



BURLEIGH COUNTY WATER RESOURCE DISTRICT MINUTES

Tuesday, May 13, 2014

Tom Baker Meeting Room – City/County Building

Present: Terry Fleck, Dennis Reep, Kathleen Jones, Cary Backstrand, Gordon Weixel, Michael Gunsch, Houston Engineering, Inc.; David Bliss, Bliss & Stebbins Law Firm, LLC; and Mona Livdahl, Personalized Management Services, Inc.

Chairman Fleck called to order at 8 a.m. noting a quorum was present.

Minutes (4-3-14): Dennis moved to approve the minutes, Kathleen seconded. Motion Carried.

Approval of Special Executive Minutes: Kathleen provided a summary noting contracts for 2015 were renegotiated and discussed the following items:

Website: Once a project report is final and issued, the project will be removed from the website. We still need to get a timeline for removal.

Bliss & Stebbins and HEI will go to a \$1,000 flat fee per meeting as well as a uniform billing system. We will proceed with this for 3 months to see how it works. – Kathleen also asked for fee schedules for all contractors.

Bismarck Parks & Rec District (BPRD): In the future BCWRD will handle all insurance needs at McDowell Dam. The BPRD will continue to update the Operating Manuals for McDowell Dam. In addition, they will also update the Master Plan and will submit an annual report on March 1st of each year as well as reimburse BCWRD seasonally for incomes received at the park.

Aero Club: The club will transfer buildings to us and pay the insurance on the buildings. Assistance has been requested from the BCWRD for a shade roof on bleachers, they will furnish all labor and we may come up with a 50-50 cost share on materials. Lawn tractor was donated by BPRD and Gordon is to work with Parks and Rec to get them a different tractor. They also requested that as things develop in that area we keep their fly area free.

Personalized Management Services: Will be responsible for office, bookkeeping and they will submit new rates also.

Kathleen moved to accept the minutes as well as this report as given, Cary seconded. Motion Carried.

Financial Reports: Cary moved to accept the financial report as given. Dennis seconded. Motion Carried.

Pledged Securities: Securities pledge was received as of 3-30-14 from American Bank Center.



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Approval of Organizational Chart: Kathleen noted in reviewing the budget, we are attempting to track everything and asked that the budget code and name of project be placed on the billing statements. **Dennis moved to approve the organizational and numbering system. Cary seconded. Motion Carried.**

Insurance: Dave noted he is working on Errors and Omissions policy. Gordon is looking at the inventory and will get it so the Fire and Tornado fund has it all listed.

Budget Meeting: Kathleen Cary and Terry will meet May 27th to work on budget for 2015 this will be held at PMS office at 10:00 a.m. Kathleen noted on May 28th at 2 p.m. she will meet with the Mandan Park Board, Gordon will also attend.

Audit Letters Informational only, the following were received:

Aggregation of Errors Schedule: Adjustments made in 2013.

Letter to Dave Bliss: Dave noted he has submitted the information required.

Letter from State Auditor: Overview of audit.

Approval of bills: Kathleen moved to pay the bills for this month in the amount of \$60,350.79. Gordon seconded. **Motion Carried.**

MRCC Letter from Marcus Hall dated 4-28-14:

Marcus sent a letter and appeared before the BCWRD requesting that we retry having a flood mitigation project for the MRCC area based on the SCW changing their cost share policy. It was noted that BWCRD has discussed going to a bond structure for any projects that were originally voted down. Marcus felt that if the residents had been given a different set of numbers which included the cost share portion that we would have had a positive vote on the project.

Discussion ensued including whether the residents need to get a bond, holding off until a decision is made by the SWC on the policy change as well as the fact that the BCWRD is operating under financial constraints. Consensus to table this until the June 3rd meeting.



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Country Creek 3rd Addition:

Michael reviewed noting we had already approved Resolution 1 - Resolution 2 calls for a public hearing which needs to be sent in June and Resolution 1 should be approved as amended.

Dennis moved to approve amended Resolution 1. Kathleen seconded.

Scott Moran was present noting that he owns Hallmark homes and built two homes in this area. Mr. Moran provided a history on the easements for this area. Mr. Moran did not feel it was fair to place the higher costs on the residents in this area and felt that these costs should go back to the developer.

Mr. Jerry Wurtz a homeowner in this area was also present and questioned who would be responsible for asking the County to clean out the drain way. It was noted that Marcus would take a look at it and/or we could have a certain time of year to have it looked at. Mr. Wurtz felt the first part of March is when it should be done. Mr. Wurtz also had issues on having their homes built to low.

Discussion was held on looking at the distribution of costs and felt we have a problem and all should pay equally. A roll call vote was taken:

Dennis: Yes

Kathleen: Yes

Gordon: Yes

Cary: Yes

Chairman Fleck: Yes

Motion Carried.

Resolution #2: Dennis asked the logic for the difference on the costs and if it is based on lowering the channels versus the value of the lots. Discussion was held on distributing the costs on an equal basis. **Kathleen moved that we amend Resolution 2 to distribute on an equal basis.** Michael noted he would modify the Resolution. **Cary seconded.** Cary asked that the non amended one does not say anything about the assessments but it is accepting Michael's recommendation and we need to have a new one - also asked about the partial lots. Noted they were split out by their portion i.e. at 50% they would only pay half. Regardless of the size of the lot it would be baseline is a concept but contributing area is the same. A roll call vote was taken:

Dennis: Yes

Kathleen: Yes

Gordon: Yes



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Cary: Yes

Chairman Fleck: Yes

Motion Carried.

Dave Bliss discussed the Developers Agreement for Country Creek 3rd – noting that the board should not be involved in enforcing county ordinances. Chairman Fleck noted that the BCWRD should not find ourselves in this position again. Legal Counsel recommended that in the future that we split agreements – having maintenance as a separate agreement. Discussed reconstructing the agreement, Marcus noted that if we did at this time, it would have to be taken back to the County Commissioners as well as all other parties who are listed.

Draft Developers Agreement: Cary moved to accept the draft developers agreement. Gordon seconded.

Dennis: Yes

Kathleen: Yes

Gordon: Yes

Cary: Yes

Chairman Fleck: Yes

Motion Carried.

Discussed calling for the public hearing - Michael will get together with Dave Bliss on this.

County Planning Meeting Coordination: No action at this time. All ongoing.

McDowell Dam Recreation Area:

Appraisal: Al Veitmeier presented the replacement cost appraisal noting the appraisal was done on all the buildings at McDowell Dam including those at the Aero Club minus the lift station and playground equipment.

Gordon noted he requested reports for McDowell Dam from Greg Smith and Forrest but has not received anything. The paddle boats have been ordered. Chairman Fleck asked that Gordon send out an email on when they arrive.

Review of other dams and funding: Ongoing.

Insurance on New Building: In process.

Aero Club: A mower was provided to the Aero Club. Noted that the BPRD fertilized the grass.



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Lease – Aero Club: A draft will be ready by June 3rd. Building ownership will be in new lease as well as the extension to 2025.

Capital Improvement Plan: Need by June.

McDowell Dam Lease: Dave will review and get back to us.

Water Permit Application: Have been approved, have not seen them yet.

Drainage Complaints:

Eldin Spier: No update

River of Hope: Cary would like to leave this on the agenda to make sure the city gets the components to the letters completed. The complaint will not be dismissed.

Mark Swenson: Letter sent to Mr. Swenson - take this item off the agenda.

DeKrey & Kvanig: Noted Mr. DeKrey has put a sump pump in the right of way. Swenson Engineering prepared a plan and Craig Odenbach had looked at it and it should work. Discussed extending the time line for Mr. Kvanig and if we should provide another date or just monitor it and when things are dry. Consensus to review at the June meeting. **Cary moved to accept the Swenson report and submit it to the engineer. Kathleen seconded. Motion Carried.**

Hogue Island:

Clean up: Mr. Bohlman was out last week should be done by end of May. We can then submit for cost share.

Change Order 2: Issue regarding amount paid taken care of.

Change Order 3: We should have a motion to ratify the decision of accepting this. **Kathleen moved to accept Change Order 3, Cary seconded. Motion Carried.**

SOV Land permit: Approved.

Public Informational Meeting: Kathleen will chair this meeting. **Dennis moved, Cary seconded to accept the letter as sent to the residents. Motion Carried.** Meeting will be at the Tom Baker Meeting Room May 20th at 5:00 pm.



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Burnt Creek Flood Control Project:

Letter to Randy Bina dated 5-9-14 on easements: Informational only – letter was sent to get a construction easement to perform work on Park District property.

SWC Cost Share Agreement: Kathleen moved to accept with the amendments on the attorney fees. Cary seconded. Motion Carried. Dave will send in with a letter explaining our changes on not paying attorney fees as well as the insurance papers. A roll call vote was taken:

Dennis: Yes

Kathleen: Yes

Gordon: Yes

Cary: Yes

Chairman Fleck: Yes

Motion Carried.

Apple Creek

Letter to Todd Sando: Informational.

Alignment options: Were approved last month.

Easements and estimated costs: With consensus Michael will make contact with landowners.

Missouri River Snagging and Clearing: Still waiting on USGS - in May or June they will have their first document.

SWMP:

Ash Coulee/Ward Coulee: No updates from the city on the plan.

SWC Policies: On hold until approved.

Old Business:

Records retention: Presentation by Docustore moved to July meeting.

Missouri River Coordinator: Lance Ryan - underway.

HB1338: A meeting will be held June 10th at the State Capitol at 2 p.m. Brynhild Room.

New Business:



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County Commissioner's Report: June 16th will go to the semiannual report. Discussed separating out McDowell Dam and asking for one mill levy to take care of McDowell and two mill levies for the board duties.

Purchasing Policy: Kathleen noted this is driven by the State Auditor. Kathleen recommended that her and Dennis work on it and bring it back in the Fall for review.

Reworking of two approved Policies:

Fraud: Discussed policy of material value - Dave will talk to the Attorney General's office regarding the definition of 'material' value vs actual value.

Internal Controls: Questioned the deposits and 'segregation of duties'. Asked Dave to check on how other water boards handle this. Will revisit next month.

Billing Procedures: Kathleen noted the purpose of this form is to try to get a handle on costs. Asked everyone to look at and get it to her by January.

Work Order 1: On hold until Michael and Kathleen meet.

Minute Changes: A hand out was provided for review and discussion was held regarding using this format in lieu of minutes. Discussed keeping the minutes regardless but not placing in the book. Kathleen moved to change formats, Gordon seconded. Discussed using this format starting with the May meeting and come back in August to revisit. **Kathleen amended her motion to go to an abbreviated format for a three month time at which time we will continue to keep minutes not published and in August revisit the new format.** Our May meeting minutes will be an example and the new version and at June we will go forward. **Motion failed. We will revisit in June, Kathleen withdrew her original motion. Gordon seconded.**

Correspondence:

2014 Annual Meeting: Chairman Fleck encouraged board members to attend noting it is reimbursed by the BCWRD.

Meeting adjourned at 11:28 a.m.

Kathleen moved, Cary seconded to reconvene the meeting. Meeting reconvened at 11:29 a.m.

Kathleen noted the following will be the process for the BCWRD Minutes and agenda:

Minutes: 10 day window to get minutes done and out to everyone to weigh in on the agenda .



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Agenda: 14 days

Minutes Review: Review period to make changes to minutes is 7 days from date Mona sent out.

Meeting book: Will be emailed on the Friday before the meeting.

Meeting Adjourned at 11:40 a.m.

Mona Livdahl

Mona Livdahl, BCWRD Administrative Secretary