



# Burleigh County Water Resource District

1720 Burnt Boat Drive, Suite 205

Bismarck, North Dakota 58503

(701) 222-3499

[www.bcwrdd.org](http://www.bcwrdd.org)

TO: Hay Creek Pines Subdivision Residents

SUBJECT: Rescind Groundwater Removal Project

Date: October 12, 2018

Dear Resident:

The Burleigh County Water Resource District has been tasked with developing a drain tile and drainage improvement project to lower groundwater levels and improve surface water removal from the Hay Creek Pines Subdivision. The purpose of which is to remove groundwater to protect the base materials under the township roadway, to protect tree rows and lower water levels below the residential structures, as further outlined in the *Hay Creek Pines Groundwater Removal Project, Preliminary Engineering Report, May 2017*. These drainage improvements are located within the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 34 T140N R80W, with the benefiting properties located in the Hay Creek Pines Subdivision.

To fund these improvements, it is necessary to create a special assessment district in accordance with North Dakota Century Code Chapter 61-16.1.

A petition has been received to dissolve the Hay Creek Pines Groundwater Removal Project and not proceed with its implementation. The Board is moving forward with a vote of the included properties to rescind the project and terminate the assessment district.

Also enclosed is a Notice of the Public Hearing which will be held on Monday October 22<sup>nd</sup>, 2018 from 5:30 pm to 7 pm; at Gracepoint Church located at 205 43<sup>rd</sup> Ave NE, Bismarck, ND; along with a copy of *Resolution #3* approved by the Burleigh County Water Resource District to dissolve the Hay Creek Pines Groundwater Removal Project Assessment District. Additional information is available on the Burleigh County Water Resource District website at [www.bcwrdd.org](http://www.bcwrdd.org).

Each property owner will have until **November 12<sup>th</sup>, 2018** to cast their votes either in favor or in opposition to dissolving the Hay Creek Pines Groundwater Removal Assessment District. Enclosed is a ballot and a return envelope for your personal use. Each property owner receives one vote for each \$1 of assessment. The vote will pass or fail based on the percentage of votes cast. If you lose your ballot you can obtain a replacement at the Public Hearing or by contacting the Board.

You are encouraged to attend the scheduled Public Hearing where any questions you have may be answered. If you have questions in the interim, please direct them to Rod Beck, Manager at (701) 220-5313 or Michael Gunsch, with Houston Engineering, at (701) 323-0200.

Sincerely,

A handwritten signature in cursive script that reads "Greg Larson".

Greg Larson, Chairman  
Burleigh County Water Resource District

Enclosures

c: Michael Gunsch, PE, CFM, Houston Engineering  
David Bliss, Bliss Law

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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

***Vote to Dissolve the Hay Creek Pines Groundwater Removal Project  
Official Ballot***

As the owner of Burleigh County Parcel ID No. \_\_\_\_\_ we (I) understand that Hay Creek Pines residents have earlier requested that the Burleigh County Water Resource District (“the District”) construct a project to remove groundwater and improve surface water drainage to protect properties with is known as the Hay Creek Pines Groundwater Removal Project. The project was created by the District and the proposed assessment district was approved by the Hay Creek Pines residents. Since that time, Hay Creek Pines residents reconsidered their need for a project and have petitioned the District to dissolve the assessment district which the District created for the project.

Therefore, we (I) cast the following vote either for, or against, dissolving the assessment district for the project. We (I) understand that this written vote is based on one vote for each dollar of assessment, based on the original assessment amount, that was to be levied against our (my) property.

\_\_\_\_\_ (we) cast our (my) votes **for** dissolving the special assessment district to construct this project.

\_\_\_\_\_ I (we) cast our (my) votes **against** the dissolving of a special assessment district to construct this project.

The vote will pass or fail based on a simple majority of the actual votes cast. If you fail to cast this ballot with the District Secretary Water by 4:00 p.m. **November 12, 2018**, your vote will not be counted. Early voting is allowed and encouraged; however, you can rescind your vote up until the noted date.

Burleigh County Water Resource District  
c/o Mona Livdahl, Secretary  
Dissolving Hay Creek Pines Groundwater Removal Project — Ballot  
1720 Burnt Boat Drive, Suite 205  
Bismarck, ND 58503

If you are unable to deliver or mail this ballot in the time allotted, you are encouraged to contact Mona Livdahl at (701) 222-3499. Should you lose this ballot, a written letter either in favor of or opposed to the project shall be considered adequate as long as it is received within the allotted time period. In addition, should you wish to rescind your vote, you may do so, in writing only, at any time within the allotted time period. The District will review the vote totals on or before its **November 14, 2018** meeting. The District will proceed to dissolve the project if a simple majority of voters vote for dissolution.

If you have questions regarding the project, please contact District Chairman Greg Larson, at (701) 400-7217 or Rodney Beck, District Manager, (701) 220-5313.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date:



Resolution No. 3

BURLEIGH COUNTY WATER RESOURCE DISTRICT
BURLEIGH COUNTY, NORTH DAKOTA

RESOLUTION TO DISSOLVE THE HAY CREEK PINES
GROUNDWATER REMOVAL PROJECT
ASSESSMENT DISTRICT

BE IT RESOLVED by the Burleigh County Water Resource District, Burleigh County, North Dakota, as follows:

- 1. Whereas, the Assessment District vote for the Hay Creek Pines Groundwater Removal Project (the "Project"), was conducted with a final tally of 31 in favor, 1 opposed and 3 non-voting, resulting in a final approval of 97% of those voting.
2. Whereas, upon completion of this vote by action on May 2, 2017 (Resolution #2) the Board established the project for implementation.
3. Whereas, the Board held the Assessment District protest hearing on September 20, 2017 and during that hearing one resident filed a verbal protest, which was later documented in writing, regarding the lack of or lesser benefits to properties on their property.
4. Whereas, the Board considered this protest and determined that the project benefits to be provided are consistent and equal for all properties within the assessment district.
5. Whereas, the Board on September 12, 2018 received a petition from 24 residents, representing approximately 69% of the total properties within the assessment district requesting to dissolve the project and not proceed with its implementation. This petition was received before the Board completed its discussions with the North Dakota Health Department in regard to the project's operations plan.
Therefore, the Board has deemed that a majority of residents have requested to dissolve the project, and that the project residents may proceed to vote to determine whether this assessment district project should be terminated. The Board reserves any statutory right it may have to assess incurred public expenses against respective benefitted properties should the project be terminated and later considered for implementation.

Dated this 10th day of October, 2018.

ATTEST:

BURLEIGH COUNTY WATER RESOURCE DISTRICT

Mona Livdahl (handwritten signature)

Mona Livdahl, Secretary

Greg Larson (handwritten signature)

Greg Larson, Chairman

The governing body of the political subdivision acted on the foregoing resolution on this 10th day of October 2018 as follows:

Adoption moved by Beck Seconded by Beep

Roll Call Vote (List Last Names)

"Aye" Beck, Beep, Detwiler, Landenberger, Larson

"Nay"

Absent

...and after vote the presiding officer declared the resolution adopted.