

BCWRD Meeting Minutes
 October 8, 2014 – Tom Baker Meeting Room
 Approved 11-11-14

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
<p>Present: Terry Fleck, Cary Backstrand, Kathleen Jones, Gordon Weixel, Dennis Reep, Dave Bliss, Bliss & Stebbins Law Firm, Michael Gunsch, Houston Engineering, Inc.; Commissioner Doug Schonert, Burleigh County Commissioner; and Mona Livdahl, Personalized Management Services, Inc.</p>				
<p>Call to order: Called to order at 8:00 a.m. noting a quorum was present.</p>				
<p>9-9-14 Minutes</p>	<p>An error had been made in the bills as approved. The total amount approved should have been \$60,940.00.</p>	<p>Kathleen moved to approve as corrected, Dennis seconded. Motion Carried.</p>	<p>N/A</p>	<p>N/A</p>
<p>9-23-14 Minutes</p>	<p>None</p>	<p>Kathleen moved to approve, Cary seconded. Motion Carried.</p>		
<p>McDowell Dam</p>				
<p>Low Level drawdown</p>	<p>Adventure Divers out of Minot will provide a price quote to repair. Discussed the last time this was broke and who paid for it.</p>	<p>Chairman Fleck asked Greg to check the R&M for Bismarck Parks and Rec to see who repaired and the cost.</p>	<p>Greg Smith</p>	
<p>Review of other Dams Funding Opportunities</p>	<p>Gordon provided information on Larimore Dam & Fordville Dam. Kathleen noted next month we have a gentleman coming who does Grant Writing and get together with him to see what he perceives for McDowell Dam. Noted also can look into the Heritage Fund.</p>	<p>No action taken.</p>		
<p>BPRD Meeting</p>	<p>Gordon, Kathleen, Dave, Greg & Randy will be meeting Thursday October 9th at 3:30 p.m.</p>	<p>No action taken</p>	<p>N/A</p>	
<p>County Engineer Items:</p>				

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MRCC Conditional Cost Share Approval.	Conditional cost share was submitted to the ND State Water Commission.	On hold until we receive approval/denial.		
MRCC Petitions	Copies of the petitions were placed in the book for informational purposes. Once we receive SWC approval, we will have to prepare the Resolutions and then hold a public hearing.			
Apple Creek – U of Mary snagging	Michael stated that Nic from HEI will be meeting with Mr. Lesmeister to ask him to remove the debris. Discussed issuing an order in the event he does not remove the debris. If we issue the order he has 15 days to comply unless he appeals it. Discussed authorizing the Chairman to set the date in the event the debris is not removed. Dave recommended that we send this certified mail.	Cary moved that we draft an order for the landowner to remove the debris if we don't get a voluntary removal we send the order to him. Kathleen seconded. Motion Carried.	Michael/Cary/Terry	
Country Creek/Ridge	Michael noted the construction is complete however there were a few issues with the contractor. The board has the ability to approve or not approve the SWMP until this is completed. Discussed developing a policy which is consistent and coordinates with the City and County.	Cary and Dave will get together to create a formal recommendation so that we can be consistent or a recommendation at our next board meeting.	Cary/ Dave	
Country Creek/Ridge Assessment	Discussed the administrative fee. Noted the county charges a \$1,000 fee up front plus the	Cary moved that we add a \$2000 lump sum up front, 2% admin fee, 1.5% interest rate and make adjustments so as		

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	percentage amount. Country Creek will need to be assessed two times.	not to go above 20%. Dennis seconded. Noted should never exceed 10,000 administrative fee. A roll call vote was taken and carried unanimously. 5 in favor, none opposed.		
Burnt Creek	A new assessment list was handed out noting that we need to recertify the list based on the changes for parcels which were not included as well as the removal of anything under \$5.	Kathleen moved to recertify the assessment district as provided by verification of the commercial line item. Dennis seconded. A roll call vote was taken and carried unanimously. 5 in favor, none opposed.		
Burnt Creek Resolution	It was noted that there was no vote on this project as it is Operation and Maintenance district.	Dennis moved to adopt the Resolution relating to the issuance of bond and the reimbursement, Kathleen seconded. A roll call vote was taken and carried unanimously. 5 in favor, none opposed.		
Burnt Creek Debt Service Schedule & Country Creek Warrants	Scott Wegner, Arnston Stewart & Wegner, PC attended to discuss the various debt schedules and to review options for funding. Discussed the loan program through the State Water Commission which will be started in January, 2015.	Kathleen moved to allow Scott to prepare the warrants, Cary seconded. At our next meeting we could prepare the warrants and approve them. The certifications need to be given to Kevin by the 25th the warrants can be approved at the next meeting. Motion carried. Kathleen moved to approve having Scott Wegner go to the SWC to review the loan documents, Gordon seconded. Motion Carried.		
Financials				
Financials/Bills:	Kathleen reviewed the financial reports noting we received a	Kathleen moved to approve the bills in the amount of \$63,565.64. Dennis		

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	check from the Bismarck Parks and Rec District and questioned if we should send a letter requesting that this be paid quarterly. We will discuss this at our meeting tomorrow.	seconded. Motion carried.		
Delete codes 960 & 937	Discussion was held on deleting code 937 and place it with reimbursable projects (code 910). Code 960 is Drainage Projects and will remain.	Kathleen moved to delete code 937. Cary seconded. Motion carried.		
Budget:	Kathleen noted the budget meeting had been changed to October 8 th . Discussed the Missouri River Correctional Center and Apple Creek Industrial Projects which are still up in the air. Kathleen noted she cut those projects out and asked Chairman Peluso about emergency funding if they should come to fruition. Based on this, Kathleen is asking for 1.5 mills.	Kathleen moved to approve the amended budget of 1.5 mills for the WRD for 2015. Dennis seconded. A roll call vote was taken with 5 in support, 0 opposed. Motion carried unanimously.		
Hogue Island	Discussion was held regarding the possibility of taking this to the County Commissioners and constituents to see what should be done with these lots. It was noted that the covenants state you cannot build or put a public ramp out in this area.	Kathleen asked that we take action to move forward to auction these lots off to the entire public. Cary seconded. Motion carried.		
Drainage Complaints				
Eldin Spier	Still monitoring.		Cary	

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River of Hope	On hold for monitoring.		Cary	
Fox Island Homeowners Finding of Fact	Cary noted he has a meeting with Don Roloff after the 16 th of October.		Michael/Cary	
Arnold Schieve	Dennis, Cary, Marcus and Gene from the Highway Department met with Arnold regarding his complaint. Marcus and Gene have agreed to put in a second pipe at a higher elevation. It was noted that we will tweak the letter to dismiss the complaint and send out.	Send out letter dismissing compliant.	Cary/Michael	
City of Lincoln:	A letter was sent asking that they work with the City Engineer for Lincoln.			
80 Acre Law	Cary will get together with Michael and Dave to discuss. Due to scheduling issues they have not met yet.		Michael, Cary, Dave	
Projects:				
Apple Creek	On hold			
Missouri River Snagging	On hold until November			
Apple Creek Industrial Park	Michael noted that the residents have created an association to bond this project but still need to meet with Art Mariner.			
Ash Coulee Ward	Nothing new to report.			
Burnt Creek Bids:	Kathleen questioned the time frame for rebidding. Noted possibly January or February.			
Other Old Business				

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Save the Date	Informational for the Missouri River session.	Scheduled for November 20 th at Bismarck State College 8 a.m. to 5 p.m.		
Grant Writing	Will have someone attending the November meeting to discuss.		Kathleen	
SWC Projects	Cary provided the presentation, noted that Apple Creek Industrial Park was added to the project list.			
New Business				
Joint Water Board Breakfast	The BCWRD has sponsored the breakfast for the Board of Directors every year. Approximate cost is \$200.	Cary moved that the BCWRD again sponsor the breakfast. Kathleen seconded. Motion carried.		
Administrative Fee for PMS	Kathleen noted that currently HEI and Bliss & Stebbins Law Firm are on a flat rate fee of \$1,000 for meetings and minutes and is requesting that PMS also be on a flat rate fee of \$1,000 with other costs put towards the projects.	Kathleen moved that effective November 1st of this year, PMS go to a flat rate fee for regular board meetings of \$1,000 and all other meetings be put towards the project code costs. Gordon seconded. Motion Carried.		
Correspondence				
Bismarck Mandan MPO	Informational only – date change noted on meeting			
ND Water Directory	Reviewed to verify board members addresses and phone numbers. If you have changes, send them to Mona		Mona	
Sovereign Lands Permit – Magnus	Michael reviewed some of the issues regarding the permit for Sovereign Lands as well as a COE Permit. Also noted the residence may be located within a BCWRD Bank stabilization easement. Michael is requesting	Cary moved to have Michael respond, Kathleen seconded. Motion carried.	Michael	

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	a formal response to the SOV for the Magnus SOV permit. This will come out of the Missouri River funding code.			
Next Meeting:	November 11 th			

Meeting adjourned at 11:20 a.m.



Mona Livdahl, BCWRD Admin. Secretary