Manager of PowerGard™ Protection Plan Residential Program

Five ways to activate your Residential Plan:

- ▶ **Go online to:**
www.johndeereppr.com
- ▶ **Call 1-800-306-6936**
M-F, 9am-5pm ET
Have your invitation code ready.
- ▶ **Complete and mail**
the coupon below with your payment.
- ▶ **Visit your John Deere dealer**
Rdo Equipment Co.
2000 Industrial Drive
Bismarck, ND 58005-8502
- ▶ **Scan the code below using**
your smart device to access
your personal web page.



Please disregard this notice if you have already purchased PowerGard™ Protection Plan Residential. Please allow up to 4 weeks to receive your contract in the mail.

*Coverage begins on the date of equipment purchase and extends beyond the manufacturer's warranty or until maximum hours are reached on the covered product, whichever occurs first. Certain limitations or exclusions may apply; refer to www.johndeereppr.com for complete terms and conditions.

**A surcharge may be assessed if your machine is located outside of the John Deere Dealer's normal service area.

PowerGard™ Protection Plan Residential coverage is issued by National Product Care Company, 175 West Jackson Blvd, Chicago, IL 60604; in AZ, FL & OK by Service Saver, Inc. 175 West Jackson Blvd, Chicago, IL 60604; FL license #80173; in TX by National Product Care Company d/b/a Texas National Product Care Company, Inc. 175 West Jackson Blvd, Chicago, IL 60604; and in WA by ServicePlan, Inc. 175 West Jackson Blvd, Chicago, IL 60604. Coverage provided under form number JD-ALL-MAP (04-16).

Activate your coverage today.

Product: 1550 Commercial Front Mower

Serial number: 1TC1550DHHS030499

☒ **YES!** Please sign me up, my payment is enclosed.

PowerGard™ Protection Plan Residential

Plan Term	4 Years	3 Years	2 Years	1 Year
Plan Price	\$3823.99	\$2870.99	\$1935.99	\$1096.99
Tax	\$0.00	\$0.00	\$0.00	\$0.00
Select one-time payment of:	<input type="checkbox"/> \$3,823.99	<input type="checkbox"/> \$2,870.99	<input type="checkbox"/> \$1,935.99	<input type="checkbox"/> \$1,096.99
OR Select 8 payments* of:	<input type="checkbox"/> \$478.49	<input type="checkbox"/> \$359.37	<input type="checkbox"/> \$242.49	<input type="checkbox"/> \$137.82

*A \$4 processing fee is applied to FlexPay installment plans. Your credit or debit card will be billed automatically. FlexPay is available on web and phone sales only. Checks, money orders or dealer

Please return this form with your payment in the envelope provided to: PowerGard™ Protection Plan Residential, P.O. Box 151, Norwalk, CT 06852-0151. Postage required.

Your Invitation Code: **133035142000105**

Prepared for: Burleigh County Water Resource District
1720 Burnt Boat Dr
Bismarck, ND 58503-0801

- ☐ My address has changed. (Please fill out form on back.)
☐ VISA® ☐ MasterCard® ☐ Discover® ☐ American Express®
☐ Personal Check or Money Order

Personal Check or Money Order payable to: JD PowerGardPlan
(Checks or money orders not accepted for FlexPay.)

Account No. _____
Exp. Date ____/____/____
Month Year

Signature _____



Burleigh County Water Resource District (BCWRD)
2018 Profit & Loss Budget vs. Actual
January 2018

	<u>Jan 18</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Income			
31110 · Real Estate Tax	219,296.49	750,000.00	-530,703.51
31810 · In Lieu of Tax	0.00	5,000.00	-5,000.00
33610 · State Aid Distribution	0.00	50,000.00	-50,000.00
33620 · Homestead Credit	0.00	4,000.00	-4,000.00
33810 · Reimbursements			
33810-A · Missouri River Correctional	15,289.54		
33810-G · Burnt Creek	26,767.65		
Total 33810 · Reimbursements	<u>42,057.19</u>		
36110 · Interest	159.33	100.00	59.33
36210 · McDowell Dam Recreation Income	57.00	8,000.00	-7,943.00
36215 · McDowell Dam Land Lease	0.00	2,800.00	-2,800.00
36910 · Misc Revenue	0.00	1,000.00	-1,000.00
Total Income	<u>261,570.01</u>	<u>820,900.00</u>	<u>-559,329.99</u>
Gross Profit	<u>261,570.01</u>	<u>820,900.00</u>	<u>-559,329.99</u>
Expense			
111 · Payroll Expenses	9,259.60	30,000.00	-20,740.40
111A · Payroll Taxes	-0.04	3,000.00	-3,000.04
112 · Management Services			
113 · Accounting Services	1,295.00	5,000.00	-3,705.00
112 · Management Services - Other	1,400.00	20,000.00	-18,600.00
Total 112 · Management Services	<u>2,695.00</u>	<u>25,000.00</u>	<u>-22,305.00</u>
114 · Audit	0.00	6,000.00	-6,000.00
312 · Legal Fees	2,316.70	24,000.00	-21,683.30
315 · Engineering Administration	1,000.00	20,000.00	-19,000.00
328 · Liability Insurance	0.00	2,700.00	-2,700.00
335 · Building Rent	0.00	2,000.00	-2,000.00
341 · Travel	0.00	1,600.00	-1,600.00
376 · Dues & Publications	1,075.00	4,000.00	-2,925.00
411 · Office Supplies	249.99	4,000.00	-3,750.01
904 · McDowell Dam			
904-A · Administrative Fee	1,913.86		
904-B · McDowell Dam (Buffer Zone)	0.00	80,000.00	-80,000.00
904 · McDowell Dam - Other	7,655.45	219,025.00	-211,369.55
Total 904 · McDowell Dam	<u>9,569.31</u>	<u>299,025.00</u>	<u>-289,455.69</u>
905 · McDowell Dam-Capital Improvemen			
905-A · Fresh Water Intake	0.00	100,000.00	-100,000.00
905 · McDowell Dam-Capital Improvemen - Other	0.00	45,000.00	-45,000.00
Total 905 · McDowell Dam-Capital Improvemen	<u>0.00</u>	<u>145,000.00</u>	<u>-145,000.00</u>
910 · Projects			
910A · Missouri River Shared			
910A-1 · Engineering Costs	2,234.00		
Total 910A · Missouri River Shared	<u>2,234.00</u>		
910D · MRCC			

Burleigh County Water Resource District (BCWRD)
2018 Profit & Loss Budget vs. Actual
January 2018

	<u>Jan 18</u>	<u>Budget</u>	<u>\$ Over Budget</u>
910D-1 · Engineering Costs	3,840.50		
910D-2 · Legal Fees	115.50		
Total 910D · MRCC	3,956.00		
910H · Fox Island			
910H-1 · Engineering Costs	20,530.25		
910H-2 · Legal Fees	900.90		
Total 910H · Fox Island	21,431.15		
910L · Hay Creek	0.00	20,000.00	-20,000.00
910N · Hay Creek Pines			
910N-1 · Engineering Costs	5,984.94		
910N-2 · Legal Fees	1,247.40		
910N-3 · Hay Creek Pines --- Other	350.00		
910N · Hay Creek Pines - Other	0.00	86,075.00	-86,075.00
Total 910N · Hay Creek Pines	7,582.34	86,075.00	-78,492.66
Total 910 · Projects	35,203.49	106,075.00	-70,871.51
911 · Misc	0.00	2,500.00	-2,500.00
920 · Continuing Education	200.00	2,500.00	-2,300.00
932 · City/County Watershed Planning	0.00	20,000.00	-20,000.00
933 · Missouri River General Services	0.00	25,000.00	-25,000.00
940 · Operations & Maintenances			
940A · Burnt Creek Watershed	0.00	5,000.00	-5,000.00
Total 940 · Operations & Maintenances	0.00	5,000.00	-5,000.00
941 · Stream Gages	0.00	3,500.00	-3,500.00
960 · Drainage Complaints			
960-1 · Engineering Costs	6,416.53		
960-2 · Legal	207.90		
960 · Drainage Complaints - Other	0.00	70,000.00	-70,000.00
Total 960 · Drainage Complaints	6,624.43	70,000.00	-63,375.57
970 · Storm Water Management Plans	0.00	20,000.00	-20,000.00
Total Expense	68,193.48	820,900.00	-752,706.52
Net Income	<u>193,376.53</u>	<u>0.00</u>	<u>193,376.53</u>

BCWRD Invoices

2-14-18

Name	Project	Invoice	Amount
Bliss Law Firm	January services	19279	\$6,865.04
Bismarck Parks and Rec	Admin	4902	\$2,202.61
Bismarck Parks and Rec	Expenses	4902	\$8,810.42
Fronteer	Payroll and tax forms	38	\$545.00
Houston Engineering	General	37809	\$1,000.00
Houston Engineering	Burnt Creek Floodway	37810	\$395.50
PMS	January services	6129	\$2,608.27
Bank of North Dakota	Interest and Principal - Warrant Bond		\$2,850.00
Bank of North Dakota	Interest and Principal - Warrant Bond		\$25.00
	Subtotal		\$25,301.84
MRCC Bills			
Houston Engineering	Work Order #18 SA 25	37812	\$746.00
	Subtotal		\$746.00
Fox Island Bills			
Houston Engineering	Fox Island	37811	\$10,383.50
	Subtotal		\$10,383.50
	TOTAL		\$36,431.34

BURLEIGH COUNTY STATE'S ATTORNEY

STATE'S ATTORNEY

RICHARD J. RIHA

SENIOR ASSISTANT

STATE'S ATTORNEYS

JULIE LAWYER

MARINA SPAHR

ASSISTANT STATE'S ATTORNEYS

JUSTIN SCHWARZ

RYAN A KEEFE

TESSA VAAGEN

ANDREW DELAIN

BRIAN L JOHNSON

DEREK STEINER

KARLEI NEUFELD

CONOR KENNELLY

MINDY LAWRENCE

January 24, 2018

Sean O. Smith
Tschider & Smith
418 East Rosser Ave., Suite 200
Bismarck, North Dakota 58501-4046

RE: BCWRD/Fox Island Flood Control Project

Dear Mr. Smith,

I am in receipt of your letter dated January 12, 2018. I have asked Mr. Kennelly to review the matter and, after speaking with him about it, this is my response.

To begin, I will give my understanding of the scenario, albeit slightly abbreviated. The Fox Island Subdivision of Burleigh County, North Dakota is in need of flood protection. Originally, the plan was to construct a levee along the western and southern borders of the Subdivision; however, your clients chose to opt out of the proposed plan. This required the engineers to come up with a new flood protection plan for those homes that did not opt out. Mr. Kennelly spoke with Mr. Marcus Hall, the County Engineer, who told Mr. Kennelly that the new plan is to raise Gallatin Loop and Gallatin Drive by approximately one to one-and-a-half feet. Gallatin Loop and Gallatin Drive are approximately eighty feet wide. The plan would stay within the bounds of those roads. This, he said, would provide the homeowners who did not opt out adequate protection from any flooding that may occur.

You have posed two issues for me to consider. I will take each in turn.

The first issue is essentially whether the proposed raising of Gallatin Loop and Gallatin Drive falls within the dedication language of the Fox Island Subdivision Plat, which states the streets indicated on the Plat are dedicated "to the public use forever." You state that North Dakota law requires that the streets are dedicated for "street purposes." North Dakota law, however, is more broad than that. Ordinarily, "[w]hen the plat has been made out and certified, acknowledged, and recorded as required by sections 40-50.1-01, 40-50.1-03, and 40-50.1-04, every donation or grant to the public . . . marked or noted as such on the plat or map is a sufficient conveyance to vest the fee simple title in the parcel of land as designated on the plat." N.D.C.C. § 40-50.1-05 (emphasis added). When the land that is granted for "streets, alleys, ways, or other public uses," section 40-50.1-05 prescribes that land "must be held in the corporate name of the jurisdiction in trust for the uses and purposes set forth and expressed and intended." *Id.*

Importantly, this second part does not appear to negate the grant of the land in fee simple, it merely sets forth how the land is to be held and for what purposes it is to be used.

My understanding of this statute is that all land granted to Lincoln Township in the Plat at issue is held in fee simple; however, the statute places a limit on the Township's use of the roadway land to those set forth in the Plat, which dedicated the roadways for "public use forever." This is a broad right of use for the streets in the Fox Island Subdivision and is not limited to merely ingress and egress on the surface of the roads. The land itself is given for public use.

It is my opinion that the roads have been granted in fee simple to the Lincoln Township (pursuant to section 40-50.1-05) and that, even if the Township merely had an easement, the intended flood protection plan still falls within "public use" in two ways. First, the actual route of the roads is not changing. As such, the road way itself is remaining the same and open to public use for ingress and egress. Second, the land dedicated for the roadway is being used for flood protection. Certainly protecting citizens from the damages of flooding is a "public use" of the roadway. The Township will provide this benefit to the public, i.e., the citizens who did not opt out of the original levee plan. Merely because some citizens are not protected cannot negate the fact that the protection is still for public use.

You briefly discuss section 32-15-03.2 as well. It is my position that section 32-15-03.2 does not apply here. This statute states "[n]o transfer to the state of North Dakota or any of its political subdivisions of property for highway purposes shall be deemed to include any interest greater than an easement." However, this section falls within the eminent domain chapter of the Century Code. Section 32-15-03 provides the various estates that may be taken for eminent domain purposes. Reading Chapter 32-15 as a whole, section 32-15-03.2 provides a limit on what the State may take when exercising eminent domain for highway purposes, specifically, that the State acquires no more than an easement over land for highways purposes when it has acquired such land after exercising its eminent domain powers. I have reviewed the Plat and there is no indication that the Fox Island Subdivision roadway system was from an exercise of eminent domain. As such, section 32-15-03.2 does not prohibit the Township from having acquired more than an easement over Gallatin Loop and Gallatin Drive.

The second issue you present is whether Lincoln Township must expand the alleged easement. It is my position that Lincoln Township does not need to expand the purported easement because, as discussed above, the Township does not have an easement over the roads, but owns the road in fee simple, subject to the statutory limitations. Even if the Plat dedication is construed as an easement, so long as the work is done within the bounds of the roadway, no expansion of the easement is necessary. As discussed above, this is because the raising of the road would still be for "public use."

Sincerely,



Richard J. Riha
State's Attorney
Burleigh County

Cc: David R. Bliss, Bliss Law Firm, LLC; Marcus Hall, Burleigh County Engineer



Burleigh County Water Resource District

1720 Burnt Boat Drive, Suite 205
Bismarck, North Dakota 58503
www.bcwrld.org

January 22, 2018

Mr. Brent Falk
A to Z Tragedy Relief and Restoration Inc.
514 1st Avenue
Steele, ND 48482

Re: Sovereign Lands Permit S-2089; 9010 Island Road, Bismarck, ND
Lot 8 Blk 1 Valcor Subdivision - NE1/4 Section 33 T140N R81W Burleigh County

The Burleigh County Water Resource District (BCWRD) is in receipt of a copy of the North Dakota Sovereign Lands permit approval and understands the USACE approved the Section 404 permit for the proposed bank stabilization on Lot 8 Block 1, Valcor Subdivision. The proposed project is to be completed within an easement held by the BCWRD that was obtained for the purposes of constructing, operating and maintaining the federal bank stabilization projects authorized under *Public Law 93-251, Water Resources Development Act of 1974, Section 32 "Streambank Erosion Control Evaluation and Demonstration Act 1974," as amended by the Water Resources Development Act of 1976, Section 161.*

The USACE's stated in an undated letter that the County as project sponsor concurred with the project under Section 408. The Burleigh County Planning Department, who provided a letter on this matter to you, dated December 6, is not the project sponsor and has no jurisdictional authority over maintenance of these federal structures. While the North Dakota State Water Commission (SWC) was the state sponsor, the BCWRD is the local sponsor for the Section 32 revetments. Subsequently, by agreement with the SWC the BCWRD is obligated for a portion of the Operation and Maintenance of these installations, and must preserve the rights obtained under the easement. It is requested, via a copy of this letter, that the USACE provide a correction letter regarding the Section 408 approval noting the BCWRD's concurrence. Based on the BCWRD's review by Board action they authorize the proposed bank stabilization subject to the following conditions:

1. No obstructions may be placed within the easement limits that would restrict access to the bank line and Section 32 project features including, but not limited to, decks, sheds or other structural features. This to comply with purpose for easement, previously modified to the 100-foot dimension by the BCWRD as illustrated on the Valcor Subdivision Plat, see **Exhibit A**.
2. Any building permit application on this lot shall include a lot certificate documenting the location of any proposed structures, all which must be outside easement, based on a minimum setback distance of 100 feet from the top of back, at the time of construction. The approximate easement line is noted on **Exhibit B** for illustrative purposes as this not a surveyed location. If the project as constructed results in relocating the upper bank, then the easement shall extend from the new top of bank location.

Current Board Members:

Greg Larson, Chairman, Bismarck 400-7217 Dennis Reep, Vice Chairman, Bismarck 223-7052 Rick Detwiler, Secretary/Treasurer, Bismarck 223-8782 Rodney Beck, Bismarck 220-5313 James Landenberger 426-6439

Mr. Brent Falk
A to Z Tragedy Relief and Restoration Inc
Hyder Bank Stabilization
January 22, 2018
Page -2-

3. Modifications to the existing Section 32 revetment structure, identified as 1322.3 HP, shall be limited to the addition of rock rip rap materials for maintenance purposes only, and it may not be extended further into the river.
4. Owner shall allow pedestrian access to BCWRD representatives across the non-easement portion of their lot for the purposes of observing project implementation and future review of bank line conditions.
5. Contractor shall notify the BCWRD when construction is to be completed to allow for site inspections prior to, during and after construction.
6. The Burleigh County Floodplain Coordinator shall issue a floodplain development permit, as required under the National Flood Insurance Program. This requirement was verified via contact with the North Dakota State Floodplain Coordinator and is reference in *Chapter 44 of the Code of Federal Regulations, Part 60.3*. In compliance with this requirement the BCWRD has determined that this project is located within the Missouri River floodplain and east of (outside) the existing floodway, see **Exhibit C**. Therefore, the proposed fill materials, based on location and as illustrated in the project sketches will not result in adverse impacts to the floodplain and the permit should be approved. **To facilitate this process the Board has enclosed a nearly completed *Floodplain Development Permit Application Non-Building Situation* for your use. Several items remained to be filled in so please complete these and send to the Burleigh County Floodplain Coordinator for processing.**

If you have any questions, please let me know or you may contact Michael Gunsch, with Houston Engineering at 323-0200.

Respectfully,

Rick Detwiller, Manager

Enclosed

C: Dr. Shiraz Hyder
Brent Cossette, USACE Section 408
Toni Erhardt, USACE Bismarck Regulatory Office
Gerry Heiser, ND Sovereign Lands Coordinator
BCWRD Board

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION NON-BUILDING SITUATION

GENERAL INFORMATION

PERMIT APPLICATION # _____

DATE: _____

Applicant/Contact: **Dr. Shiraz Hyder**

Telephone # _____

Address: **Lot 8 Block 1 Valcor Subdivision**

Brief project description - location of proposed development - legal description:
Bank stabilization on subject parcel. See attached documentation.

Contractor: **A to Z Tragedy Relief & Restoration, Inc. Telephone # 701-220-7269**
Mr. Brent Falk

Address: **514 1st Avenue**
Steele, ND 48482

Estimated Cost of project: \$ _____

FLOODPLAIN DETERMINATION:

(Complete the appropriate information)

Project is located: 100-year floodplain? **Yes (Flood Fringe see FIRMette)**

Regulatory Floodway: **No**

Map information: FIRM Date: **Panel 38015C0570D effective 8/4/2014**

FIRM Zone: **1% Annual Flood Chance**

BFE at Development Site: **Approx. 1641.8. Elevation**
interpolated from FIRM.

Development will be elevated to: **N/A (MSL)**

DEVELOPMENT ACTIVITIES: (check all that apply and **explain the activity**)

- ☒ Fill placement (fill brought in from outside the floodplain)
- ☒ Excavation (where sub grade fill is removed from the floodplain)
- ☒ Landscaping (cut and fill, fill borrow and placement)
- ☐ Construction or maintenance of a dike/levee/floodwall
- ☐ Removal of fill, embankment, or dikes
- ☒ Watercourse alterations (river, stream, lake - channel modifications, **rip-rap**)
- ☐ Road, street or bridge construction (new, repair or replacement, realignment)
- ☐ Drainage improvements (including culvert work)
- ☐ Mining (removal of gravel, rock, fill or other natural materials)
- ☐ Installation of utilities (water, sewer, pipeline, gas, electric, communications)
- ☐ Well drilling (water, oil, natural gas etc.)
- ☐ Subdivision (new or expansion)
- ☐ Other (**please specify and describe**)

ADDITIONAL INFORMATION REQUIRED (**attach additional information**):

-Comments or further explanation of work:

See attached plan information

-Copies of project description, plans, blueprints, etc.

See attached plan information

-Wetlands - will the activity impact identified wetlands?

No wetlands will be impacted – riverbank installation

-Will the development aggravate flooding elsewhere? Please explain your answer.

No the work is essentially the restoration of the eroded bankline

OTHER NOTIFICATION OR PERMITS NECESSARY:

U.S. Army Corps of Engineers?

Section 404 permit approved, noted in 1/22/2018 BCWRD letter to contractor.

Sovereign Lands?

Sovereign Lands permit approved, noted in 1/22/2018 BCWRD letter to contractor.

Water Resource District?

Burleigh County WRD approval letter dated 1/22/2018 to applicant/contractor.

Neighboring political entity?

N/A

ELEVATION INFORMATION:

Attach information about the completed project elevations(s) with registered professional engineer or registered land surveyor certifications if part of the project:

See attached plan information and approved permits

ACTION / APPROVAL:

The proposed development is in conformance with applicable community floodplain standards subject to the following conditions with this approval.

PERMIT APPLICATION IS APPROVED

(Conditioned on the description provided and receipt of the as-built information/certification)

Signature

(Floodplain Administrator):

Date:



State of North Dakota

Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
701-328-2750 • FAX 701-328-3696 • <http://swc.nd.gov>

January 29, 2018

SOLICITATION OF VIEWS

**RE: APPLICATIONS TO THE STATE ENGINEER FOR AUTHORIZATION TO
CONSTRUCT A PROJECT WITHIN ISLANDS AND BEDS OF NAVIGABLE
STREAMS OR WATERS OF THE STATE OF NORTH DAKOTA.**

U.S. Army Corps of Engineers, Yankton, South Dakota, Applicant, Application No. **S-2021-B**

The U.S. Army Corps of Engineers (Corps), Yankton, South Dakota has filed an application with the State Engineer to place the Corps "Area Closed" and the State Engineer's "No Trespassing" signs on piping plover and least tern nesting areas (islands/sandbars) on the Missouri River between river-mile 1283.0 south of Bismarck and river-mile 1381.0 south of the Garrison Dam for the 2018, 2019, and 2020 nesting seasons.

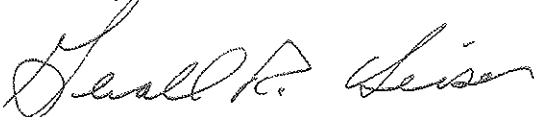
There are potentially more than 20 sites (islands/sandbars) on the Missouri River that could be signed in Burleigh, Morton, Oliver, Mercer, McLean, and Emmons Counties. Only islands/sandbars with active nests would be signed. The Corps would sign only that portion of any given island/sandbar being used for nesting and rearing by piping plovers and/or least terns. The Corps could sign the entire island/sandbar only if it is determined to be necessary for nest and chick survival.

The Corps would not place the State Engineer's "No Trespassing" signs on any islands/sandbars within the Bismarck-Mandan corridor of the Missouri River between river-miles 1310.0 and 1320.0. The Corps would remove all signs from any given island/sandbar once any hatched chicks have fledged or it has been determined that all nesting attempts have failed. The Corps would provide a map showing the locations of the areas posted to the State Engineer by July 15, of each year in which signage would occur. This authorization would be good for the 2018, 2019, and 2020 nesting seasons only and a new authorization would be required of the Corps for the 2021 nesting season and beyond.

Projects which lie either partially or wholly below the ordinary high watermark of navigable streams or waters may require authorization from the State Engineer prior to construction or operation. At the discretion of the State Engineer, a public meeting may be held on the project for the purpose of gathering information. The State Engineer will consider riparian owner's rights, recreation, navigation, aesthetics, erosion, wildlife, water quality, maintenance of existing water flows, alternative uses, and the environment in determining whether to grant the authorization.

To ensure that all environmental, economic and social factors are considered in the evaluation of this application, your views and comments are solicited. It is requested that any comments or information be forwarded within 30 days of the date of this mailing to the State Engineer, at 900 East Boulevard Avenue, Bismarck, North Dakota. If no reply is received within the 30 days, it will be assumed that your agency has no comment on this project.

Sincerely,



Gerald R. Heiser
Sovereign Lands Manager

GH:1625

Enclosures: Sovereign Lands Application
Map

Copies to: Michael Humann, North Dakota Department of Trust Lands
Jesse Hanson, North Dakota Parks and Recreation Department
Greg Link, Director, North Dakota Game and Fish Department
Peter Wax, North Dakota Department of Health
U.S. Fish and Wildlife Service, Bismarck
State Historical Society of North Dakota
Burleigh County Water Resource District
Morton County Water Resource District
McLean County Water Resource District
Mercer County Water Resource District
Oliver County Water Resource District
Emmons County Water Resource District
U.S. Army Corps Engineers, Bismarck



APPLICATION FOR AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN ISLANDS AND BEDS OF NAVIGABLE STREAMS AND WATERS

Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

Permit No. S-2021B

Project No. 1625



I, the undersigned, do hereby submit the following information to the Office of the State Engineer as an application to construct a project that may impact islands and beds of navigable streams and waters of North Dakota under NDCC Chapter 61-33.

GENERAL INFORMATION:

This Application must include a map from an actual survey, aerial photo or topographic map and plot map (if a development). The size of the map shall be 8½ by 11 inches. The map shall have a north arrow and approximate scale. Indicate the existing or proposed work on the drawing. Plans and specifications must be submitted if project includes construction work.

- (1) Project will be located in the: Missouri River Water Resource District
- (2) Legal description to the nearest 40 acre tract: _____ ¼ _____ ¼ Section _____ Township _____ Range _____
- (3) Is this application for modification of an existing project ☐ Yes ☐ No If so, what year was project constructed: _____
By whom: _____
- (4) Proposed project involves ☐ water crossing, type _____ ☐ boat dock, ☐ boat ramp, ☐ water intake,
☐ dredge, volume _____ cu. yds. ☐ filling, volume _____ cu. yds., type _____,
☒ other (explain) Placement of restriction signs to protect endangered species nesting and brooding sites.
- (5) Water body on which project will be located: Missouri River
- (6) Purpose: Placement of restriction signs to protect Federally listed bird nesting and brooding sites.
- (7) Project Description: Endangered species restriction signs will be placed around the perimeter of Missouri River sandbars to protect least tern and piping plover nesting and brooding sites. In each of the 3 years covered by this permit - the signs will be installed between May 1 & August 31, & will be removed at the end of the breeding season.
- (8) Contractor, if known: not applicable
- (9) Anticipated construction start date: May 1, 2018 Completion date: August 31, 2020

The filing of this application and its approval in no way relieves the applicant or riparian landowner from any responsibility or liability resulting from the construction, operation or failure of the project.

Riparian Land Owner or Organization Sponsor: (Print) _____

Applicant: (Print) Micheal Delvaux

Address: Gavins Point Project PO Box 710

Yankton SD 57078

Phone: (H) 605-305-0227

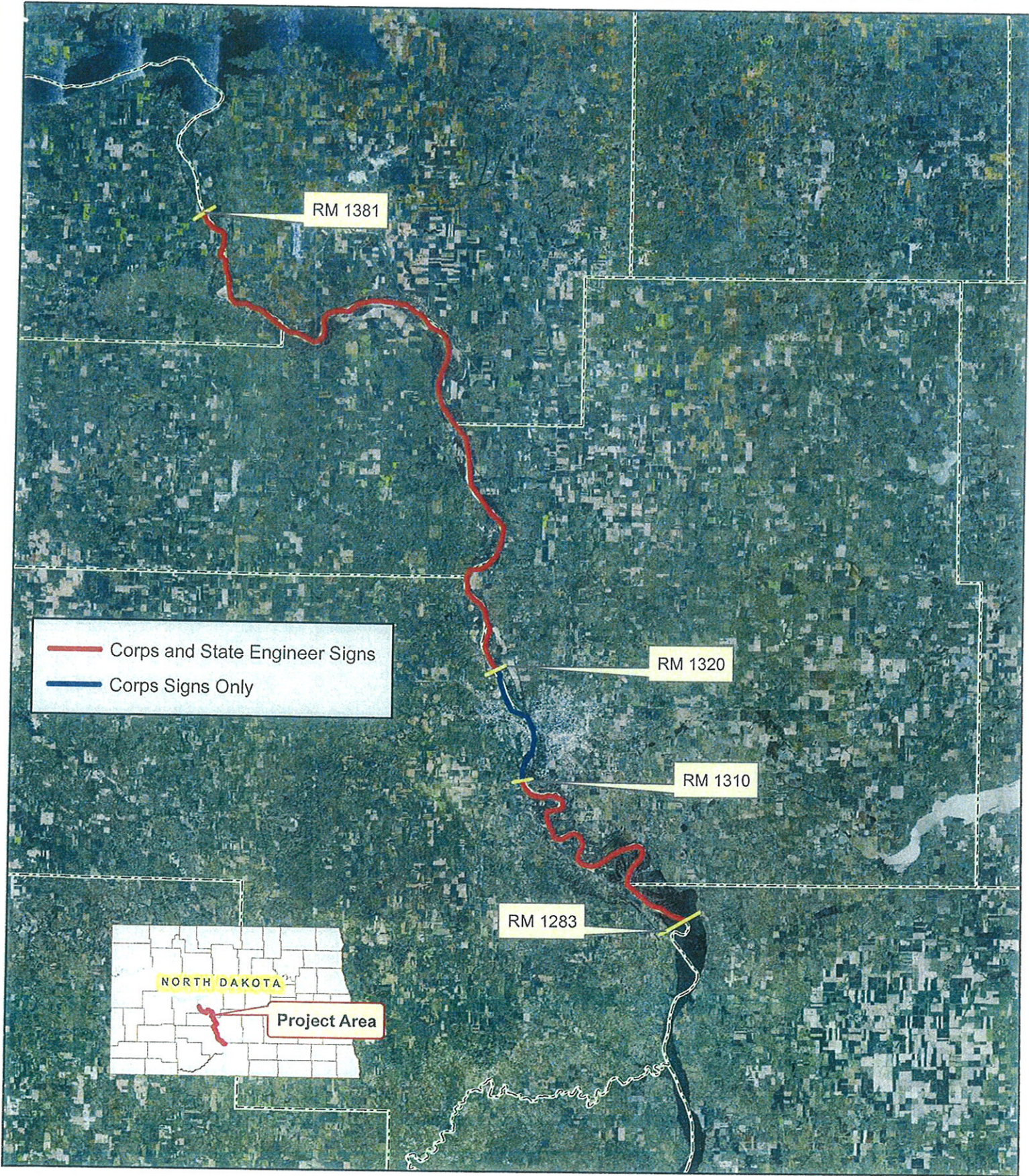
(W) 402-667-2887

DELVAUX.MICHEAL.J. Digitally signed by DELVAUX.MICHEAL.J.1220750872
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=DELVAUX.MICHEAL.J.1220750872
Date: 2017.12.12 11:37:25 -06'00'

Signature: 1220750872

Date Submitted: _____

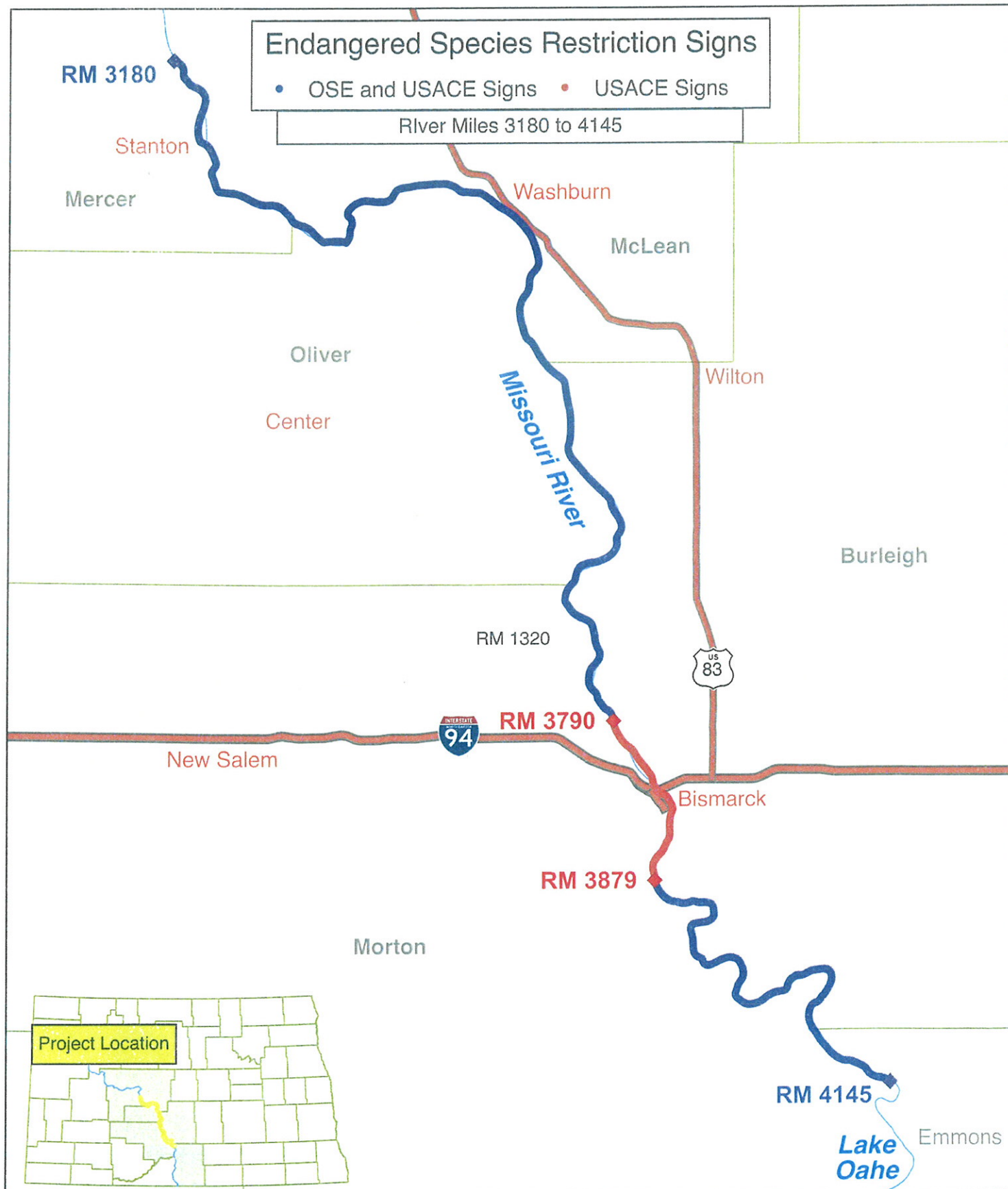
(Riparian landowner or Organization Sponsoring the project)



US Army Corps of Engineers
Mercer, McLean, Oliver, Burleigh, Morton & Emmons Co
Permit No.



27



**Sovereign Lands Permit Application No. S-2101-B
United States Army Corps of Engineers**

Burleigh, Emmons, McLean, Mercer, Morton, Oliver Counties

Endangered Species Restriction Signs



Date: 12/14/2017
Prepared by: CWN

Memo

To: North Dakota Water Resource District Members
From: Michael Dwyer
Date: January 18, 2018
Re: Dushinske & Jamison Scholarship Deadline

The 2018 Dushinske & Jamison Water Resources Scholarship will be awarded on **May 1**. There will be two \$1,500 scholarships awarded; one to a female and one to a male applicant whose family has taken an active role in the state's water resource management.

We encourage your family members to apply if they currently attend or plan to attend a North Dakota college or university. Preference will be given to, but not limited to, students studying water-related fields.

Enclosed is an application describing the application process and requirements. **Please discard any old applications you may have, as there have been changes.** The application deadline is **April 2, 2018**.

If you have any questions or need more information, please call Marina Jyring at 701-425-0098.

2018

DUSHINSKE & JAMISON

WATER RESOURCES SCHOLARSHIP



Background Information

The Dushinske & Jamison Water Resources Scholarship Endowment was established by the North Dakota Water Education Foundation (NDWEF) within the North Dakota Community Foundation in memory of Russ Dushinske and Warren Jamison and their distinguished service, dedicated leadership and life-long devotion to water development in North Dakota.

Scholarships

Income from the Dushinske & Jamison Water Resources Scholarship Endowment provides scholarships to two deserving North Dakota students. A \$1,500 scholarship will be awarded each year to one female and one male applicant. Scholarship recipients must attend a North Dakota college or university. Preference will be given to, but is not limited to, students studying water-related fields and students whose families have taken an active role in North Dakota's water resource management.

Scholarship recipients are required to attend the Annual North Dakota Water Convention Awards Banquet on Dec. 6, 2018 to read the winning essays.

Application Process

The NDWEF will notify the scholarship recipients by May 1. **The scholarship awards will be presented at the Awards Banquet of the North Dakota Water Convention on Dec. 6, 2018. Recipients are required to attend the banquet to receive their scholarships.**

Applications for the Dushinske & Jamison Water Resources Scholarship must be postmarked no later than April 2. The NDWEF will notify the scholarship recipients by May 1.

Please submit the following to the NDWEF by **April 2**. Incomplete entries will be disqualified.

- ✓ Scholarship application
- ✓ Written essay portion
- ✓ Most recent official transcript
- ✓ Photograph

For More Information

North Dakota Water Education Foundation
PO Box 2254
Bismarck, ND 58502
701-223-8332
Fax: 701-223-4645
mjyring@ndwater.net

2018



Application Information

Name of Student		Social Security Number		Date of Birth
Address	City	State	Zip	
Student's Telephone		Student's email		
Parent(s) Name		Parent(s) Telephone		
Parent(s) Mailing Address	City	State	Zip	
Names and relationships of relatives/guardians involved in water management, protection, or development, and how they are involved in the industry.				

Education

High School	City	Graduation Year	
Principal's Name	Grade Point Average		
Name of College or University (attending or planning to attend)		Expected Graduation Date	
Mailing address	City	State	Zip
Intended Major	Intended Minor		
Other Education or Training			

Essay

Please provide the following information in no more than one page (please type):

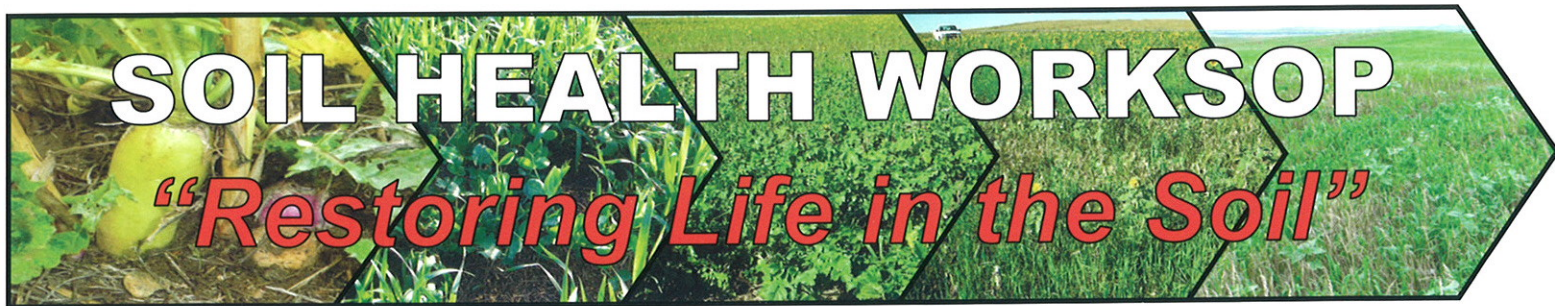
- 1) Honors and awards
- 2) Non-academic school activities and special interests
- 3) Career plans after college graduation
- 4) Reason(s) for applying for this scholarship

In a two-page essay, (12-point type, double-space) write about your most vivid memory concerning water.

I certify that the above information and data are correct and I consent to their disclosure. I understand that the essays I wrote for the purpose of this scholarship competition may be used and distributed by the North Dakota Water Education Foundation without further approval from me.

Signature of Applicant: _____ Date _____

31



Wednesday, Feb. 28, 2018

9:30 a.m. to 3 p.m. (CST)

National Energy Center of Excellence (Bavendick Room)

On the campus of Bismarck State College
1200 Schafer St., Bismarck, ND

AGENDA

8:30 to 9:30 a.m.	Registration
9:30 to 9:45 a.m.	Rocky Bateman, opening, Morton County SCD, Mandan, ND
	<i>Darrell Oswald</i> , morning host, Burleigh County SCD, Bismarck, ND
9:45 to 10:30 a.m.	Mark Liebig
10:30 to 11:15 a.m.	Mark Huso
11:15 to 11:30 a.m.	Break
11:30 a.m. to 12:15 p.m.	Joe Breker
12:15 to 1 p.m.	Lunch, speaker Ken Miller, Miller Ranch, Fort Rice, ND, recipient of the 2017 North Dakota Leopold Conservation Award
	<i>Brandon Schafer</i> , afternoon host, Morton County SCD
1 to 1:45 p.m.	Ron Kessel
1:45 to 2:30 p.m.	Derrick Dukart
2:30 to 3 p.m.	Jay Fuhrer, discussion and summary, NRCS, Bismarck, ND

Speakers include:



Mark Liebig
USDA-ARS, Mandan, ND
"Regeneration through diversity"



Mark Huso
Certified crop advisor, Lakota, ND
"Addressing salinity and soil health in diverse crop rotations"



Joe Breker
Farmer, Havana, ND
"What I have learned about soil health in 2017"



Ron Kessel
Certified crop advisor, New England, ND
"Utilizing Precision Ag and cover crops to improve soil health"



Derrick Dukart
Farmer/rancher, Manning, ND
"The value of diversity, covers and livestock"

REGISTRATION INFORMATION

There is no charge to attend this workshop, but please RSVP to reserve your seat and lunch by 4 p.m. Feb. 20, 2018. Call 701-250-4518, ext. 3, or e-mail your RSVP to lucinda.makedonski@nd.nacdnet.net

SPONSORS

Burleigh County Soil Conservation District, Morton County Soil Conservation District, Dakota Prairies RC&D Council & Natural Resources Conservation Service



Menoken Farm

This flyer and event is based upon work supported by the Natural Resources Conservation Service, U.S. Department of Agriculture, under number 68-6633-16-516. USDA is an equal opportunity provider and employer

BCWRD Invoices
2-14-18

Name	Project	Invoice	Amount
Bliss Law Firm	January services	19279	\$6,865.04
Bismarck Parks and Rec	Admin	4902	\$2,202.61
Bismarck Parks and Rec	Expenses	4902	\$8,810.42
Fronteer	Payroll and tax forms	38	\$545.00
Houston Engineering	General	37809	\$1,000.00
Houston Engineering	Burnt Creek Floodway	37810	\$395.50
PMS	January services	6129	\$2,608.27
Bank of North Dakota	Interest and Principal - Warrant Bond		\$2,850.00
Bank of North Dakota	Interest and Principal - Warrant Bond		\$25.00
	Subtotal		\$25,301.84
MRCC Bills			
Houston Engineering	Work Order #18 SA 25	37812	\$746.00
	Subtotal		\$746.00
Fox Island Bills			
Houston Engineering	Fox Island	37811	\$10,383.50
	Subtotal		\$10,383.50
	TOTAL		\$36,431.34

Bliss Law Firm, LLC
400 East Broadway, Suite 308
Bismarck, ND 58501

Invoice submitted to:

Burleigh County Water Resource District
1720 Burnt Boat Dr., Suite 205
Bismarck, ND 58503

February 02, 2018

Invoice #19279

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
1/3/2018 (953) Follow-up telephone call to Chairman Larson with regard to Hay Creek Pines appeal, drain complaint status.	0.40 231.00/hr	92.40
(910H) Telephone call from Attorney Sean Smith with regard to Fox Island matters.	0.40 231.00/hr	92.40
(953) Receipt and review of Houston Engineering drainage complaint analysis and report to the Board.	0.30 231.00/hr	69.30
1/4/2018 (910H) Receipt and review of e-mail from Attorney Sean Smith, reply to the same.	0.20 231.00/hr	46.20
(910H) Follow-up telephone call to Mike Gunsch with regard to status of Fox Island easement from the county/township.	0.40 231.00/hr	92.40
(953) Follow-up telephone call to Rod Beck with regard to Nitschke matters.	0.30 231.00/hr	69.30
1/5/2018 (910H) Review file; review Burleigh County States Attorney Riha's opinion from August 11, 2017 with regard to raising road level in Fox Island subdivision; review related case law.	2.50 231.00/hr	577.50
(910H) Telephone call to Mike Gunsch with regard to additional plat information; discussion of Fox Island project and district alternatives; receipt and review of additional plats and roadway information from Mike Gunsch.	0.50 231.00/hr	115.50
1/6/2018 (910H) Receipt and review of draft of County easement to the District with appropriate legal description; edit, review, reply to the same.	1.00 231.00/hr	231.00

	<u>Hrs/Rate</u>	<u>Amount</u>
1/6/2018 (910H) Receipt and review of correspondence from Attorney Sean Smith and his representation of a group of landowners who have protested the assessment district; e-mail to/from Attorney Smith; forward correspondence to Chairman Larson, Commissioner Jones, and Mike Gunsch.	1.00 231.00/hr	231.00
(953) Follow-up telephone call to Mike Gunsch; review status of levee easements, operational plan status; review county status of easement grant to the district.	0.80 231.00/hr	184.80
1/8/2018 (953) Receipt and review of Houston Engineering summary to re-route alternate route; review cost share possibilities, probable costs; follow-up e-mail to Mike Gunsch with regard to re-route matters.	0.50 231.00/hr	115.50
1/9/2018 (910H) Telephone call to Mike Gunsch with regard to upcoming Fox Island annual meeting.	0.40 231.00/hr	92.40
(910H) Review file; reply to Attorney Smith's e-mail on status of case; review county position.	0.40 231.00/hr	92.40
(953) Telephone call from Mike Gunsch with regard to post-public Fox Island informational meeting.	0.50 231.00/hr	115.50
(910H) Telephone call from Commissioner Kathleen Jones with regard to status of Fox Island matters.	0.40 231.00/hr	92.40
(910H) Telephone call to Chairman Larson with regard to Fox Island informational meeting, related Fox Island matters.	0.40 231.00/hr	92.40
1/10/2018 (910H) Review Gallatin Drive county right-of-way easements.	0.30 231.00/hr	69.30
(910H) Telephone call from Mike Gunsch with regard to Fox Island annual community meeting; discussion of county, states attorney reply to Mr. Smith's inquiry, status of county easements.	0.40 231.00/hr	92.40
(953) Numerous e-mail to/from Commissioner Jones, County Engineer Marcus Hall, Mike Gunsch, Chairman Larson with regard to Fox Island matters.	1.00 231.00/hr	231.00
1/16/2018 (910H) Review Fox Island documents including Brown/McCormick levee easement which remains to be signed.	0.50 231.00/hr	115.50
1/17/2018 (910H) Conference call with Rod Beck, Mike Gunsch with regard to status of Fox Island matters.	1.00 231.00/hr	231.00
1/18/2018 (910H) Telephone call from Board Manager Rick Detweiler with regard to Fox Island status of negotiations, legal options.	0.80 231.00/hr	184.80

	<u>Hrs/Rate</u>	<u>Amount</u>
1/18/2018 (910H) Receipt and review of letter from Attorney Dopson who included his earlier letter to his own client; follow-up telephone call and e-mail to Nic Cullen at Houston Engineering with regard to possible negotiation of levee easement.	0.30 231.00/hr	69.30
1/19/2018 (910H) Receipt and review of copy of Malloy e-mail to Burleigh County Commission; forward e-mail to Attorney Smith, who represents Mr. Malloy.	0.30 231.00/hr	69.30
(910H) Telephone call from Mike Gunsch with regard to Brown/McCormick levee easement modifications.	0.30 231.00/hr	69.30
(910H) Review Attorney Sean Smith's inquiry of Board and Burleigh County Commission; legal research with regard to the same.	0.50 231.00/hr	115.50
(910H) Review Fox Island landowners' petition to opt out of the assessment district; review County e-mail with regard to ROW; follow-up telephone call to Mike Gunsch with regard to permitting of approaches and related items.	0.50 231.00/hr	115.50
1/22/2018 (312) Prepare for Board meeting; attend Board meeting.		1,000.00
(910H) Telephone calls to/from Attorney Sean Smith with regard to the Fox Island landowners' status of case and procedures.	0.50 231.00/hr	115.50
(910H) Review Fox Island project petitions and original petition for project; case review.	0.50 231.00/hr	115.50
(910H) Follow-up telephone call to Chairman Larson with regard to counsel discussion with Fox Island Attorney.	0.40 250.00/hr	100.00
(910H) Follow-up telephone call to Manager Rod Beck with regard to status of Hay Creek matters.	0.30 250.00/hr	75.00
1/23/2018 (910H) Review Attorney Larry Dopson's correspondence to his clients and to the Board with regard to easement and potential modifications; follow-up letter to Attorney Dopson with regard to the same.	0.40 250.00/hr	100.00
(910H) Review case files, easements.	0.30 250.00/hr	75.00
(910H) Review e-mail correspondence to/from primary parties with regard to easement matters, temporary construction easement and levee easement; telephone call/e-mail to/from Nic Cullen and Mike Gunsch with regard to further action and easement modifications.	1.00 231.00/hr	231.00
1/24/2018 (910H) Review PMS contract pursuant to Board direction.	0.40 231.00/hr	92.40

	<u>Hrs/Rate</u>	<u>Amount</u>
1/25/2018 (953) File review; review case law with regard to appeal procedures for administrative appeal of Board decision; initial draft of appealee's status report to be filed with the Court; draft supporting documents in regard to status report.	2.00 231.00/hr	462.00
1/26/2018 (953) Finalize status report and supporting documents; service upon pro se clients; file with the court.	0.70 231.00/hr	161.70
1/30/2018 (910H) Receipt and review of Burleigh County States Attorney Richard Riha's opinion with regard to Fox Island easements; forward to Board members.	0.40 231.00/hr	92.40
(910H) Telephone calls/e-mail to/from Nic Cullen, Attorney Larry Dopson with regard to Brown/McCormick release and temporary construction easements; modify both documents pursuant to agreements; follow-up e-mail to Attorney Dopson with regard to proposed amendments to temporary construction easement and release of claims.	1.00 231.00/hr	231.00
(910H) Telephone call from Mike Gunsch with regard to Riha's opinion on Fox Island.	0.30 231.00/hr	69.30
(953) Telephone calls to/from Mike Gunsch with regard to Hay Creek Pines status.	0.20 231.00/hr	46.20
2/1/2018 (910H) Telephone call from Attorney Dopson with regard to Brown/McCormick release of claims and easement; follow-up e-mail to Nic Cullen, Mike Gunsch with regard to Dopson's acceptance of our amendments to these documents.	0.40 231.00/hr	92.40
For professional services rendered		<u>\$6,824.70</u>
Additional Charges :		
2/1/2018 Postage		2.34
Copying costs		38.00
Total additional charges		<u>\$40.34</u>
Total amount of this bill		<u>\$6,865.04</u>
Previous balance		\$4,800.82
Accounts receivable transactions		
1/19/2018 Payment - Thank You. Check No. 1570		<u>(\$4,800.82)</u>
Total payments and adjustments		<u>(\$4,800.82)</u>

	<u>Amount</u>
Balance due	<u>\$6,865.04</u>



Fronteer Payroll Services Inc
4007 State Street, Ste 20
P.O. Box 1315
Bismarck, ND 58502-

Date: January 19, 2018
Invoice #: 0000000038
Terms: Net

Burleigh Co. Water Resource District
1720 Burnt Boat Dr
Ste 205
Bismarck, ND 58503-

Total Due: \$545.00

Detach And Return With Payment

Fronteer Payroll Services Inc 4007 State Street, Ste 20 P.O. Box 1315, Bismarck, ND 58502-

Description	Amount	Total
Quarterly Payroll Processing	\$125.00	\$125.00
4th Quarter Payroll Report Completion	\$125.00	\$125.00
940 Annual Report Completion	\$75.00	\$75.00
Completion of 7 W2s @ \$10/W2	\$70.00	\$70.00
Completion of 2017 1099s 6 @ \$25	\$150.00	\$150.00
Total:		\$545.00

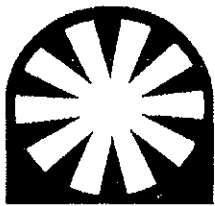
Thank you for your business!

1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

Date	Invoice #
1/31/2018	6129

Bill To
BCWRD

Description	Amount
Administrative/Management Fees (January)	1,500.00
Bookkeeping/Accounting services	500.00
Administrative (update websites, board portfolios)	250.00
Fox Island - post on website, discussion iwth Dave)	50.00
Hay Creek Pines - sned out letters, email correspondence	50.00
Administrative/Management Fees	175.00
Photocopies	25.00
Printing - Color	12.60
Postage	8.17
Supplies (labels)	7.50
Supplies (folders for 2018)	30.00
Total	\$2,608.27

**BISMARCK PARKS AND RECREATION**

400 East Front Avenue

Bismarck, ND 58504

701-222-6455

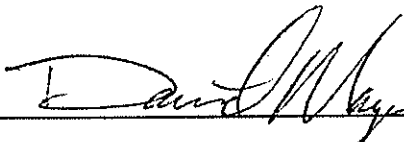
701-221-6838 (fax)

INVOICE

INVOICE NO: 4902

DATE: 2/6/2018

TO: Mona Livdahl
BCWRD
1811 E. Thayer Avenue
Bismarck, ND 58501

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
	January 2018 McDowell Dam billing		\$ 11,013.03
			
TOTAL DUE:			\$ 11,013.03

Make all checks payable to Bismarck Parks and Recreation.

If you have any additional questions concerning this invoice, call 222-6455.

THANK YOU!

Please return bottom portion with your payment

Mona Livdahl
BCWRD
1811 E. Thayer Avenue
Bismarck, ND 58501

Invoice No.
4902

Amt. Due
\$ 11,013.03

Mail payment to: Bismarck Parks & Recreation, 400 East Front Ave., Bismarck, ND 58504

**BURLEIGH COUNTY WATER RESOURCE DISTRICT
McDowell Dam Monthly Billing**

**Bismarck Parks & Recreation District
400 E. Front Ave
Bismarck, ND 58504**

For The Month Ended January 31, 2018

Date Submitted: 2/5/2018

Salaries & Wages	\$ 3,423.26
Employer Payroll Taxes	261.88
Employee Pension & Health/Life Benefits	1,365.89
Property & Liability Insurance	-
Operating Expenses	3,759.39
Capital Improvement Expenses	<u>-</u>
Total Expenses	\$ 8,810.42
Administrative Fee	
(25% of Operating Expenses)	\$ 2,202.61
(5% of Capital Improvement Expenses)	<u>-</u>
Total Amount Requested	\$ 11,013.03

Megan Pederson My
Prepared By

Board Member

Accounting Specialist
Title

McDowell Dam Monthly Billing

January-18

Salaries & Wages

Salaries - Full time	\$ 3,423.26	
Accrued Sick and Annual Leave Pay	-	
Wages - Part time	-	
Wages - Part time (Overtime)	-	
Total Salaries & Wages		<u>\$ 3,423.26</u>

Employer Payroll Taxes

Social Security/Medicare	261.88	
Worker's Compensation - Paid Benefits	-	
Unemployment	-	
Total Employer Payroll Taxes		<u>261.88</u>

Employee Benefits

Pension	356.02	
Job Service	-	
Health & Life Insurance	1,009.87	
Total Employee Benefits		<u>1,365.89</u>

Property & Liability Insurance

General Liability	-	
Multi Coverage	-	
Auto Liability	-	
Total Property & Liability Insurance		<u>-</u>

Operating Expenses

Sanitary Systems	56.00	
Miscellaneous Supplies	392.09	
Fuel	136.22	
Repairs & Replacement	2,506.11	
Credit Card Fees	7.50	
	<u>3,097.92</u>	

Utilities

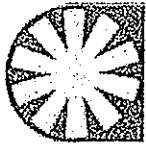
Electricity	531.70	
Telephone	129.77	
Total Utilities	<u>661.47</u>	

Total Operating Expenses 3,759.39

Capital Improvements

Building and Building Remodeling	-	-
Capital Equipment	-	-
Total Capital Improvements		<u>-</u>

Total Expenses \$ 8,810.42



Bismarck Parks and Recreation District

Detail Report
Account Detail

Date Range: 12/31/2017 - 01/31/2018

Account	Name	Beginning Balance	Total Activity	Ending Balance
Fund: 01 - GENERAL FUND				
<u>01.12.000.510100</u>	FULL-TIME SALARIES	40,266.77	3,423.26	43,690.03
Post Date	Packet Number	Source Transaction	Pmt Number	Description
12/31/2017	PYPKT00178	PYPKT00178 - 2018-1/		ROBINSON, DAVID H.:000415 - McDow
01/05/2018	PYPKT00178	PYPKT00178 - 2018-1/		ROBINSON, DAVID H.:000415 - McDow
01/19/2018	PYPKT00188	PYPKT00188 - 2018-1/		ROBINSON, DAVID H.:000415 - McDow
<u>01.12.000.520400</u>	SANITARY SYSTEMS		849.00	905.00
Post Date	Packet Number	Source Transaction	Pmt Number	Description
12/31/2017	APPKT00473	SI-107764	193029	BILLING PERIOD 10/08/17 - 11/04/17
<u>01.12.000.529100</u>	CASH TRANSFER OUT			
Post Date	Packet Number	Source Transaction	Pmt Number	Description
12/31/2017	APPKT00473	123117	192981	REVENUES 10/1/17 - 12/31/17
<u>01.12.000.530140</u>	MISCELLANEOUS SUPPLIES			
Post Date	Packet Number	Source Transaction	Pmt Number	Description
12/31/2017	APPKT00498	1354	DFT0000228	TREES
12/31/2017	APPKT00498	180838	DFT0000228	SEEDLINGS, PLANTING MATERIAL
<u>01.12.000.531300</u>	FUEL			
Post Date	Packet Number	Source Transaction	Pmt Number	Description
12/31/2017	APPKT00502	FLTS-17-0017		FUEL USAGE DECEMBER 2017

Detail Report

Date Range: 12/31/2017 - 01/31/2018

Account	Name	Beginning Balance	Total Activity	Ending Balance
01.12.000.531400	REPAIRS & REPLACEMENT	21,381.34	2,506.11	23,887.45

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/31/2017	APPKT00498	1863062762	DFT0000228	GARAGE SIDE DOOR	0948 - US BANK - ONE CARD		134.00	21,515.34
				Purchased From Vendor: 0581 - MENARDS				
12/31/2017	APPKT00498	235096	DFT0000228	WELD CAP	0948 - US BANK - ONE CARD		31.50	21,546.84
12/31/2017	APPKT00498	4710747	DFT0000228	SHOVEL, ICE CHIPPER	0948 - US BANK - ONE CARD		66.97	21,613.81
				Purchased From Vendor: 0785 - RUNNINGS SUPPLY INC				
12/31/2017	APPKT00498	50231078710	DFT0000228	PAINTING SUPPLIES	0948 - US BANK - ONE CARD		59.86	21,673.67
				Purchased From Vendor: 0581 - MENARDS				
12/31/2017	APPKT00498	50231082724	DFT0000228	DOOR INSTALLATION PARTS	0948 - US BANK - ONE CARD		47.20	21,720.87
				Purchased From Vendor: 0581 - MENARDS				
12/31/2017	APPKT00498	594439	DFT0000228	GATE METAL	0948 - US BANK - ONE CARD		206.40	21,927.27
				Purchased From Vendor: 0694 - PAHLKE STEEL, INC.				
12/31/2017	APPKT00498	66844096830	DFT0000228	UTILITY HEATER	0948 - US BANK - ONE CARD		16.89	21,944.16
				Purchased From Vendor: 0581 - MENARDS				
12/31/2017	APPKT00498	66889	DFT0000228	NO ICE FISHING/NO HUNTING SIGNS	0948 - US BANK - ONE CARD		111.06	22,055.22
				Purchased From Vendor: 0782 - ROUGHRIIDER INDUSTRIES				
12/31/2017	APPKT00498	9577	DFT0000228	ANNUAL FIRE EXTINGUISHER INSPECTI	0948 - US BANK - ONE CARD		35.00	22,090.22
				Purchased From Vendor: 0260 - DAKOTA FIRE STATION INC				
12/31/2017	APPKT00498	1A44563	DFT0000228	MOWER PARTS	0948 - US BANK - ONE CARD		72.33	22,162.55
				Purchased From Vendor: 0651 - NORTHERN PLAINS EQUIPMENT CO.				
12/31/2017	APPKT00498	IN001-1199108	DFT0000228	HYDRAULIC HOSE - BOBCAT TRAILER	0948 - US BANK - ONE CARD		50.58	22,213.13
				Purchased From Vendor: 0379 - FORCE AMERICA DISTRIBUTING LLC				
12/31/2017	APPKT00498	S3535553.001-A	DFT0000228	GATE CAP	0948 - US BANK - ONE CARD		9.32	22,222.45
				Purchased From Vendor: 0850 - SPS COMPANIES INC				
12/31/2017	APPKT00502	10828		FURNACE - BUILDING 1	0301 - DIRK PLUMBING & HEATING INC.		1,665.00	23,887.45
				ELECTRICITY		4,702.98	531.70	5,234.68

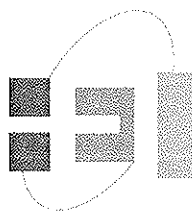
Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/31/2017	APPKT00473	123117	192983	OCTOBER 2017 BILLING PERIOD	0175 - CAPITAL ELECTRIC COOPERATIVE		531.70	5,234.68
				TELEPHONE		1,400.35	129.77	1,530.12

Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Project Account	Amount	Running Balance
12/31/2017	APPKT00485	122817	193113	BILLING PERIOD 10/28/17 - 11/27/17	0202 - CENTURYLINK		6.00	1,406.35
12/31/2017	APPKT00498	120117	DFT0000228	DECEMBER 2017 PHONE, INTERNET	0948 - US BANK - ONE CARD		123.77	1,530.12
				Purchased From Vendor: 0087 - BEK COMMUNICATIONS				

Detail Report

Account		Name		Date Range: 12/31/2017 - 01/31/2018			
Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Beginning Balance	Ending Balance
01/12/2018	APPKT00487	EINS-18-0012	193140	JANUARY 20118 HEALTH BENEFITS	0209 - CITY OF BISMARCK	11,642.20	12,652.07
01/12/2018		MISC CHARGES, PERMITS, LICENSES					
12/31/2017	GLPKT00628	JE00723		Reallocation of Misc. Expense	Vendor		
01/31/2018	GLPKT00674	JE00772		McDowell Dam CC Fees			
01/12/2018		REFUNDS					
12/31/2017	GLPKT00627	JE00703		Credit Card Fees	Vendor		
12/31/2017	GLPKT00628	JE00723		Reallocation of Misc. Expense			
Total Fund: 01 - GENERAL FUND: Beginning Balance: 109,970.20						Total Activity: 8,257.02	Ending Balance: 118,227.22
Grand Totals: Beginning Balance: 109,970.20						Total Activity: 8,257.02	Ending Balance: 118,227.22

INVOICE



HoustonEngineering Inc.

Remit to:

1401 21st Ave N, Fargo, ND 58102

Phone: 701.237.5065

Fed Tax ID: 45-0314557

Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

February 5, 2018

Invoice No: 0037809

Due Date: March 7, 2018

Project R084241-0000 BCWRD - General Engineering Services

BCWRD Project No.: 315 - Engineering Administration

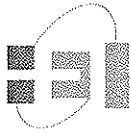
See attached Project Status Report and Invoice Description.

Professional Services from January 7, 2018 to January 27, 2018

Phase 000 Burleigh Co. WRD - General

Monthly Lump Sum Amount

Fee	1,000.00
Total this Phase	\$1,000.00
Total this Invoice	\$1,000.00



HoustonEngineering Inc.

Project Status and Invoice Description

3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

HEI Project No.:	4241-0000
BCWRD Account No.	315 – Engineering Administration
Project Name:	BCWRD - General Engineering Services

Billing Period: *January 7, 2018 through January 27, 2018*

Professional engineering and surveying services related to activities and issues addressed at the request and direction of the BCWRD during this billing period, including time associated with, but not limited to the following:

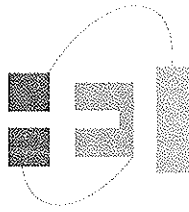
- January Meeting
- Meeting preparation and discussion
- Review of minutes and agenda updates
- Various BCWRD issues, contacts and calls

Comments:

- This invoice is only for Board meeting related time only. In accordance with Board direction, all costs associated with drainage complaints, stormwater plans, and other project related activities are to be invoiced to assigned project numbers.

Total Invoice **\$1,000**

INVOICE



Houston Engineering Inc.

Remit to:

1401 21st Ave N, Fargo, ND 58102

Phone: 701 237 5065

Fed Tax ID: 45-0314557

Interest of 1%/month applied to past due invoices

Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

February 5, 2018

Invoice No: 0037810

Due Date: March 7, 2018

Project R084241-0300 Burnt Creek Floodway Rehabilitation and O&M

BCWRD Account No. 940 - Shared Projects

SA 5D

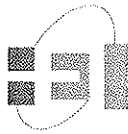
See Attached Project Status Report and Invoice Description.

Professional Services from October 22, 2017 to January 27, 2018

Phase 000 Burnt Creek Floodway Rehabilitation and O&M

Professional Personnel

	Hours	Rate	Amount	
Senior Project Manager	1.25	190.00	237.50	
Project Engineer	1.00	158.00	158.00	
Totals	2.25		395.50	
Total Labor				395.50
		Total this Phase		\$395.50
		Total this Invoice		\$395.50



HoustonEngineering Inc.

Project Status and Invoice Description

3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

HEI Project No.:	4241-0300
BCWRD Account No.	940 – Burnt Creek Rehabilitation
Project Name:	Burnt Creek Flood Control Project

Billing Period: *October 22, 2017 through January 27, 2018*

The following professional engineering and surveying services were provided on the Burnt Creek Flood Control Project.

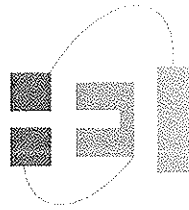
Phase (000) Floodway Rehabilitation and O&M

- Calls and discussions related to a landowner request to close areas owned by the BCWRD to the public for hunting, due to the public risk on adjoining properties.
- Research property ownership tracks and consider potential locations for signage on the very narrow tracts owned by the BCWRD.
- Discussion of signage options and current uses in the area in question.

Comments/Issues/Problems

- Signage to prohibit hunting and trapping, but not access as the area is bisected by the pedestrian trail.
- No one yet assigned to actually obtain and install the signage.

INVOICE



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Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

February 5, 2018

Invoice No: 0037811

Due Date: March 7, 2018

Project R106025-0006 Fox Island Flood Control

BCWRD Account No.: 937 - Special Assessment Projects

See attached Project Status Report and Invoice Description.

Professional Services from January 7, 2018 to January 27, 2018

Phase 010 Reroute Alternative

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	8.50	196.00	1,666.00	
Engineer III	7.75	146.00	1,131.50	
Totals	16.25		2,797.50	
Total Labor				2,797.50
Total this Phase				\$2,797.50

Phase 100 Regulatory and Easements

Task 001 Permitting and Regulatory

Professional Personnel

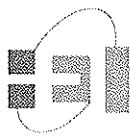
	Hours	Rate	Amount	
Engineer III	8.00	146.00	1,168.00	
Totals	8.00		1,168.00	
Total Labor				1,168.00
Total this Task				\$1,168.00

Task 002 Easements and Rights-of-Way

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	2.75	196.00	539.00	
Engineer III	2.00	146.00	292.00	
Engineer I	9.50	117.00	1,111.50	
Project Mgr - Land Surveying	6.50	160.00	1,040.00	
Totals	20.75		2,982.50	
Total Labor				2,982.50
Total this Task				\$2,982.50
Total this Phase				\$4,150.50

Project	R106025-0006	Fox Island Flood Control	Invoice	0037811
Phase	200	Final Design		
Task	004	Levee Design		
Professional Personnel				
		Hours	Rate	Amount
CAD Technician I		9.00	79.00	711.00
Totals		9.00		711.00
Total Labor				711.00
		Total this Task		\$711.00
<hr/>				
Task	005	Project Manual		
Professional Personnel				
		Hours	Rate	Amount
Project Engineer		12.50	163.00	2,037.50
Engineer III		1.25	146.00	182.50
Engineer I		4.00	117.00	468.00
Totals		17.75		2,688.00
Total Labor				2,688.00
		Total this Task		\$2,688.00
<hr/>				
Task	007	Project QA/QC and Meetings		
Professional Personnel				
		Hours	Rate	Amount
Engineer III		.25	146.00	36.50
Totals		.25		36.50
Total Labor				36.50
		Total this Task		\$36.50
		Total this Phase		\$3,435.50
		Total this Invoice		\$10,383.50



HoustonEngineering Inc.

Project Status and Invoice Description

3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

HEI Project No.: 6025-0006
BCWRD Account No. 937 – Special Assessment Projects
Project Name: Fox Island Flood Control

Billing Period: January 7, 2018 through January 27, 2018

Professional engineering services related to the activities associated with the preparation of the easement documents, regulatory submittals and final design documents for the Fox Island Flood Control Project.

Tasks Completed:

- Continued landowner negotiations with Ness and Brown along with additional landscape architectural services and renderings to assist with securing the easements. The Brown's were provided with a claim's release to review, which we understand they are ready to sign.
- Temporary construction easement letters were mailed after Burleigh County Commission reaffirmed funding after states attorney's opinion. The rate of return on these documents has been very slow, meaning the cost to procure will increase. Additional letters to follow to notify those who elected not to participate relative to the status.
- Responded to landowner calls regarding project development and implementation.
- Continued final design, QA/QC process and project manual nearly complete
- Prepared for and facilitated public informational meeting to respond to questions and address to the extent possible the South Gallatin Drive landowners reroute alternative. Their petition will result executive sessions, due to the potential legal action that may result, therefore there will continue to extend time and costs incurred, which will be borne by the project. These costs are noted separately below as they are outside our scope of services.
- Submittal to North Dakota State Engineer delayed by Township Easement, which remains to be resolved by the County Commission.
- USACE Section 408 submittal to proceed without easements

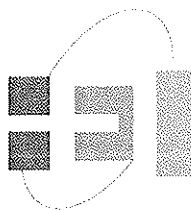
Comments and Issues:

- *Securing landowner easements continues to absorb considerable and time consuming during design and have increased design costs. It also has delayed the permit application to the ND State Engineer. We anticipate another change in budget to address ongoing issues associated with the temporary construction easements.*
- *The petition filing with the County Commission regarding the reroute has resulted in the need to consider the impact and response. A reconsideration of the opt-out determination was completed, along with a review of the project options and the older petitions from project inception. These costs are outside the scope of our contract and time is invoiced separately as noted below.*
- *USACE Section 408 may result in the need to complete an Environmental Assessment. Submittal to the USACE remains to be completed, but is pending.*
- *Bidding early in 2018 is an objective, though permit review needs to be considered before advertising. The 2018 construction window is becoming a concern if delays continue.*
- *Final negotiations with residents continues with one landowner easement remaining.*

See accompanying invoice for personnel cost breakdown.

Reroute Alternative Issues	\$ 2,797.50	Out of Scope Services
Regulatory and Easements (100)	\$ 4,150.50	
Final Design (200)	\$ 3,435.50	
Total Invoice	\$ 10,383.50	

INVOICE



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Fed Tax ID: 45-0314557

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Ms. Mona Livdahl
Burleigh County Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

February 5, 2018

Invoice No: 0037812

Due Date: March 7, 2018

Project R126025-0012 Missouri River Correctional Facility FHMP

BCWRD Account No.: 937F-1

**Work Order No. 18; Specific Authorization No. 25
Amendment #1**

See attached Project Status Report and Invoice Description.

Professional Services from January 7, 2018 to January 27, 2018

Phase 800 Operations and Maintenance Manual

Professional Personnel

	Hours	Rate	Amount	
Project Engineer	3.50	163.00	570.50	
Engineer I	1.50	117.00	175.50	
Totals	5.00		746.00	
Total Labor				746.00
			Total this Phase	\$746.00
			Total this Invoice	\$746.00



HoustonEngineering Inc.

Project Status and Invoice Description

3712 Lockport Street
Bismarck, ND 58503
Phone: 701-323-0200
Fax: 701-323-0300

HEI Project No.:	6025-0012
BCWRD Account No.	937F-1
Project Name:	Missouri River Correction Facility FHMP

Billing Period: *January 7, 2018 through January 27, 2018*

Professional engineering and surveying services related to the Missouri River Correctional Facility FHMP including time associated with, but not limited to the following:

Tasks Completed:

- Operations and Maintenance Manual – Updated Draft based on comments
- Collect site photos of constructed features and add to O&M Manual
- Discussions regarding SWC project completion form

Comments and Issues:

- This is the 15th invoice under Specific Authorization #25 Amendment #1, and continuation of previously authorized work.
- A copy of the O&M Manual and record drawings are to be transmitted to the ND State Engineer when completed, along with a project completion form
- The NDSE has requested a final accounting of the final project expenses and costs. These will be prepared at the direction of the Board after the Bond Funds have been received and the final documents completed. This will require an internal review of BCWRD records with the secretary and treasurer. **Finance and bonding meeting needs to be held shortly to make a March-April final submittal to the State Engineer**

See accompanying invoice for personnel cost breakdown.

Phase (800) O&M Manual	\$	746.00
Total	\$	746.00

**PAYING AGENT STATEMENT**

BANK OF NORTH DAKOTA
TRUST SERVICES
SFN 4050 (04/2008)

INTEREST AND PRINCIPAL PAYMENT DATE

03/01/2018

FUNDS SCHEDULED TO DRAW 2 BUSINESS DAYS PRIOR TO PAYMENT DATE

BURLEIGH COUNTY WATER RESOURCE DISTRICT
ATTN: SECERTARY
1811 E THAYER AVE
BISMARCK ND 58501-4780

Name of Issue BURLEIGH COUNTY WATER RESOURCE DISTRICT
DEFINITIVE IMPROVEMENT WARRANT
SERIES 2012

BURLCOWTR12

INTEREST DUE

2,375.00

PRINCIPAL DUE

0.00

TOTAL PRINCIPAL AND INTEREST DUE

2,375.00

FEES DUE

SRF PROGRAM ADMINISTRATION FEE

475.00

TOTAL FEES DUE

475.00

TOTAL DUE

2,850.00

Please Return to BND if Account Information has Changed

Name of Customer Financial Institution:

ABA Routing Number:

Account Number:

Type of Account (Checking or Savings):

Signature:

Date:

**PAYING AGENT STATEMENT**

BANK OF NORTH DAKOTA
TRUST SERVICES
SFN 4050 (04/2008)

INTEREST AND PRINCIPAL PAYMENT DATE

03/01/2018

FUNDS SCHEDULED TO DRAW 2 BUSINESS DAYS PRIOR TO PAYMENT DATE

BURLEIGH COUNTY WATER RESOURCE DISTRICT
ATTN: SECRETARY
1811 E THAYER AVE
BISMARCK ND 58501-4780

Name of Issue BURLEIGH COUNTY WATER RESOURCE DISTRICT
DEFINITIVE IMPROVEMENT WARRANT
SERIES 2013

BURLCOWTR13

INTEREST DUE

20.00

9101-3

PRINCIPAL DUE

0.00

TOTAL PRINCIPAL AND INTEREST DUE

20.00

FEES DUE

SRF PROGRAM ADMINISTRATION FEE

5.00

937A

TOTAL FEES DUE

5.00

TOTAL DUE

25.00

Please Return to BND if Account Information has Changed

Name of Customer Financial Institution:

ABA Routing Number:

Account Number:

Type of Account (Checking or Savings):

Signature:

Date: