

BCWRD Meeting Minutes
September 9, 2014 – Tom Baker Meeting Room

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>				
8-12-14 Minutes	None	Kathleen moved to approve, Cary seconded. Motion Carried.	N/A	N/A
Country Creek Public Hearing	President Terry Fleck opened the meeting for the Country Creek 3 rd public hearing. No comments were made.	President Fleck closed the hearing at 8:05 a.m.		
ND Missouri River Stakeholders Group	Ryan Norell and Lance Yohe provided a brief introduction and history of the ND Missouri River Stakeholders Group.	N/A – reminder of the Fall Workshop on November 20 th , 2014 at Bismarck State College – 8 a.m. to 5 p.m.		
McDowell Dam				
Insurance Claim	The insurance claim has been filed. The BCWRD will be receiving a total of \$1004.07 and have a \$500 deductible.			
Email from ND Game & Fish	Discussed the bent shaft that does not allow the gate to open property. Forrest suggested getting one with carrier bearings as the ice pushes it and it needs the bearings to strengthen it.	Cary moved to contact Scuba One and the company out of Fargo that does scuba diving and repairs for marinas to get more information. Kathleen seconded. It was noted that we are good until spring but would need repairs after spring runoff. Motion carried.	Forrest, Greg and Gordon	Spring, 2015
Morton County Parks	Issued a letter stating they are not interested in McDowell management at this time.	No action taken	N/A	

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Meeting with Bismarck Parks & Rec.	Nothing done at this time, still waiting to set up.		Gordon, Kathleen	
Quarterly Payments:	It was noted that we have not seen any payments yet and had been discussed and approved in April that we would receive quarterly payments for concessions.	None needed.	Greg Smith	
Water Permit	We have still not received the permit for the Apple Creek water diversion. Michael sent an email to Dan Ferrell & Bob White at the SWC – they stated it was sent back for edits in the text.			
Meeting with McDowell Family Trust	Gordon noted that until we have something specific, we will hold off on meeting with the McDowell Family.	N/A	Gordon	
Comments from members of the public:	Scott Peterson attended to ask about the project for Country Creek/Ridge as he is a new resident.	N/A		
County Engineer Items:				
MRCC Conditional Cost Share Approval.	Conditional cost share was submitted to the ND State Water Commission.	On hold until we receive approval/denial.		
Update on MRCC Petition process.	Julie Roswich appeared to formally present the petitions. Approx. 60% of the residents are in favor of the project.	Kathleen moved to accept the petitions, Dennis seconded. A letter will be sent to the residents and the process will be started. A roll call vote was taken: Jones: Yes	Michael, Dave & Kathleen	

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		Reep: Yes Weixel: Yes Backstrand: Yes Chairman Fleck: Yes Motion carried.		
Apple Creek – U of Mary snagging	Discussed the backwater conditions at Apple Creek and accumulated debris. Noted this is an obstruction of a water course.	Dennis moved that we ask Mr. Lesmeister to move it informally. Gordon seconded. Kathleen asked that we verify the landowner and see if Mr. Lesmeister owns or rents. Michael will draft the letter outlining the problem indicating it needs to be removed and that we have the authority to order it to be removed. A roll call vote was taken. Jones: Yes Reep: Yes Weixel: Yes Backstrand: Yes Chairman Fleck: Not present Motion carried.	Michael/Cary	
Arnold Schieve	Mr. Schieve attended the meeting to discuss the complaints he has on the water not draining from east to west as well as his issue with Country View Estates. It was noted that the BCWRD has an issue with jurisdiction.	Cary asked that Dennis and himself make an onsite inspection with new eyes and report back to what they have found out. Chairman Fleck noted that he does not want Mr. Schieve to have expectations that it can be resolved but we will do what we can.	Cary/Dennis	10-8-14
Financials				
Financials/Bills:	Kathleen reviewed the financials as well as the bills. We have received a revised amount for the bills including the USGS	Kathleen moved to approve the financials as presented and the bills as revised in the amount of \$57,040.90. Cary seconded. We pay the Apple Creek gaging and then		

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	amounts. Total of bills are: \$57,040.90.	send it to Marcus and he will pay us. Motion Carried.		
Drainage Complaints				
Eldin Spiers:	No change as of today's date.			
River of Hope:	Cary asked to keep on the agenda until the water management plan is complete.			
DeKrey/Kvanig	A letter was sent dismissing the order.	Remove from agenda		
Fox Island Homeowners Finding of Fact	Cary met with the Fox Island Homeowners Association (FIHA) and noted they had a few suggestions on handling Whispering Bay.	Cary to discuss suggestions from FIHA with Michael and if feasible take to KLJ. Michael noted he is about 80% done with the finding of fact.	Michael/Cary	
Arnold Schieve	Covered earlier – we will hold on the letter dismissing until we get the findings from Cary & Dennis.	Cary & Dennis to evaluate further.	Cary/Dennis	10/8/14
Ed Weber	Cary noted that the property is within the City of Bismarck and mainly a landscaping issue.	Remove from agenda.		
City of Lincoln:	Erv Fisher called regarding the drain issue in Lincoln.	Marcus noted that he is trying to raise Lincoln roadway and they had some issues getting the easement. Dave Bliss noted that Brad Krogstad is the engineer for the City of Lincoln. Noted that KLJ should be working with the City on the issue. Marcus is looking into the surface drainage issue. Our response will be to the City of Lincoln - Michael will draft the letter outlining that the City Engineer should look at and they have the authority under municipal law to	Michael/Cary	

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		solve the problem.		
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:				
Hogue Island	The final documentation is together for the SWC Reimbursement request and will be mailed this afternoon.		Michael, Kathleen	9/9/14
Grass Cutting:	Kathleen asked that we cut the grass but not fall seed as there is not enough top soil.		Kathleen	
Burnt Creek Flood Control				
Riverside Subdivision:	The easements from Parks and Rec and Riverside are now in order.		Michael	
Bids:	Only one bid was received which was over the engineers estimate. The bid also was not signed which makes it nonconforming.	HEI is talking to bidders to find out why they did not bid and go back on bids in November or December for next year. A notice will be sent to the landowners regarding the project and letting them know we will rebid for the spring/summer.	Michael/ Dennis	
Burnt Creek Admin. fee:	Kathleen spoke to Kevin and Clyde at Burleigh County. They will charge a flat \$1500/year for administrative fee based on the cost of the project. Normally it is \$1,000 plus 3% of the total.			
Certification of Assessment List:	A new handout was provided noting anything under \$5 was	Dennis moved that we assess those two properties (Ghering?? & Bourgois) at		

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	taken out. Dennis also noted the property North of the floodway should be reduced to 50% as they are not getting the 100 year protection.	50% of the statutory amount allowed based on the logic that they are receiving less protection. Kathleen seconded. A roll call vote was taken: Jones: Yes Reep: Yes Weixel: Yes Backstrand: Yes Chairman Fleck: Yes Motion Carried.		
Apple Creek Water Supply	On hold.			
Missouri River Snagging and Clearing	On hold.			
Stormwater Management Plan				
Ash/Ward Coulee	No updates.			
SWC Policy Revisions	Policy revision meeting will be on the 15 th . Dennis & Michael will be at this meeting. The 22 nd the SWC will be holding their fiscal meeting and someone needs to address the future projects that we are working on.	Cary will be present at the September 22 nd fiscal meeting with the SWC. Chairman Fleck asked Michael to provide a handout first to BCWRD Board members to review before Cary presents it to the SWC.	Michael/Cary	9/22/14
Old Business:				
Records Retention	Done	Remove from agenda		
Missouri River Coordinator:	Presentation done earlier.			
Grant Writing	Move to November meeting –	Kathleen and Chairman Fleck will have	Terry/Kathleen	Nov.

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		someone attend and give a presentation.		
Apple Creek Industrial Park	Cary and Michael met with the ACIP who now have formed an association. Noted they are ready to prepare and submit a bond for the project.	Cary moved that we sign the agreement with the SWC on the funding and that we approve SA 22 subject to the receipt of bond. Kathleen seconded. Jones: Yes Reep: Yes Weixel: Yes Backstrand: Yes Chairman Fleck: Yes Motion Carried.		
New Business:				
Bonding on Burnt Creek & Country Ridge	Meeting with Scott Wagner today at 3 p.m. at Dave Bliss' office		Kathleen, Dennis, Michael, Dave, Mona, Nancy	9/9/14
Agenda Book	Discussed placing the agenda book on the website due to the size.	Noted in the past the concern was the minutes approval – we will place on the Minutes “Subject to Review and Approval”	Mona	
Next Meeting:	October 8 th	NOTE Date change		

Meeting adjourned at 11:02 a.m.



Mona Livdahl, BCWRD Admin. Secretary