



BURLEIGH COUNTY WATER RESOURCE DISTRICT AGENDA
Wednesday, June 10th at 8:00 am
Virtual Meeting - See end of agenda for remote connection information.

8:00 a.m. - Call to Order

1. Roll Call (Larson, Reep, Detwiller, Beck, Landenberger)
2. **Approval of 5/13/20 Minutes3-5**
3. McDowell Dam
 - o Strategic Plan Update – (Landenberger)
 - o LIDAR Topographic Review and Cross Sections
 - Bank Stabilization Cost Projection
 - o Heritage Fund Grant Application Opportunity – October 2020
4. Comments from Members of the Public: (For comments on those items not on the agenda)
5. Financial Reports (Detwiller)
 - **Balance Sheet 6**
 - **P&L 6/10/2020 YTD..... 7**
 - Audit Update (Detwiller, PMS)
 - Signature Cards
6. **Approval of Bills: \$11,911.99..... 8**
7. **Approval of Fox Island Bills: \$15,062.10..... 8**
8. Drainage Permits/Complaints/Issues: *Open (Beck)*
 - o Steiner, Kurt (Spiritwood Subdivision, SWMP Culvert Required) – on hold
 - o Hushka (Hay Creek - 26th Street/Keith Drive) 9-12
9. Drainage Permits/Complaints/Issues: *Closed*
10. Projects:
 - o Sibley Island (Beck)
 - o Status Report – preliminary design (on hold)
 - o Alternate Review - (BCHD Meeting)
 - o Funding Limitations – Township/County Participation/SWC Resources Trust Fund
 - o Apple Creek Floodplain Mapping (Pending - July)
 - o Public Comments
 - o Fox Island Status (Landenberger)
 - o Construction Update – Working toward project close out in July
 - o O&M Manual – Under Development
 - o Bonding Process to proceed
 - o Fox Island Chronology and Cost Summary (June 4, 2020)
 - Questions and Comments Received (responses pending) 13-21
 - o Missouri Riverbank Stabilization (Detwiller)
 - o GIS mapping process continues (Gunsch)
 - o Document Request (SWC Pending)
 - o O&M Agreements (SWC – Agreements are valid)
 - o Recommendation for USACE request for site evaluation
 - o Missouri River Correctional Center (Landenberger)
11. Break

12. Other Old Business	
• Burleigh County Assessment District Projects	
○ O&M Agreements with BCHD – Pending (Gunsch)	
• Hay Creek Greenway – Floodway Designation Update (Gunsch).....	22-33
• Burnt Creek O&M	
○ Board Review – Action: Adoption	
• NDSWC State Water Commission Project Planning Forms	
○ McDowell Dam – Apple Creek Water Supply	
○ Sibley Island Flood Control	
○ Missouri Riverbank Stabilization	
• Policy Manual	
○ Storm Water Management Plan Review Policy (Reep, Landenberger, Gunsch)	
• RFP’s for contracted services update (Detwiller, Larson)	
13. New Business	
○ 2021 Budget Review – Action: Approval	34-35
○ State Water Commission Dam Safety Audit (Gunsch).....	36-44
○ Other	
14. Correspondence or Document Information	
○ Plats & SWMP’s – Not included due to size...Available by request.	
○ 119 th Street Apple Creek Bridge	45
○ Nagel Letter	46-48
15. Detailed Bills	49-66
16. Next Meeting: July 8, 2020	
17. Adjourn	

Note: Bold Items Require Board Action

BCWRD Meeting

Wed, Jun 10, 2020 8:00 AM - 12:00 PM (CDT)

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/houstonengineering/bcwr-d-meeting-2>

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United States: [+1 \(646\) 749-3122](tel:+16467493122)

Access Code: 889-283-677

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Reserved for minutes

Reserved for minutes

Reserved for minutes

Balance Sheet

As of June 10, 2020

ASSETS**Current Assets****Checking/Savings**

American Bank Center Checking 979,576.07

Designated Reserve Funds 369,795.35

Total Checking/Savings 1,349,371.42

Other Current Assets

11000 - Intergovernmental Receivable 12,912.80

11010 - Taxes Receivable 11,294.71

Total Other Current Assets 24,207.51

Total Current Assets 1,373,578.93

Fixed Assets

14500 - Construction In Progress 1,015,599.00

15005 - Land 112,481.50

15010 - Infrastructure 1,608,191.34

15015 - Land Improvements 1,810,033.62

15020 - Buildings 187,659.68

15025 - Office Furniture & Equipment 144,208.58

15051 - Acc Depr - Infrastructure -171,772.13

15052 - Acc Depr - Land Improvements -931,566.34

15053 - Acc Depr - Building -149,593.71

15054 - Acc Depr - Office Furn & Equip -107,468.82

Total Fixed Assets 3,517,772.72

TOTAL ASSETS 4,891,351.65**LIABILITIES & EQUITY****Liabilities****Current Liabilities****Other Current Liabilities**

21010 - Retainage Payable 36,240.00

24000 - Payroll Liabilities 613.19

25000 - Bond Discount -9,455.00

Total Other Current Liabilities 27,398.19

Total Current Liabilities 27,398.19

Long Term Liabilities

23200 - Rehab Apple Valley Waste Water 170,000.00

237 - Burnt Creek Floodway 295,000.00

23800 - Missouri River Correctional Cen 335,000.00

Total Long Term Liabilities 800,000.00

Total Liabilities 827,398.19

Equity

32000 - Retained Earnings 3,369,862.56

Net Income 694,090.90

Total Equity 4,063,953.46

TOTAL LIABILITIES & EQUITY 4,891,351.65

Burleigh County Water Resource District (BCWRD)

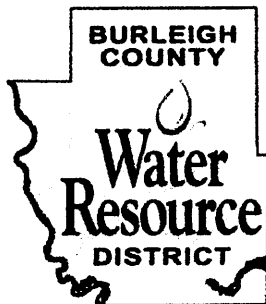
Profit & Loss

January 1 through June 10, 2020

					TOTAL	- General	Burnt Creek Floodway	Burnt Creek Watershed	Fox Island	Hay Creek Pines	McDowell Dam	Missouri River Gen.	MRCC	Sibley Island
				Income										
				31110 - Real Estate Tax	837,978.13	835,678.11	2,300.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				31810 - In Lieu of Tax	734.76	734.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				36110 - Interest	18.52	18.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				36210 - McDowell Dam Recreation Income	360.00	0.00	0.00	0.00	0.00	0.00	360.00	0.00	0.00	0.00
				36215 - McDowell Dam Land Lease	500.00	0.00	0.00	0.00	0.00	0.00	500.00	0.00	0.00	0.00
				43610 - State Aid Distribution	24,565.44	24,565.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				43810 - Reimbursements	34,260.70	0.00	1,608.19	0.00	0.00	0.00	0.00	0.00	32,652.51	0.00
				44110 - Operations & Maintenance	49,071.62	0.00	21,099.61	0.00	0.00	0.00	0.00	0.00	27,972.01	0.00
				46910 - Misc Revenue	673.00	673.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Total Income	948,162.17	861,669.83	25,007.82	0.00	0.00	0.00	860.00	0.00	60,624.52	0.00
				Gross Profit	948,162.17	861,669.83	25,007.82	0.00	0.00	0.00	860.00	0.00	60,624.52	0.00
				Expense										
				111 - Payroll Expenses	10,687.49	10,687.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				111A - Payroll Taxes	889.37	889.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				112 - Management Services	8,308.22	8,308.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				113 - Accounting & Contract Services	2,915.00	2,915.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				312 - Legal Fees	8,125.20	6,081.60	0.00	0.00	1,257.60	0.00	707.40	0.00	78.60	0.00
				315 - Engineering Administration	7,520.50	4,000.00	0.00	0.00	0.00	2,016.75	0.00	0.00	1,503.75	0.00
				335 - Building Rent	500.00	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				376 - Dues & Publications	1,633.81	1,633.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				411 - Office Expense	189.29	189.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				50913 - Interest Expense	10,675.00	2,125.00	4,050.00	0.00	0.00	0.00	0.00	0.00	4,500.00	0.00
				905 - McDowell Dam-Capital Improvemen	17,998.00	0.00	0.00	0.00	0.00	0.00	17,998.00	0.00	0.00	0.00
				910 - Projects										
				Administration	35,607.94	2,275.00	225.00	0.00	0.00	0.00	32,502.94	0.00	605.00	0.00
				Engineering	69,654.95	37,899.75	2,900.50	1,000.00	14,145.10	0.00	2,092.50	2,499.25	0.00	9,117.85
				Legal Fees	2,410.40	0.00	0.00	0.00	2,279.40	0.00	131.00	0.00	0.00	0.00
				O&M	11,143.34	0.00	0.00	0.00	0.00	0.00	11,143.34	0.00	0.00	0.00
				Total 910 - Projects	118,816.63	40,174.75	3,125.50	1,000.00	16,424.50	0.00	45,869.78	2,499.25	605.00	9,117.85
				920 - Continuing Education	200.00	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				933 - Missouri River General Services	5,049.86	0.00	0.00	0.00	0.00	0.00	0.00	2,096.00	2,953.86	0.00
				937 - Design/Special Assessment										
				Engineering	48,652.35	0.00	0.00	0.00	26,478.90	0.00	0.00	3,691.50	0.00	18,481.95
				Total 937 - Design/Special Assessment	48,652.35	0.00	0.00	0.00	26,478.90	0.00	0.00	3,691.50	0.00	18,481.95
				940 - Operations & Maintenances	1,056.00	0.00	1,056.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				941 - Stream Gages	757.50	757.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				960 - Drainage Complaints	4,808.55	4,808.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				970 - Storm Water Management Plans										
				970-1 - SWMP Engineering Costs	5,288.50	5,288.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Total 970 - Storm Water Management Plans	5,288.50	5,288.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Total Expense	254,071.27	88,559.08	8,231.50	1,000.00	44,161.00	2,016.75	64,575.18	8,286.75	9,641.21	27,599.80
				Net Income	694,090.90	773,110.75	16,776.32	-1,000.00	-44,161.00	-2,016.75	-63,715.18	-8,286.75	50,983.31	-27,599.80

June 2020 Bills

Name	Project	Invoice	Amount
Bliss Law Firm	General	48646	\$4,204.55
Houston Engineering	General	48644	\$1,000.00
Houston Engineering	Burnt Creek Floodway	48645	\$1,056.00
Houston Engineering	Sibley Island	48647	\$1,802.50
Houston Engineering	Drainage Complaints	48648	\$624.00
PMS	Management	6442	\$1,500.00
PMS	Accounting	6442	\$975.00
PMS	Rent	6442	\$125.00
PMS	Drainage Complaints & Archives	6442	\$500.00
PMS	Office Expense - copies & postage	6442	\$124.94
Fox Island Bills			
Name	Subtotal - regular bills		<u>\$11,911.99</u>
Houston Engineering			
Bliss Law Firm			
	Project	Invoice	Amount
	Special Assessment Projects	48646	\$14,145.10
		19796	\$917.00
	Subtotal - Fox Island Bills		<u>\$15,062.10</u>
	Grand Total Bills		\$26,974.09



COMPLAINT FOR WATER-RELATED ISSUES

Burleigh County Water Resource District

1720 Burnt Boat Drive Suite 205

Bismarck, ND 58503

Phone: 701.222.3499

www.bcwrd.org

GENERAL INFORMATION					
(1) This Complaint must include a map from an actual survey, aerial photo, or topographic map. The size of the map shall be at least 8 1/2 by 11 inches and shall have a north arrow. If, in the opinion of the Water Resource District, the map does not contain enough information to properly evaluate the project, more information may be requested.					
(2) The Complaint Is Regarding:					
<input type="checkbox"/> Dam, Dike, Or Other Device (North Dakota Century Code (N.D.C.C.) § 61-16.1-53) <input checked="" type="checkbox"/> Drainage (N.D.C.C. § 61-32-07) <input type="checkbox"/> Obstruction To A Drain/Watercourse (N.D.C.C. § 61-16.1-51)					
(3) Water issue is located in which Water Resource District (District)? <u>Hay Creek Watershed</u>					
(4) Legal Description	1/4	1/4	Section	Township	Range
<u>Rustic Acres First Replat Block 01 Lot 01</u>			<u>34</u>	<u>140</u>	<u>80</u>
(5) Approximate Construction Date <u>Home built in 1993</u>					
(6) Description of the issue <u>High water table, poor drainage in ditches and Hay Creek is silted in and full of cat tails. Two homes within 1/4 mile have been abandoned because of water problems. See example at 2710 Keith Dr.</u>					
(7) Is your property impacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, number of acres impacted <u>2</u>					
Please explain <u>High water table causes sump pump to run year round, trees are stressed and frost heave causes issues with driveway culvert etc.</u>					
Complaint Filed Against <u>Unknown</u>			Complaint Filed By		
Name (print)			Name (print) <u>Travis & Donnell Hughes</u>		
Address			Address <u>9100 26th St NE</u>		
City	State	ZIP Code	City	State	ZIP Code
			<u>Bismarck</u>	<u>ND</u>	<u>58503</u>
Telephone number (if known)			Telephone number <u>701-527-2869 / 220-6607</u>		
By signing this form I certify (1) that this complaint is made in good faith and not to harass or annoy or for any other improper purpose and (2) that I have been provided a copy of N.D.C.C. § 61-32-07 and N.D.C.C. § 61-16.1-51. I understand that the Board may assess certain costs associated with this complaint under N.D.C.C. § 61-16.1-51 or N.D.C.C. § 61-32-07 if it finds the complaint to be frivolous.					Date <u>6/1/20</u>
Complainant's Signature: <u>[Signature]</u>					

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

DAM, DIKE, OR OTHER DEVICE COMPLAINTS (N.D.C.C. § 61-16.1-53):

The District will determine if a landowner or tenant constructed a dam, dike, or other device without first securing a construction permit as required under N.D.C.C. § 61-16.1-38, or in conflict with the terms or conditions of a construction permit. North Dakota Administrative Code § 89-08-01-01 defines "other device" as "a water control structure, other than a dam or dike, including diversions and holding ponds, lagoons, or dugouts."

DRAINAGE COMPLAINTS (N.D.C.C. § 61-32-07):

Surface Drainage: The District will determine if a landowner or tenant constructed any surface drainage that impacts a watershed area of 80 acres or more without first securing a drainage permit as required under N.D.C.C. § 61-32-03, or in conflict with the terms or conditions of a drainage permit.

Tile Drainage: The District will determine if a landowner or tenant constructed or installed a tile or subsurface drainage system with a footprint of 80 acres or more without first securing a tile or subsurface permit as required under N.D.C.C. § 61-32-03.1, or in conflict with the terms or conditions of a tile or subsurface permit.

OBSTRUCTION TO DRAIN COMPLAINTS (N.D.C.C. § 61-16.1-51):

The District will determine if a landowner or tenant has intentionally or negligently caused an obstruction to a natural watercourse or drain.

The District must act pursuant to the appropriate code listed above. The District shall investigate and make a determination within a reasonable amount of time (not to exceed 120 days for dams, dikes, other devices, or drains). The District shall notify all parties of its decision as required by code. If complained of activity was a dam, dike, other device, or drain, the District's decision may be appealed to the State Engineer within 30 days of the District's decision. If the complained of activity was an obstruction to drain, the District's decision may be appealed to District Court.

FOR DISTRICT USE ONLY

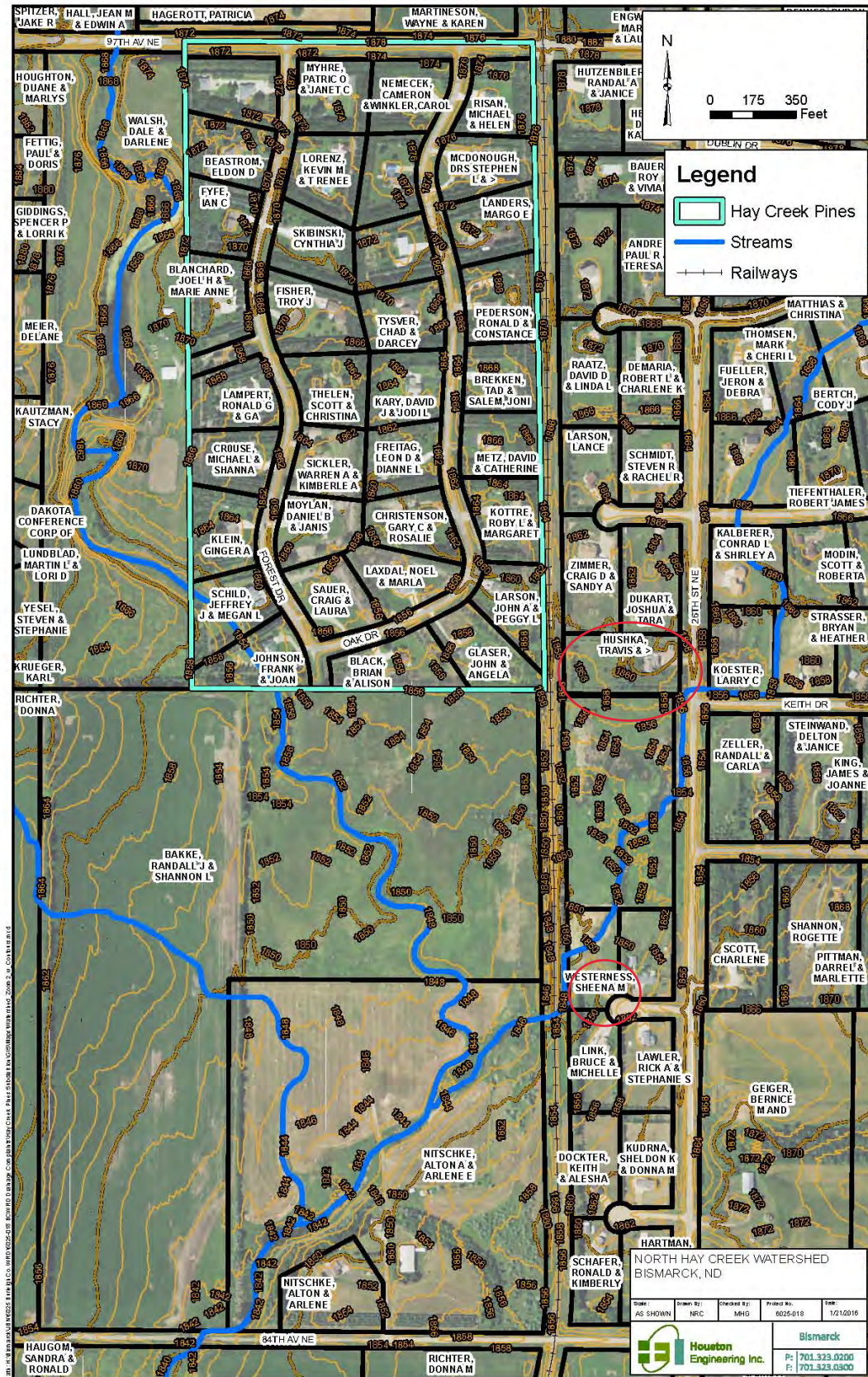
Date Received <i>6-2-2020</i>		Date Investigated	
Does the complainant have standing to file a complaint?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If No, why?			
Does the project have a Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, Permit Number	Date Granted
Does the project meet a permitting exemption? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, which one?			
Project Construction Date		Revision Date (if any)	
District Action			
District Action Compliance Date	Project Owner Compliance Date		Decision Appeal Date
Subsequent Action			
District Chairman's Signature			Date of Signature

ADDITIONAL SHEETS MAY BE ATTACHED IF NECESSARY

2 ←



Figure Two – Hay Creek Pines Topography



Fox Island Flood Mitigation Project

Below are questions regarding the completion of the Fox Island Flood Project. There are not representational of the board but merely am aggregated for easy reference. As we received a fair number of questions, which have been combined and placed into categories to shorten the document.

Operations and Maintenance / Drainage and dewatering

- We would like to have a clearer understanding regarding the action plan & triggers for pumping. We need to understand the who, what, when, where, etc. The purpose defined (what is being protecting and mitigated). The data collection defined (gage date, agency notification, weather forecasts, etc). Action plan for both types of events (ice jam, open water). Equipment plan & maintenance plan.
- How are we assured that there is a fund available for a dewatering system if it is needed?
- How will they resolve this issue of overall drainage – especially regarding the standing water issue in the area between Far West Drive, Fontenelle Drive, and Gallatin Drive. The drainage issue needs to be fixed in this area. The last two summers 2018 and 2019 water sat on both lots of John and Shereen Erickson and Josh Hager for the entire summer.

Post Construction Issues

- There were a number of questions regarding the grass seeding and lack of success / rocky soil etc.
- Houston said the sprinklers will harm the integrity of the dike. Why are there sprinklers on top of the dike by Greg Larson's property?
- The black dirt used in front of the house on the inside and outside of the dike along Gallatin and Farwest has garbage in it long with lots of rock/cement pieces. The grass is barely growing and there is a significant amount of weeds growing.
- Is it possible to see the soil sample from Braun Tech for the fill used to fill the culvert in front of the Clausnitzer house.

Costs Related to Lawsuit

- Is there any discussion regarding the cost overages caused by the ridiculous lawsuit we encountered? According to the report by the Burleigh County Water Resource district, this foolish, failed lawsuit resulted in nearly half the cost increases, \$10,000 a lot. Is BCWRD discussing a lawsuit to recoup these costs against such a frivolous lawsuit?
- Why is the whole island getting assessed for the increased amount due to the action caused by Clausnitzer due to the outlet that was deemed an illegal structure?
- Can we do something about the landowners who sued? Their concerns were nonsense in the first place. They thought the dike would be too high and the slope of the land would be too steep. Both were clearly not true. But instead of being reasonable neighbors they sued, delayed the project for years and now it's costing us \$10,000?
- Why is the entire island being assessed the increased cost of construction management services that was only needed because of the 26 landowners lawsuit?
- The cost overages were caused by a small minority of landowners and should be paid by these landowners and not assessed to the entire island. Why are they not paying for this additional

cost since it was due to their actions that caused this increase due to the 3- year delay of the project and the inflation and increased bids caused by this delay?

Other Cost Questions

- Is it possible to see a total itemized engineering bill for the project? What was the total cost of landscaping for the 5 houses by the river?
- Why were there 11 acres that are not included in the assessment?
- There is concern over a \$80,000 dollar bricked veneer wall for the dike. Was the brick veneer necessary in this project? How much of the veneer is included in each of our assessments?
- Why is the contractor not being held to the agreed upon costs/bid we voted on?

Non – FEMA dike

- Why did they proceed with a non-FEMA approved plan?

From: Robert Reis

1707 Larson Rd

Bismarck, ND 58504

To: Burleigh County Water Resource District:

Subject: Response to the Fox Island Chronology and Cost Summary letter dated May 13, 2020

After the ice jam flood of 2009 and the high water flood of 2011, both of which were aggravated by the management of the COE, the desire to limit any future similar occurrences was obvious to property owners on Fox Island.

Early meetings proposing the Fox Island flood control project were well attended by property owners who were mostly in favor of such a project until many of those same property owners feared the loss of privacy and visual beauty of their property would be diminished by the initial proposal of the dike in their back yard. This was the early beginning of what should have been recognized by the BCWRD as a potential problem.

The comment in the Board's letter suggesting that a cost of \$15,662 per lot was discussed and agreed to by property owners is absurd. To my knowledge there was never a meeting involving the members of the assessment district during which a figure of a \$15000 was discussed. After all that amount in itself would cover a lot of flood damage or pay for insurance premiums.

The only benchmark value that was ever discussed at any meeting that I ever attended was in the \$3500 to \$5000 range per lot and a value (\$3790) later mentioned in your letter. A value approximately equal to the inconvenience costs of the two high water events in 2009 and 2011.

Given that the funding allocations were \$700,000 over the estimated costs of the project it was an easy decision to agree to the project. The question really is or should be how the project costs grew to such an enormous amount without someone taking notice and raising the alarm. The total cost for the project grew to the point there is no equitable value to the properties in the assessment district in my opinion. It is as if the Project engineer and BCWRD had unlimited access to the bank accounts of 60 property owners without any fiscal responsibility to them. The closest thing to a legal scam I can imagine. The only beneficiaries of the escalating costs were the contractor and the engineering firm in charge of the project. It would be interesting to see how their profits benefited from all the change orders.

Even considering the cost for the delay initiated by our neighbors the assessment would only have doubled. It is curious that the BCWRD protected themselves from any legal costs associated with the lawsuit but didn't demonstrate any fiscal responsibility to the assessment district.

The bottom line in this entire project is the assessment district homeowners didn't get the product they thought they were getting for their money nor the fiscal representation from the BCWRD they were entitled to.

From: bcwrd@midco.net
To: [Greg Larson](#); [James Landenberger](#); [Michael Gunsch](#)
Subject: FW: Fox Island Flood control assessments
Date: Wednesday, June 3, 2020 8:41:51 AM

[External Email]

See below:

From: Steve & Veronica Moen <vsmoen@gmail.com>
Sent: Tuesday, June 2, 2020 10:54 PM
To: bcwrd@midco.net
Subject: Fox Island Flood control assessments

My name is Steve Moen, 3201 Tavis Rd., parcel numbers 38-138-80-60-01-020 and 38-138-80-60-01-010 (unbuildable). I received your letter dated May 14, 2020 regarding the Fox Island flood control project and would like clarification on my assessment. My wife and I purchased this property in June of 2017. We were aware of the flood of 2011 and how it affected our property and of the raising of Tavis Rd after that event. We were not aware of this flood control project at the time we purchased the property and obviously the previous owner received the letter to landowners dated Aug 17, 2016 and we did not, but found about it in 2018 and the controversy surrounding it by some of the landowners. I have looked at the Fox Island Project Postings on the BCWRD website. As far as I can tell from the website our responsibility will be for the O&M part of the project which is now projected to be approx. \$1300.

Please respond so that i know I am correct in that.

Thank you,
Steve Moen

From: bcwrd@midco.net
To: [James Landenberger](#); [Michael Gunsch](#); [Greg Larson](#)
Subject: FW: BCWRD Contact Us Form
Date: Tuesday, June 2, 2020 3:09:52 PM

[External Email]

Complaint through website regarding Fox Island letter.

From: owensgarage.llc@gmail.com <owensgarage.llc@gmail.com>
Sent: Tuesday, June 2, 2020 2:49 PM
To: bcwrd@midco.net
Subject: BCWRD Contact Us Form

First Name Dave

Last Name Owens

Address 3042 Deer Lodge Dr

City Bismarck

State North Dakota

Zip Code 58504

Email owensgarage.llc@gmail.com

Fox Island Project Public Comments:

Comments Residents of Fox Island voted to move forward with a \$3.92 million dollar project. They did not vote to move forward with a \$4.94 million dollar project which was a 26% increase from what was voted on. The Assessment cost voted on was \$3,800 per lot not the 600% higher figure noted in the letter!!!!!!!

To: Burleigh County Water Resource District and Kathleen Jones, Burleigh County Commissioner

From: John and Ruth Ulness

Date: June 3, 2020

RE: Fox Island Flood Control Special Assessments

We received a letter dated May 14, 2020 regarding special assessments on our property 3125 Deer Lodge Drive. **We are submitting this letter with a list of questions we need answered regarding this project and affiliated costs. Consider this letter to be a formal complaint!**

Projection costs for this project we received on August 17, 2016 showed 61 parcels to be assessed equal amounts. These amounts were \$2846.93 for the physical project, and an additional \$943.40 for operation and maintenance.

The recent letter received from Burleigh County Water Resource District dated May 14, 2020 amended these costs to between \$22,500 to \$23,500 for the physical project per lot, and an operation and maintenance cost of \$1300 per lot. This totals to \$24,300 per assessed lot.

This is an override of \$20,510 per assessed lot from the initial letter from August 2016. This cost is over a 600% increase.

Questions to be addressed and answered:

1. How many partials are being accessed at this total cost? Have any properties initially listed in the assessment been removed and are not being required to pay the cost proposed in the May 14, 2020 letter? If so, why?
2. The letter states there will be additional costs to this project? Why, and for how much? What is the itemized detail?
3. It is stated in the letter there have been multiple redesigns since the project started and the cost continually escalated...why?
4. How many dollars has the Federal, State, and County government contributed to this project currently?
5. Is one of the properties owned by Diane and Greg Larson **registered** with the State of ND as a Natural Habitat? If so, is it excluded from any assessment costs? If so, Why?
6. In observation over the last 4 years it has become apparent that a select few properties have benefited greatly from this project. Items such as new decks, new landscape walls, trees, fill dirt, and grass seeding were completed for these properties which were not in place before. Why does every assessed lot have to pay for their property improvements?

7. Burleigh County Water Resource District Board Member, Greg Larson, stated in a news interview with Andrew Horn of KFYYR TV Bismarck in the Fall of 2019, that ALL of South Bismarck will benefit from this project. If ALL are to benefit, will additional properties be accessed, and will this lower the cost of our assessment?
8. How could a project of this magnitude be so grossly underestimated?
9. Were all parts of this project bid out? If so, we would like to see an itemized statement of who the contractors were/are, what they did, and what their charges amounted to. All of this should be and needs to be public record.
10. Regarding the berm/dike built at the end of Larson Road circling a few houses along the river, who put up the No Trespassing signs? Why is a resident of the island, or any citizen, not allowed to walk or ride a bike on the berm/dike?
11. We received notice the South Central Regional Water District is holding a face to face meeting on June 16 at 7:00 p.m. We would expect BCWRD and the Burleigh County Commission show respect to the landowners, and hold a face to face meeting allowing all those who choose to participate to attend and discuss the contents of the letter and the questions being submitted.

From: bcwrd@midco.net
To: [James Landenberger](#); [Michael Gunsch](#); [Greg Larson](#)
Subject: FW: regarding letter received 05/14/2020 re Fox Island Control Special Assessments
Date: Tuesday, June 2, 2020 4:33:07 PM

[External Email]

A second letter received today:

From: dwagner@wagnerfinancialservices.com <dwagner@wagnerfinancialservices.com>
Sent: Tuesday, June 2, 2020 4:02 PM
To: bcwrd@midco.net
Subject: regarding letter received 05/14/2020 re Fox Island Control Special Assessments

I just got around to read today the lengthy letter you sent on May 14th, 2020 and that you needed to hear from us by June 10th. Since my wife and I are leaving for vacation tomorrow morning for a week, this did not allow me very much time to say everything I wish to say. But, with that being said, I have a copy of the letter you sent out on August 17th, 2016 stating the estimated cost per lot would be \$3790.33. I understand that costs have went up along with lawsuit costs (which I think should be paid for by the ones that brought the lawsuit against us) but seeing it go from \$3790 to over \$24,000 plus with an open end of more costs does not pass the smell test with me. That is almost a 600% increase from what you said it would be in 2016. I realize the Corona virus issues right now, but there "needs" to be a special meeting IN PERSON with you and all the residents affected even if it has to be in a month. There is no reason we cannot have this open forum. I would also like to see an "itemized" statement of ALL costs to whomever the checks got sent to. Example, \$40,000 to pump water for a couple of weeks, that seems insane.

Like I said, I am trying to get out of the office so I can leave early tomorrow morning so I don't have enough time to put all my thoughts into a e-mail. But, if you do not have an open forum meeting, you are going to have some issues and some very unhappy Fox Island residents because I have talked to quite a few of them. No one likes facing controversy but I suggest you have this open forum as soon as possible to clear the air and so it can be put to bed in a man to man agreeable fashion.

Donavon D. Wagner
Registered Representative
Wagner Financial Services
711 Riverwood Dr. Suite #3
Bismarck, ND 58504
Phone: 701-222-8504
Fax: 701-323-5042

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From: bcwrd@midco.net
To: [Greg Larson](#); [James Landenberger](#); [Michael Gunsch](#)
Subject: FW: Fox Island Flood Control Special Assessments
Date: Friday, June 5, 2020 4:29:21 PM

[External Email]

-----Original Message-----

From: Gregory Peterson <gspete@me.com>
Sent: Friday, June 5, 2020 3:43 PM
To: bcwrd@midco.net
Subject: Fox Island Flood Control Special Assessments

Dear BCWRD,

Thanks for the opportunity to provide my input. I'd like your consideration of decreasing my assessment.

I'll be brief, as much of my concerns have been presumably addressed ad nauseam in prior meetings and litigation. As former Fox Island homeowner, former owner of one Fox Island lot, and current owner of 2 Fox Island lots; the adverse effects of this project have fallen disproportionately on me.

In life and public projects, there are understandably winners and losers. I hope that you can appreciate your ~\$50,000 proposed assessment on my 2 lots is unfair based on:

1. While others may benefit greatly, the project results in no significant increase in the value of my property. The only benefit to my lots is better road access in the event of another 500 year event. The project results in no improvement in FEMA flood designation, flood insurance rate, mortgage risk, or future building costs. Any cost/benefit analysis of the project factoring in the risk of another 500 year event would show that many are paying for the limited benefit of a well connected few.
2. In the planning process, this project was pushed through vigorously by those with much to gain and nothing to lose, at a time when post-flood emotions and fears were high. It was billed as basically a free major enhancement that must be done, largely because of money from the legislature, resulting in minimal assessments.
3. The delays and cost overruns were largely caused by purposeful under-estimates of cost and by the concerted effort of the vested parties to eliminate/marginalize the input of project losers. Plans were well advanced before the project "losers" were made aware. Property owners outside the "dike" were the most effected, but were not allowed formal input because they were to be excluded from the assessment.
4. My 2 lots costing about \$60k are assessed at about \$50k, while those living in homes at most risk for future flooding, costing many hundreds of thousand dollars, are paying half that.

The BCWRB and well-connected project supporters have prevailed in litigation; however to paraphrase Mark Twain, it may be legal, but it ain't right. Thank you for your consideration.

Respectfully submitted,
Greg Peterson=



Community Development Department

DATE: May 19, 2020

FROM: Ben Ehreth, Community Development Director

ITEM: Federal Emergency Management Agency (FEMA) Risk Map Update

REQUEST

The Community Development Department requests to provide information on the FEMA risk map update for the area and obtain direction on select assumptions used within the map.

Please place this item on the May 26, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

What is a Risk Map?

FEMA in partnership with the ND State Water Commission (NDSWC) is in the process of developing an updated flood risk map for the area. This type of mapping effort is done to help inform states and communities with accurate flood hazard and risk data. It is an important part of the National Flood Insurance Program (NFIP), as it forms the basis of the NFIP regulations and flood insurance requirements. The resulting mapping product will become the effective Flood Insurance Rate Map (FIRM), once adopted. The areas current effective FIRM was adopted in 2014.

The effort began in 2017 with a discovery meeting held by FEMA and the ND State Water Commission. The meeting was open to members of the public and in part helped define the geographic scope of the mapping effort, which is reflected on Exhibit A of this document. As it pertains to the City of Bismarck, the general geographic scope includes portions of the following: Missouri River; Apple Creek; Hay Creek; and Burnt Creek. A general timeline of the mapping effort is also provided as part of Exhibit B of this document.

Direction Needed on Key Assumption

FEMA and the NDSWC have requested input from the City of Bismarck and Burleigh County regarding mapping of the Effective Floodway associated with stretches of the Hay Creek reflected in the attached Exhibits C-G of this document. The subject

mapping effort would include the stretch of Hay Creek flood mapping from its confluence with the Apple Creek on the southern end to where it begins, roughly $\frac{3}{4}$ of a mile northwest of the intersection of 52nd St NE and 97th Ave NE on the northern end (represented on Exhibits C-G). Presently, the geographic extent of the various special flood hazard zones of Hay Creek on the effective FIRM are located between its confluence with the Apple Creek north to a point just northwest of Elbowoods Lane and North 19th St. (represented on Exhibits E-G).

FEMA and the NDSWC approached City staff regarding an assumption to be considered when establishing the floodway associated with Hay Creek. The request of staff involves the following key terms:

- Base Flood Event – The flood event having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also commonly referred to as the “100-year flood.”

- Base Flood Elevation – The elevation of surface water resulting from a base flood event.

- Floodway or Regulatory Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (in Bismarck and Burleigh County this is 1 foot).

- 1 foot Surcharge - The channel of a stream plus the portion of the floodplain adjacent to it that must be kept free of encroachment so that the entire 1-percent-annual-chance flood can discharge with no greater than a 1.0-foot increase to the Base Flood Elevation (FEMA standard Floodway).

- Active Conveyance – The channel of a stream plus the portion of the floodplain adjacent to it that must be kept free of encroachment so that the entire 1-percent-annual-chance flood can discharge with no measurable rise to the Base Flood Elevation.

The question asked of staff was if FEMA and the NDSWC should consider either the “1 foot Surcharge” boundary or the “Active Conveyance” boundary (both identified on Exhibits C-G) to establish the “Floodway” associated with Hay Creek. In general, the “1 foot Surcharge” boundary would typically be used to identify the “Floodway”. The current “Floodway” associated with Hay Creek however, used an “Active Conveyance” boundary to define the “Floodway” when it was delineated in 2006. This was conducted as part of a 2005 Flood Insurance Study and a following 2006 Letter of Map Revision (LOMR) conducted by FEMA for the Burleigh County Water Resource District. The assumption was made to support the Hay Creek Greenway concept, in part to limit encroachment of structures into the natural watercourse, wetlands and floodplain.

A working group was established to address the current question, associated with the risk map update, consisting of: the Floodplain Administrators for the City of Bismarck and Burleigh County; City of Bismarck Community Development, Engineering, and

Public Works Departments; and the Burleigh County Highway Department. The working group ultimately recommended using the “Active Conveyance” boundary from the Hay Creek confluence with Apple Creek north to 71st Ave NE then transitioning to the “1 foot Surcharge” boundary north of 71st Ave NE. This course of action most closely aligns with the historic 2006 delineation of the Hay Creek floodway.

RECOMMENDED CITY COMMISSION ACTION

Receive update and provide direction to staff regarding future floodway delineation.

Staff’s recommendation is to utilize the “Active Conveyance” boundary of Hay Creek from the confluence of the Apple Creek north to 71st Ave NE then transition to the “1 foot Surcharge” boundary north to the termination/origination point of Hay Creek.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or
behreth@bismarcknd.gov

Brady Blaskowski | Building Official/Flood Plain Administrator, 355-1467 or
bblaskowski@bismarcknd.gov

Exhibit A



Figure 1 – Missouri River Detailed FIS

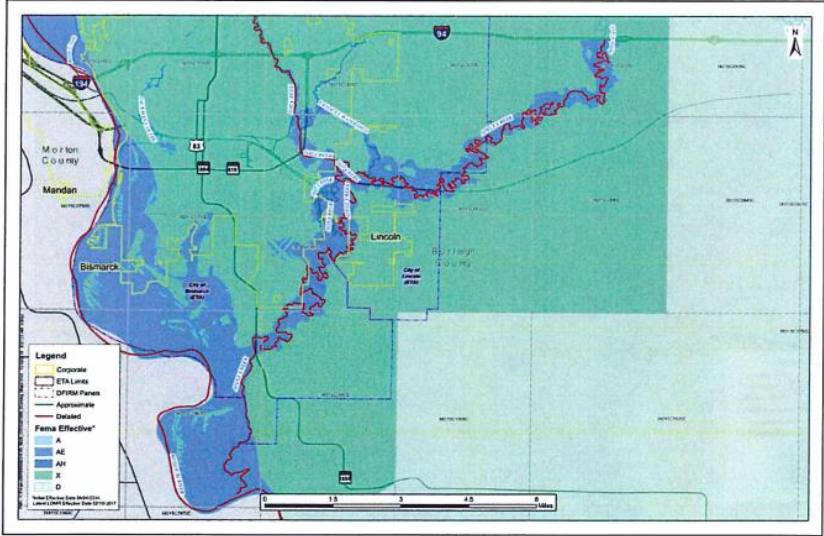


Figure 2 – Apple Creek Detailed FIS

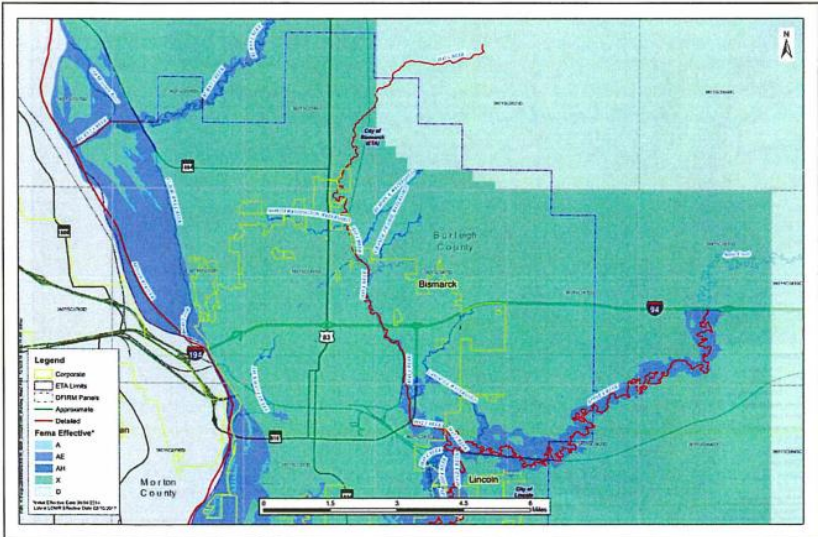


Figure 3 – Hay Creek Detailed FIS

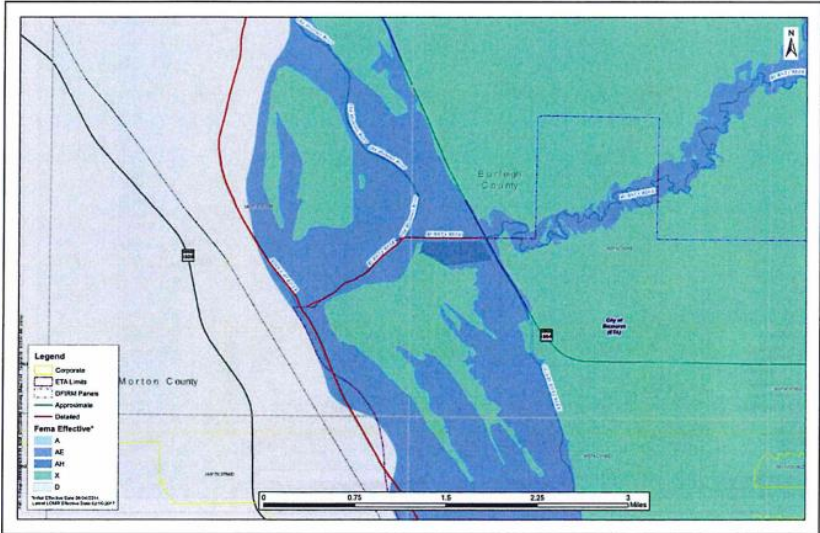


Figure 4 – Burnt Creek Detailed FIS

Exhibit B



YOUR COUNTY RISK MAP PROGRESS



FEMA

NORTH
Dakota
Be Legendary

State Engineer

RiskMAP
Increasing Resilience Together

For more information on each phase of the Risk MAP process, visit FEMA.gov or click <http://bit.ly/NDRMsm8> to view the ND Story Map Journal.

Exhibit C

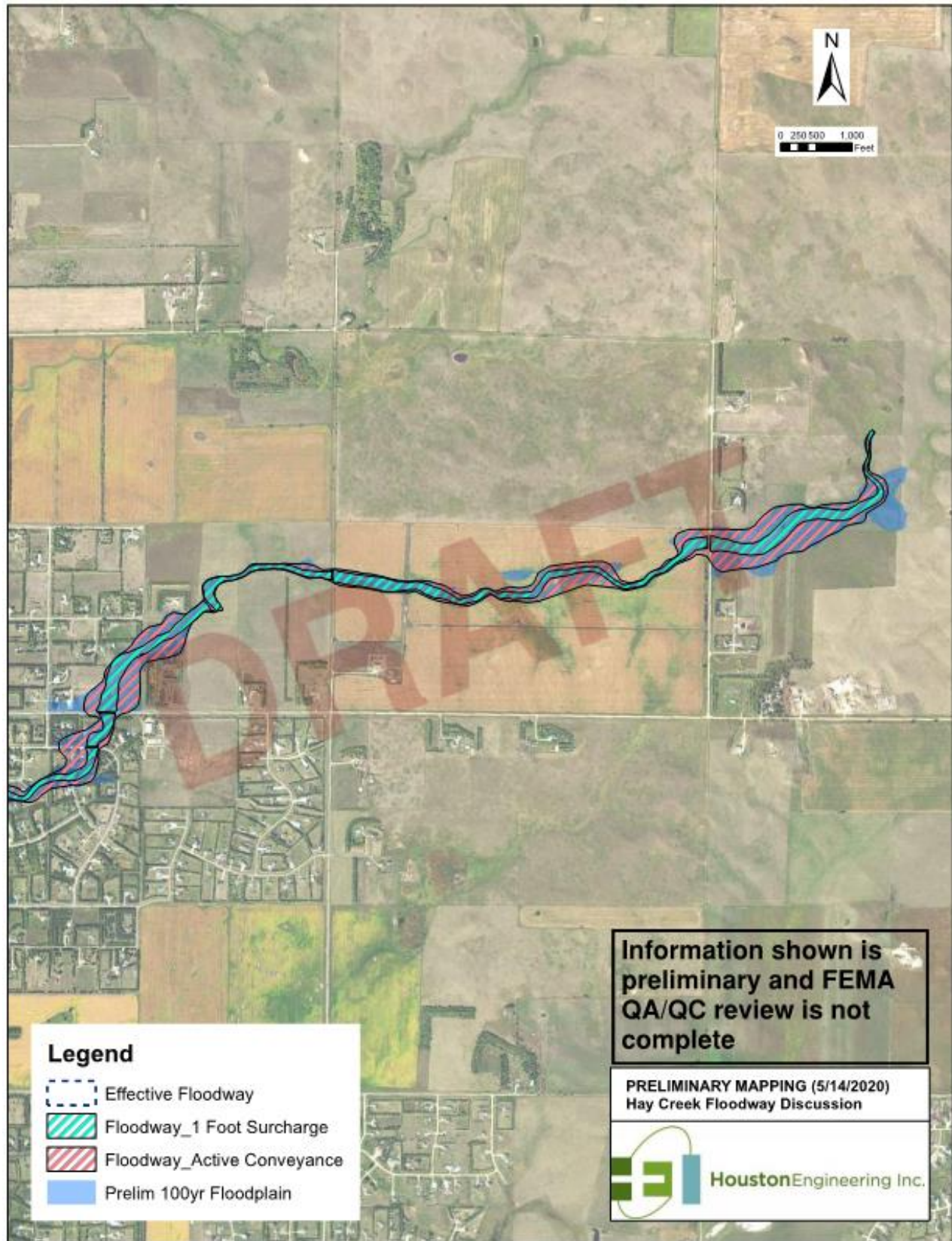


Exhibit D

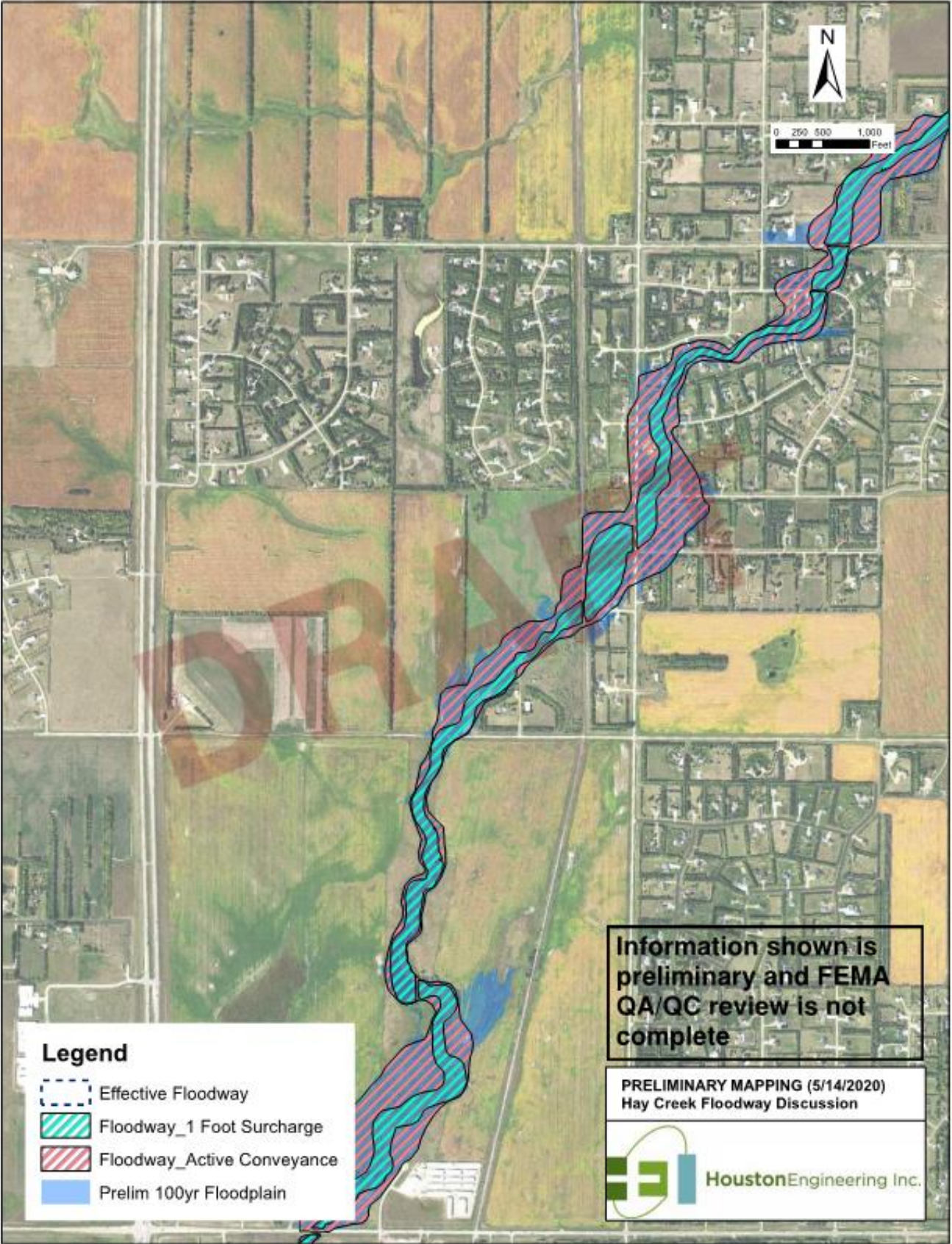


Exhibit E

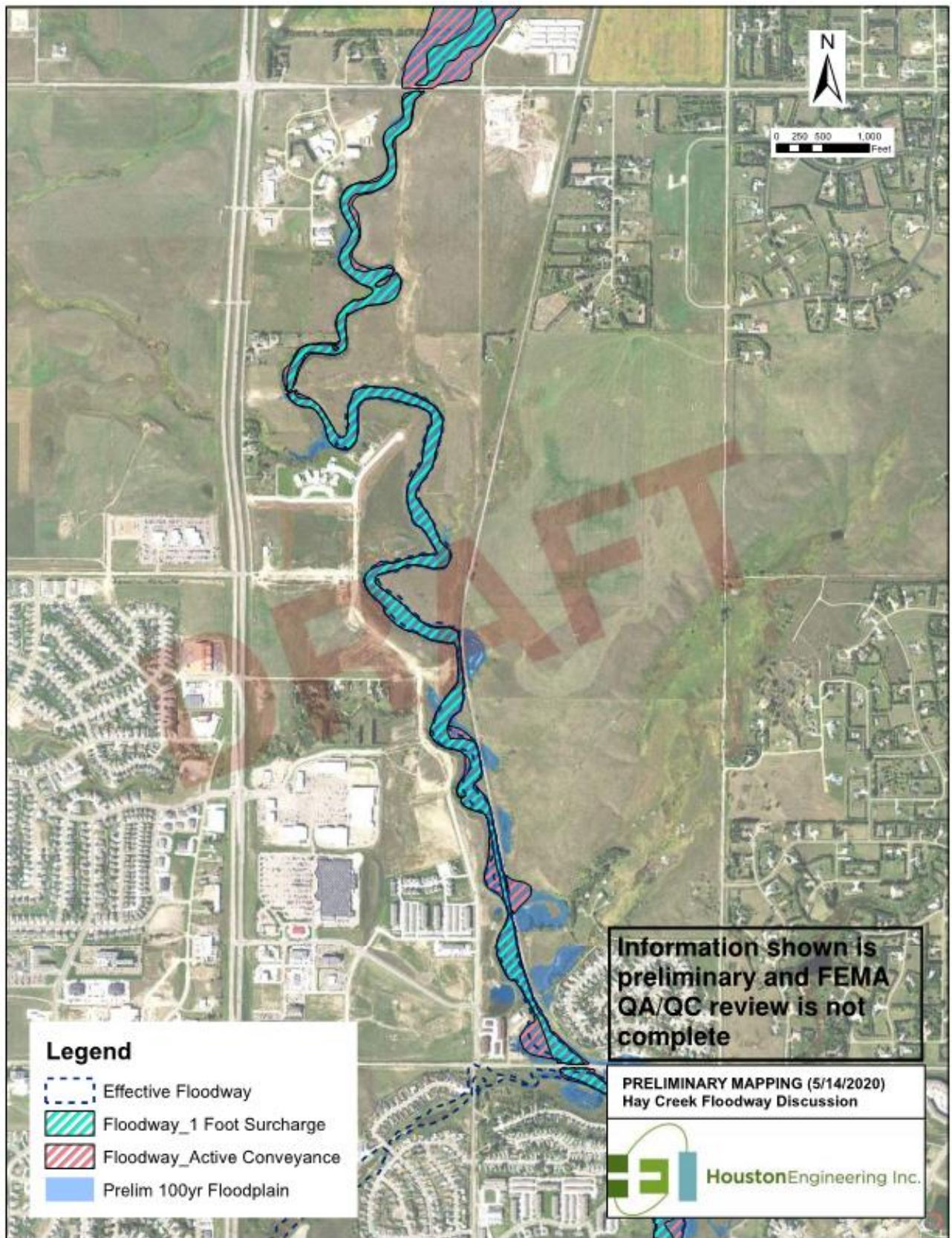


Exhibit F

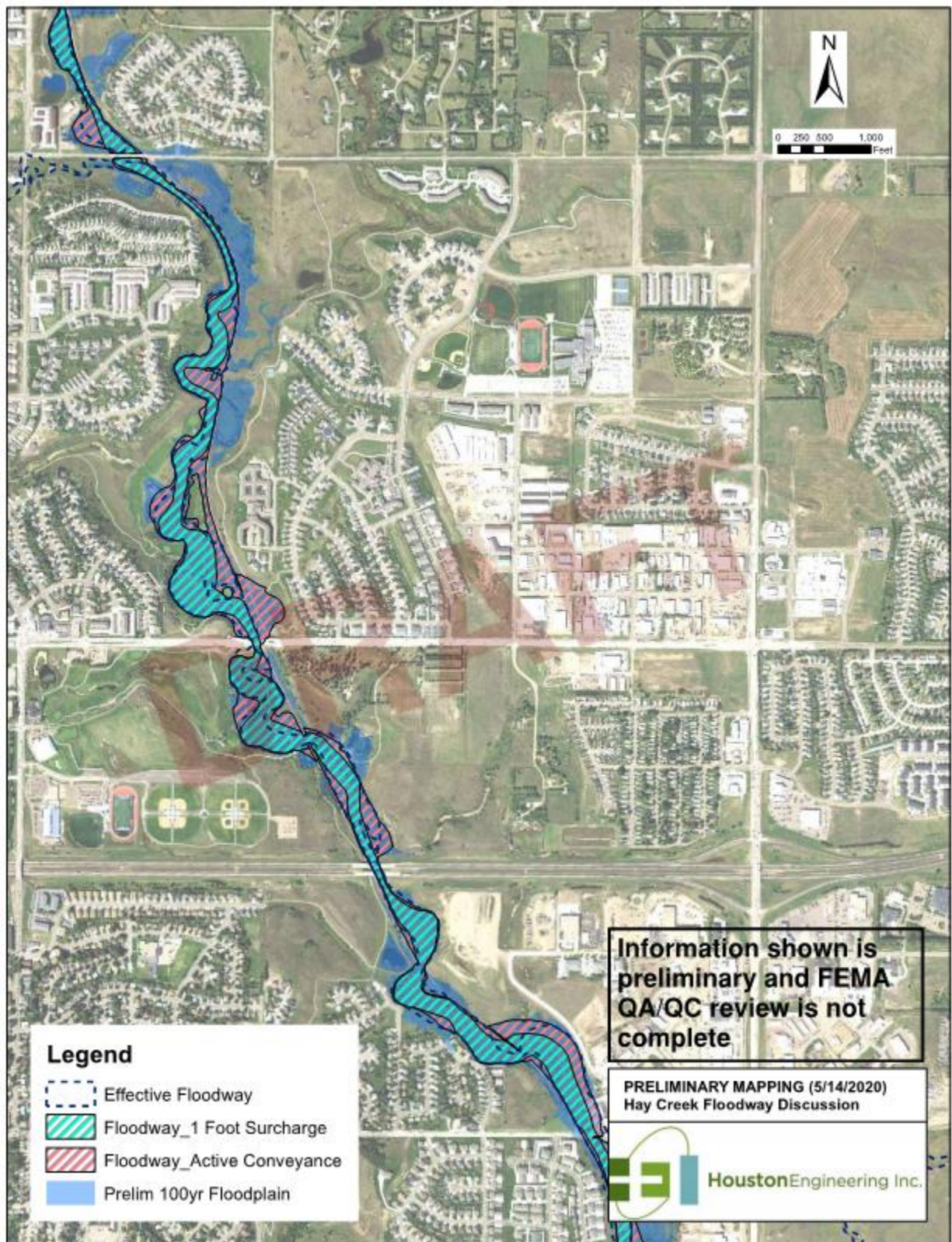
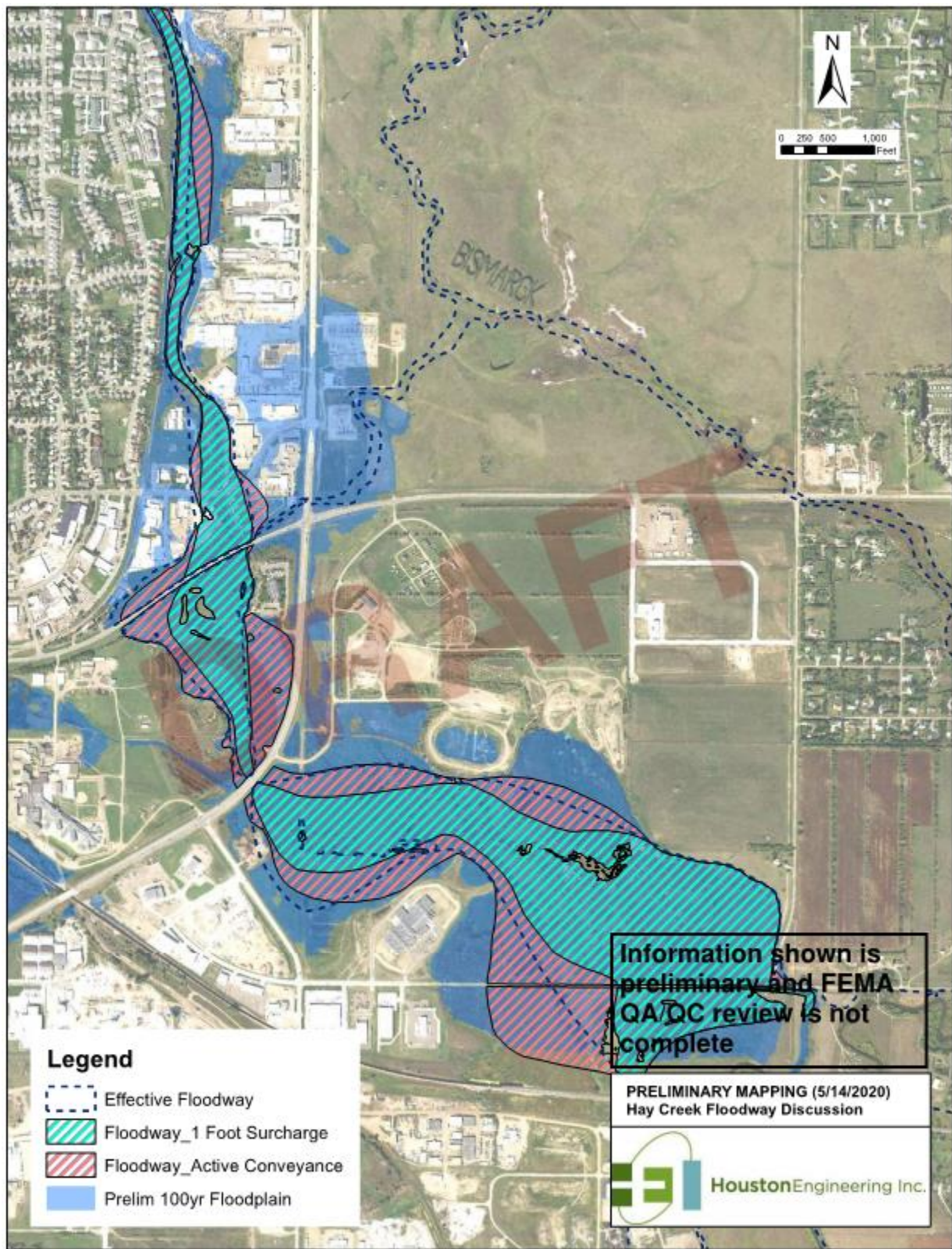


Exhibit G





BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleighco.com

Request for County Board Action

DATE: June 1, 2020

TO: Allan Vietmeier
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Hay Creek Floodway

Please place the following item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Review and Approval of the Proposed Hay Creek Floodway.

BACKGROUND:

Every ten years FEMA, in conjunction with the North Dakota Water Commission and Local governments, reviews area streams and establishes floodways/floodplains to help regulate future development. As the expansion of a community takes place, the FEMA flood maps are extended outwards along area streams. Currently, Hay Creek flood mapping ends at 71st Avenue NE. It has been determined that the mapping should be extended to north of 97th Avenue NE and just east of 52nd Street NE. (See attached maps)

When evaluating the proposed floodways/floodplains, one needs to consider existing development and how various design options used in development of the FEMA maps would impact existing home owners. The Highway Department recommends that the least oppressive design parameters be used in establishing the floodways/floodplains; by doing so we will minimize the impact on the existing home owners.

With this in mind, we recommend that the County Board approves the following proposed resolution: that FEMA and the North Dakota Water Commission use the 1 foot surcharge line in developing the Hay Creek Floodway north of 71st Avenue NE.

Furthermore, this criterion may be extended south of 71st Avenue NE to 43rd Avenue NE if recommended by the Bismarck City Commission.

RECOMMENDATION:

It is recommended that the Board adopt the attached proposed resolution.

PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED: That Burleigh County recommends that FEMA and the North Dakota Water Commission use the 1 foot surcharge line in developing the Hay Creek Floodway north of 71st Avenue NE. Furthermore, this criterion may be extended south of 71st Avenue NE to 43rd Avenue NE if recommended by the Bismarck City Commission.

		2017 Budget	2018 Budget	2019 Budget	2020 Budget	2021 Budget	
		Proposed	Proposed	Proposed	Proposed	Proposed	
Income							
O	31110 - Real Estate Tax	\$ 709,500.00	\$ 750,000.00	\$ 750,000.00	\$ 889,100.00	\$ 756,675.00	Mil Value - 531,000 x 1.5 - discounted 5%
O	31810 - In Lieu of Tax	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	
O	33610 - State Aid Distribution	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 60,000.00	\$ 50,000.00	
O	36110 - Interest	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 2,000.00	
O	33620 - Homestead Credit	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	
O	36210 - McDowell Dam Rec. Income	\$ 8,000.00	\$ 8,000.00	\$ 14,000.00	\$ 20,000.00	\$ 25,000.00	Moderate Increase - unsure of what busy summer season will bring
O	36215 - McDowell Dam Lease	\$ 2,800.00	\$ 2,800.00	\$ 2,975.00	\$ 3,000.00	\$ 3,000.00	Need new lease
O	36910 - Misc Revenue	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	
Total Income		\$780,900.00	\$820,900.00	\$827,075.00	\$982,200.00	\$846,675.00	
Expense							
o	111 - Payroll Expenses	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 26,000.00	
o	111A - Payroll Taxes	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	
o	112 - Management Services Other	\$ 18,000.00	\$ 20,000.00	\$ 20,000.00	\$ 25,000.00	\$ 25,000.00	
o	113 - Accounting services	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00	\$ 7,000.00	\$ 18,000.00	Combined acct 113 & 115; net budget adjustment of (14,000)
o	114 - Audit State	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 5,000.00	Assume Audit fee will be lower - Brady Martz prepared financials
115 - Contract Services					\$ 25,000.00		See line 113
o	312 - Legal Fees	\$ 18,000.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00	
o	315 - Engineering Administration	\$ 18,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 18,000.00	
o	328 - Liability Insurance	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 6,000.00	\$ 4,100.00	
o	335 - Building Rent	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,625.00	
o	341 - Travel	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00	\$ 1,000.00	\$ 1,000.00	
o	376 - Dues & Publications	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 2,500.00	\$ 3,500.00	
o	411 - Office Supplies	\$ 2,500.00	\$ 4,000.00	\$ 3,500.00	\$ 4,000.00	\$ 3,500.00	Potential device upgrades needed
o	904 - McDowell Dam (BPRD)	\$ 234,375.00	\$ 219,025.00	\$ 219,025.00	\$ 223,000.00	\$ 220,000.00	
o	904 - McDowell Dam (Buffer Zone)	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 30,000.00	\$ 30,000.00	Secure easements
o	905 - McDowell Dam-Capital Improve	\$ 10,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 55,000.00	Road re-surfacing
905a. Fresh Water Intake			\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	
o	910-L Hay Creek	\$ 188,025.00	\$ 20,000.00	\$ 26,175.00	\$ -	\$ -	Reminder: Roll up from 2017-2019 budgeted funds is
910 Hay Creek Pines Project)			\$ 86,075.00	\$ 86,075.00	\$ -	\$ -	
910N Hay Creek/Arizona Drive				\$ 17,500.00	\$ -	\$ -	
910 - Projects					\$ 150,000.00	\$ 95,000.00	Sibley Island Preliminary Engineering
o	911 - Misc	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	
o	920 - Continuing Education	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 1,500.00	
o	932 - City/County Watershed Planning	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00	
o	933 - Missouri River General Services	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	USGS Study Efforts
934 - Missouri River Bank Stabilization					\$ 153,200.00	\$ 100,000.00	
o	940A - Burnt Creek Watershed	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	Project Followup / Old Channel/
o	941 Stream Gages (Burleigh County)	\$ 3,200.00	\$ 3,500.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	Added - BCWRD Now holds this USGS Agreement since 2016
o	960 Drainage Complaints (16)	\$ 70,000.00	\$ 70,000.00	\$ 50,000.00	\$ 60,000.00	\$ 57,950.00	Various (projected)
o	970 Storm Water Management Plans	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	Various (projected)
Total Expense		\$ 780,900.00	\$ 820,900.00	\$ 827,075.00	\$ 982,200.00	\$ 846,675.00	
NET		\$ -	\$ -	\$ -	\$ -	\$0.00	Net adjustments required to balance budget

County of Burleigh

2021 Water Resource Budget Request

Fiscal Year: 2020-2020

Print accounts with zero balance



Round to whole dollars

Account on new page

From Date: 1/1/2020

To Date: 5/31/2020

Definition: 2021 Budget Expense Worksheet

Account	Description	2018 Adopted Budget	2018 Actual Amount	2019 Adopted Budget	2019 Actual Amount	2020 Adopted Budget	2020 Actual Jan 1-May 31	2021 Department Request
Income								
31110	Real Estate Tax	750,000.00	726,477.00	750,000.00	749,443.00	889,100.00	834,067.00	756,675.00
31810	In Lieu of Tax	5,000.00	5,094.00	5,000.00	383.00	5,000.00	735.00	1,000.00
33620	Homestead Credit	4,000.00	6,179.00	4,000.00	6,114.00	4,000.00		5,000.00
36110	Interest	100.00	2,836.00	100.00	3,955.00	100.00	19.00	2,000.00
36210	McDowell Dam Recreation Income	8,000.00	26,439.00	14,000.00	32,619.00	20,000.00	220.00	25,000.00
36215	McDowell Dam Land Lease	2,800.00	2,900.00	2,975.00	2,975.00	3,000.00	500.00	3,000.00
43610	State Aid Distribution	50,000.00	80,576.00	50,000.00	50,436.00	60,000.00	12,913.00	50,000.00
46910	Misc Revenue	1,000.00	11,705.00	1,000.00	7,972.00	1,000.00	673.00	4,000.00
Total Income		820,900.00	862,206.00	827,075.00	853,897.00	982,200.00	849,127.00	846,675.00
Non Budget Income:								
43810	Reimbursements		128,654.00		1,899,269.00 *		32,666.00	
44110	Operations & Maintenance		0.00		0.00		49,072.00	
Grand Total Income		820,900.00	990,860.00	827,075.00	2,753,166.00	982,200.00	930,865.00	846,675.00
Expense								
111	Payroll Expenses	30,000.00	26,163.00	30,000.00	22,772.00	30,000.00	10,688.00	26,000.00
111A	Payroll Taxes & WSI	3,000.00	2,248.00	3,000.00	2,110.00	3,000.00	889.00	4,000.00
112	Management Services	20,000.00	22,238.00	20,000.00	23,661.00	25,000.00	8,308.00	25,000.00
113	Accounting & Contract Services	5,000.00	6,407.00	5,000.00	8,750.00	32,000.00	1,940.00	18,000.00
114	Audit	6,000.00	6,250.00	6,000.00	6,650.00	6,000.00		5,000.00
312	Legal Fees	24,000.00	17,168.00	24,000.00	20,968.00	24,000.00	7,204.00	24,000.00
315	Engineering Administration	20,000.00	14,302.00	20,000.00	14,000.00	20,000.00	9,402.00	18,000.00
328	Liability Insurance	2,700.00	5,972.00	2,700.00	4,052.00	6,000.00		4,100.00
335	Building Rent	2,000.00	1,375.00	2,000.00	1,625.00	1,500.00	375.00	1,625.00
341	Travel	1,600.00		1,600.00		1,000.00		1,000.00
376	Dues & Publications	4,000.00	1,832.00	4,000.00	3,500.00	2,500.00	1,634.00	3,500.00
411	Office Expense	4,000.00	3,748.00	4,000.00	2,421.00	4,000.00	30.00	3,500.00
904	McDowell Dam inc. Buffer Zone	299,025.00	209,122.00	299,025.00	242,064.00	253,000.00		250,000.00
905	McDowell Dam-Capital Improvemen	145,000.00		45,000.00		45,000.00	17,998.00	55,000.00
905A	Fresh Water Intake			100,000.00		100,000.00		100,000.00
910	Projects	106,075.00	599,620.00	129,750.00	* 283,511.00	150,000.00	111,535.00	95,000.00
910 - Projects Fox Island Only					* 3,408,739.00			
911	Misc	2,500.00		2,500.00	200.00	2,500.00		2,500.00
920	Continuing Education	2,500.00	200.00	2,500.00	915.00	2,500.00	200.00	1,500.00
932	City/County Watershed Planning	20,000.00		20,000.00		5,000.00		5,000.00
933	Missouri River General Services	25,000.00	12,355.00	25,000.00	22,108.00	25,000.00	2,954.00	25,000.00
937	Design/Special Assessment		2,875.00			153,200.00	48,652.00	100,000.00
940	Operations & Maintenances	5,000.00	5,381.00	5,000.00	4,970.00	5,000.00		5,000.00
941	Stream Gages	3,500.00	5,880.00	6,000.00		6,000.00		6,000.00
960	Drainage Complaints	70,000.00	54,814.00	50,000.00	49,313.00	60,000.00		57,950.00
970	Storm Water Management Plans	20,000.00		20,000.00		20,000.00	5,289.00	10,000.00
Total Expense		820,900.00	997,950.00	827,075.00	4,122,329.00	982,200.00	227,098.00	846,675.00
Non-Cash/Non-Budget Expenses:								
50115	Depreciation Expense		0.00		104,579.00			
Grand Total Expense		820,900.00	997,950.00	827,075.00	4,226,908.00	982,200.00	227,098.00	846,675.00
Net Income		0.00	-135,744.00	0.00	-1,473,742.00	0	622,029.00	0.00

Color Coding Legend

Split Fox Island from CY Budget Items

Non Budget Line Items

Adjustments to 2019 Actuals due to new bookkeeping/		
Tracking Projects by Class:		
910 Projects		129750
905A Fresh Water Intake		100000
932 Watershed Planning		20000
941 Stream Gages		6000
970 SWMPS		20000
Grand Total 910 exp		275750
Adjusted overage Acct#910:		\$7,761

Notes:

* Without the effect of Fox Island project nearing completion and items not reflected on past budgets (i.e. Reimbursements & Depreciation), 2019 income was over budget by \$26,822 and expenses were under budget by \$113,485.

Net income as adjusted \$140,307.00.



PROJECT INFORMATION AND PLANNING
NORTH DAKOTA STATE WATER COMMISSION
PLANNING AND EDUCATION DIVISION
SFN 60440 (1/2020)

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Please answer the following questions as thoroughly as possible. For assistance with this form, contact Jared Huibregtse in the SWC Planning & Education Division at (701) 328-4967 or email jhuibregtse@nd.gov.

Project, program, or study name: McDowell Dam Supplemental Water Supply											
Sponsor(s): Burleigh County Water Resource District											
Location (county, city, township, etc.): SE1/4 Section 27, T139N R80W, Burleigh County, Bismarck, ND											
Which Basin is the primary beneficiary of this project or study? <table><tr><td><input type="checkbox"/> Devils Lake</td><td><input checked="" type="checkbox"/> Lower Missouri</td><td><input type="checkbox"/> Lower Red River</td><td><input type="checkbox"/> Mouse River</td><td><input type="checkbox"/> Little Missouri/ Upper Heart/ Upper Cannonball</td></tr><tr><td><input type="checkbox"/> James River</td><td><input type="checkbox"/> Upper Missouri</td><td><input type="checkbox"/> Upper Red River</td><td><input type="checkbox"/> Multi-Basin</td><td></td></tr></table>		<input type="checkbox"/> Devils Lake	<input checked="" type="checkbox"/> Lower Missouri	<input type="checkbox"/> Lower Red River	<input type="checkbox"/> Mouse River	<input type="checkbox"/> Little Missouri/ Upper Heart/ Upper Cannonball	<input type="checkbox"/> James River	<input type="checkbox"/> Upper Missouri	<input type="checkbox"/> Upper Red River	<input type="checkbox"/> Multi-Basin	
<input type="checkbox"/> Devils Lake	<input checked="" type="checkbox"/> Lower Missouri	<input type="checkbox"/> Lower Red River	<input type="checkbox"/> Mouse River	<input type="checkbox"/> Little Missouri/ Upper Heart/ Upper Cannonball							
<input type="checkbox"/> James River	<input type="checkbox"/> Upper Missouri	<input type="checkbox"/> Upper Red River	<input type="checkbox"/> Multi-Basin								
Description of request: <input type="checkbox"/> New <input checked="" type="checkbox"/> Updated (previously submitted)											
What type of effort is being pursued? <input checked="" type="checkbox"/> Project <input type="checkbox"/> Study											
What is the main focus of the project or study? <table><tr><td><input checked="" type="checkbox"/> General Water Management</td><td><input type="checkbox"/> Water Supply (Municipal)</td><td><input type="checkbox"/> Water Conveyance (Snagging and Clearing)</td></tr><tr><td><input type="checkbox"/> Flood Control</td><td><input type="checkbox"/> Water Supply (Regional)</td><td><input type="checkbox"/> Water Conveyance (Bank Stabilization)</td></tr><tr><td><input type="checkbox"/> Irrigation</td><td><input type="checkbox"/> Water Supply (Rural)</td><td><input type="checkbox"/> Water Conveyance (Drain)</td></tr></table>		<input checked="" type="checkbox"/> General Water Management	<input type="checkbox"/> Water Supply (Municipal)	<input type="checkbox"/> Water Conveyance (Snagging and Clearing)	<input type="checkbox"/> Flood Control	<input type="checkbox"/> Water Supply (Regional)	<input type="checkbox"/> Water Conveyance (Bank Stabilization)	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Water Supply (Rural)	<input type="checkbox"/> Water Conveyance (Drain)	
<input checked="" type="checkbox"/> General Water Management	<input type="checkbox"/> Water Supply (Municipal)	<input type="checkbox"/> Water Conveyance (Snagging and Clearing)									
<input type="checkbox"/> Flood Control	<input type="checkbox"/> Water Supply (Regional)	<input type="checkbox"/> Water Conveyance (Bank Stabilization)									
<input type="checkbox"/> Irrigation	<input type="checkbox"/> Water Supply (Rural)	<input type="checkbox"/> Water Conveyance (Drain)									
Has a feasibility study been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Is this a federally authorized water supply or flood control project <i>with</i> federal funding appropriations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Is this a federally authorized water supply or flood control project <i>without</i> federal funding appropriations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Does this project correct a lack of water supply for a group of water users or connect a city to a regional/rural system?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Does this project correct a violation of a primary water quality condition in a water supply system?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Does this project address severe or anticipated water supply shortages for domestic use in a service area or city with rapid population growth?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Does this project protect primary residences or businesses from flooding in population centers, or involve flood recovery property acquisitions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										

Is this project a dam safety repair or emergency action plan?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project an expansion of an existing water supply system?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project a levee system accreditation, water retention, or flood protection property acquisition?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an irrigation system construction project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a new rural flood control project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a bank stabilization project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a snagging and clearing project located in a population center?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a study, report, analysis, survey, model, evaluation, mapping project, or engineering design?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project an improvement or extraordinary maintenance of a water supply system?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an improvement or extraordinary maintenance of a rural flood control project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a recreation project?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an individual rural or farmstead ring dike construction project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a snagging and clearing project in a sparsely populated area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
<p>Description of the project or study, including description of problem(s) or need(s)</p> <p>The project provides a supplemental water supply through the diversion of available waters from Apple Creek for the recreation reservoir created by McDowell Dam. The McDowell Dam watershed is inadequate to maintain full service levels during extended droughts. Water quality also suffers during normal and low water levels, which negatively impacts the public recreational value of the facility. By supplementing the reservoir's water supply from Apple Creek, full service levels will be maintained, and water quality will improve. The water imported from Apple Creek will be treated to reduce the nitrogen and phosphorous loading in to the reservoir.</p>					
<p>Describe how this effort addresses each problem or need</p> <p>The State Engineer has approved the water permit appropriation from Apple Creek for the supplemental water supply. There is a time line to perfect this allocation or an extension will need to be requested. The cost share request is based on current policy for recreation.</p>					
Funding Timeline (Carefully consider when SWC cost-share will be needed.)					
Source	Total Cost	7/1/2019-6/30/2021 (And Prior Bienna)	7/1/21- 6/30/23	7/1/2023- 6/30/2025	Beyond 6/30/2025
Federal	\$	\$	\$	\$	\$
State Water Commission	\$	\$	\$ 474,000	\$	\$
Other State Of ND	\$	\$	\$	\$	\$
Local	\$	\$	\$ 752,000	\$	\$
Total	\$0	\$0	\$ 1,226,000	\$0	\$0

Funding Detail (Provide names and amounts from all potential funding sources from the table above.)				
Source	Amount	Grant or Loan	Term	Interest
	\$			
	\$			
	\$			
	\$			
	\$			

For Water Supply Projects Only		
Base Water Rate	Cost Per 1,000 Gallons	User Rate Charged For 5,000 Gallons
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$

Description

System Production Cost Per 5,000 Gallons

Explain implementation timelines, considering all phases and current status
The BCWRD has delayed project implementation until the water permit allocation was approved. Currently due to recent above normal runoff as well as funding and strategic planning efforts the project has been on hold. It is anticipated that the project could be considered for implementation during the next biennium, however that remains to be determined given available local funding.

Project Sponsor Contact Name Greg Larson		Title Chairman		Date May 13, 2020
Address 1702 Burnt Boat Drive		City Bismarck	State North Dakota	ZIP Code 58503
Telephone Number 701-222-3499			Email Address bcwrd@midco.net	
Project Consultant Contact Name Michael Gunsch, PE, CFM		Title Senior Project Manager		Date May 13, 2020
Address 3712 Lockport Street		City Bismarck	State North Dakota	ZIP Code 58503
Telephone Number 701-323-0200			Email Address mgunsch@houstoneng.com	

Please Attach Supporting Information As Needed

E-MAIL TO: NDSWMP@nd.gov

MAIL TO:

Planning & Education Division
ND State Water Commission
900 E Boulevard Ave. Dept. 770
Bismarck, ND 58505-0850



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NORTH DAKOTA STATE WATER COMMISSION
PLANNING AND EDUCATION DIVISION
SFN 60440 (1/2020)

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Project, program, or study name: Missouri River Bank Stabilization - Section 32 (O&M)											
Sponsor(s): Burleigh County Water Resource District											
Location (county, city, township, etc.): Burleigh County, Missouri River, North Dakota											
Which Basin is the primary beneficiary of this project or study? <table><tr><td><input type="checkbox"/> Devils Lake</td><td><input checked="" type="checkbox"/> Lower Missouri</td><td><input type="checkbox"/> Lower Red River</td><td><input type="checkbox"/> Mouse River</td><td><input type="checkbox"/> Little Missouri/ Upper Heart/ Upper Cannonball</td></tr><tr><td><input type="checkbox"/> James River</td><td><input type="checkbox"/> Upper Missouri</td><td><input type="checkbox"/> Upper Red River</td><td><input type="checkbox"/> Multi-Basin</td><td></td></tr></table>		<input type="checkbox"/> Devils Lake	<input checked="" type="checkbox"/> Lower Missouri	<input type="checkbox"/> Lower Red River	<input type="checkbox"/> Mouse River	<input type="checkbox"/> Little Missouri/ Upper Heart/ Upper Cannonball	<input type="checkbox"/> James River	<input type="checkbox"/> Upper Missouri	<input type="checkbox"/> Upper Red River	<input type="checkbox"/> Multi-Basin	
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Description of request: <input checked="" type="checkbox"/> New <input type="checkbox"/> Updated (previously submitted)											
What type of effort is being pursued? <input checked="" type="checkbox"/> Project <input type="checkbox"/> Study											
What is the main focus of the project or study? <table><tr><td><input type="checkbox"/> General Water Management</td><td><input type="checkbox"/> Water Supply (Municipal)</td><td><input type="checkbox"/> Water Conveyance (Snagging and Clearing)</td></tr><tr><td><input type="checkbox"/> Flood Control</td><td><input type="checkbox"/> Water Supply (Regional)</td><td><input checked="" type="checkbox"/> Water Conveyance (Bank Stabilization)</td></tr><tr><td><input type="checkbox"/> Irrigation</td><td><input type="checkbox"/> Water Supply (Rural)</td><td><input type="checkbox"/> Water Conveyance (Drain)</td></tr></table>		<input type="checkbox"/> General Water Management	<input type="checkbox"/> Water Supply (Municipal)	<input type="checkbox"/> Water Conveyance (Snagging and Clearing)	<input type="checkbox"/> Flood Control	<input type="checkbox"/> Water Supply (Regional)	<input checked="" type="checkbox"/> Water Conveyance (Bank Stabilization)	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Water Supply (Rural)	<input type="checkbox"/> Water Conveyance (Drain)	
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<input type="checkbox"/> Irrigation	<input type="checkbox"/> Water Supply (Rural)	<input type="checkbox"/> Water Conveyance (Drain)									
Has a feasibility study been completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Is this a federally authorized water supply or flood control project <i>with</i> federal funding appropriations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Is this a federally authorized water supply or flood control project <i>without</i> federal funding appropriations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Does this project correct a lack of water supply for a group of water users or connect a city to a regional/rural system?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Does this project correct a violation of a primary water quality condition in a water supply system?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Does this project address severe or anticipated water supply shortages for domestic use in a service area or city with rapid population growth?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Does this project protect primary residences or businesses from flooding in population centers, or involve flood recovery property acquisitions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										

Is this project a dam safety repair or emergency action plan?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project an expansion of an existing water supply system?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project a levee system accreditation, water retention, or flood protection property acquisition?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an irrigation system construction project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a new rural flood control project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a bank stabilization project?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a snagging and clearing project located in a population center?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a study, report, analysis, survey, model, evaluation, mapping project, or engineering design?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project an improvement or extraordinary maintenance of a water supply system?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an improvement or extraordinary maintenance of a rural flood control project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a recreation project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an individual rural or farmstead ring dike construction project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a snagging and clearing project in a sparsely populated area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
<p>Description of the project or study, including description of problem(s) or need(s)</p> <p>The Burleigh County Water Resource District (aka, Water Management District) signed an agreement with the North Dakota State Water Commission regarding the Operation and Maintenance of federally bank stabilization revetments constructed under the Section 32 Program. This pursuant to Public Law 93-251, Water Resource Development Act of 1974, as amended by Public Law 94-587, Water Resources Development Act of 1976, Section 161. Under this agreement the BCWRD is responsible for 50% of the O&M costs and the NDSWC is responsible for the other 50%.</p>					
<p>Describe how this effort addresses each problem or need</p> <p>While the USACE has previously funded some maintenance work under Section 33, this funding source is limited to congressional appropriation, which is limited if not unlikely in the future. Subsequently, the BCWRD is looking to place this unfunded liability into the state water plan as there are revetments that have suffered damages and are at risk for failure. Therefore, it is better to conduct the proper O&M activity than to lose the structures and the property they are intended to protect.</p>					
Funding Timeline (Carefully consider when SWC cost-share will be needed.)					
Source	Total Cost	7/1/2019-6/30/2021 (And Prior Bienna)	7/1/21- 6/30/23	7/1/2023- 6/30/2025	Beyond 6/30/2025
Federal	\$	\$	\$	\$	\$
State Water Commission	\$	\$	\$ 250,000	\$ 250,000	\$
Other State Of ND	\$	\$	\$	\$	\$
Local	\$	\$	\$ 250,000	\$ 250,000	\$
Total	\$0	\$0	\$ 500,000	\$ 500,000	\$0

Funding Detail (Provide names and amounts from all potential funding sources from the table above.)				
Source	Amount	Grant or Loan	Term	Interest
	\$			
	\$			
	\$			
	\$			
	\$			

For Water Supply Projects Only		
Base Water Rate	Cost Per 1,000 Gallons	User Rate Charged For 5,000 Gallons
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$

Description

System Production Cost Per 5,000 Gallons

Explain implementation timelines, considering all phases and current status
The BCWRD is requesting funding consideration when the individual sites required action to prevent the loss of the structure or significant erosion of the adjoining property. It is anticipated that some funding will be required in each of the next two bienniums, however the specific time is unknown as an inventory of the revetment condition remains to be updated.

Project Sponsor Contact Name Greg Larson		Title Chairman		Date May 13, 2020
Address 1702 Burnt Boat Drive		City Bismarck	State North Dakota	ZIP Code 58503
Telephone Number 701-222-3499			Email Address bcwrd@midco.net	
Project Consultant Contact Name Michael Gunsch, PE, CFM		Title Senior Project Manager		Date May 13, 2020
Address 3712 Lockport Street		City Bismarck	State North Dakota	ZIP Code 58503
Telephone Number 701-323-0200			Email Address mgunsch@houstoneng.com	

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MAIL TO:

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Project, program, or study name: Sibley Island Flood Control											
Sponsor(s): Burleigh County Water Resource District											
Location (county, city, township, etc.): Lincoln Township, Burleigh County T138N R80-81W, Bismarck, ND											
Which Basin is the primary beneficiary of this project or study? <table><tr><td><input type="checkbox"/> Devils Lake</td><td><input checked="" type="checkbox"/> Lower Missouri</td><td><input type="checkbox"/> Lower Red River</td><td><input type="checkbox"/> Mouse River</td><td><input type="checkbox"/> Little Missouri/ Upper Heart/ Upper Cannonball</td></tr><tr><td><input type="checkbox"/> James River</td><td><input type="checkbox"/> Upper Missouri</td><td><input type="checkbox"/> Upper Red River</td><td><input type="checkbox"/> Multi-Basin</td><td></td></tr></table>		<input type="checkbox"/> Devils Lake	<input checked="" type="checkbox"/> Lower Missouri	<input type="checkbox"/> Lower Red River	<input type="checkbox"/> Mouse River	<input type="checkbox"/> Little Missouri/ Upper Heart/ Upper Cannonball	<input type="checkbox"/> James River	<input type="checkbox"/> Upper Missouri	<input type="checkbox"/> Upper Red River	<input type="checkbox"/> Multi-Basin	
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Has a feasibility study been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Is this a federally authorized water supply or flood control project <i>with</i> federal funding appropriations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Is this a federally authorized water supply or flood control project <i>without</i> federal funding appropriations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable										
Does this project correct a lack of water supply for a group of water users or connect a city to a regional/rural system?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
Does this project correct a violation of a primary water quality condition in a water supply system?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable										
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Does this project protect primary residences or businesses from flooding in population centers, or involve flood recovery property acquisitions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable										

Is this project a dam safety repair or emergency action plan?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project an expansion of an existing water supply system?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project a levee system accreditation, water retention, or flood protection property acquisition?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an irrigation system construction project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a new rural flood control project?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a bank stabilization project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a snagging and clearing project located in a population center?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a study, report, analysis, survey, model, evaluation, mapping project, or engineering design?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this project an improvement or extraordinary maintenance of a water supply system?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an improvement or extraordinary maintenance of a rural flood control project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a recreation project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this an individual rural or farmstead ring dike construction project?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
Is this a snagging and clearing project in a sparsely populated area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable		
<p>Description of the project or study, including description of problem(s) or need(s)</p> <p>The Sibley Island Flood Control project contains two segments. The northern is the Sibley Island Levee and the southern is the Oahe Bend Levee. These levees are part of the Burleigh County 20-foot Flood Protection Plan to protect properties affected by the 2011 Missouri River flood event. The Sibley Island Levee protects 108 Rural Residential properties, while the Oahe Bend Levee protects 133 to 155 rural residences depending on the alignment. The 2001 flood significantly impacted these residences through direct inundation, crawl space flooding, restricted access, damages to septic systems and loss of trees and landscaping.</p>					
<p>Describe how this effort addresses each problem or need</p> <p>A feasibility study was completed on October 26, 2013 by the Burleigh County Water Resource District with funding assistance obtained through the North Dakota State Engineer. Several public information meetings were held related to the Burleigh County 20 foot Flood Protection Plan including one for the Sibley Island Flood Control Project. This study was provided to the SWC planning staff, who recommended the SWC cost share in the Preliminary Engineering Study (PER) which is currently underway. Future funding for design will be requested when the PER is completed and the project voted on and approved by the assessment district.</p>					
Funding Timeline (Carefully consider when SWC cost-share will be needed.)					
Source	Total Cost	7/1/2019-6/30/2021 (And Prior Bienna)	7/1/21- 6/30/23	7/1/2023- 6/30/2025	Beyond 6/30/2025
Federal	\$	\$	\$	\$	\$
State Water Commission	\$	\$ 366,400	\$ 2,301,000	\$	\$
Other State Of ND	\$	\$ 244,300	\$	\$	\$
Local	\$	\$	\$ 1,880,000	\$	\$
Total	\$0	\$ 610,700	\$ 4,181,000	\$0	\$0

Funding Detail (Provide names and amounts from all potential funding sources from the table above.)				
Source	Amount	Grant or Loan	Term	Interest
	\$			
	\$			
	\$			
	\$			
	\$			

For Water Supply Projects Only		
Base Water Rate	Cost Per 1,000 Gallons	User Rate Charged For 5,000 Gallons
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$

Description

System Production Cost Per 5,000 Gallons

Explain implementation timelines, considering all phases and current status
The BCWRD is pursuing the PER, under NDCC 61-16.1, which will be followed by public informational meetings and the public hearing to vote on the assessment district. Time line after that will be to proceed with final design, which will include a second request for funding through the NDSWC. As a cooperative project with Lincoln Township coordination on funding will be required and the Sibley Island Levee could constructed first and the Oahe Bend Levee portion second.

Project Sponsor Contact Name Greg Larson		Title Chairman		Date May 13, 2020
Address 1702 Burnt Boat Drive		City Bismarck	State North Dakota	ZIP Code 58503
Telephone Number 701-222-3499			Email Address bcwrd@midco.net	
Project Consultant Contact Name Michael Gunsch, PE, CFM		Title Senior Project Manager		Date May 13, 2020
Address 3712 Lockport Street		City Bismarck	State North Dakota	ZIP Code 58503
Telephone Number 701-323-0200			Email Address mgunsch@houstoneng.com	

Please Attach Supporting Information As Needed

E-MAIL TO: NDSWMP@nd.gov

MAIL TO:

Planning & Education Division
ND State Water Commission
900 E Boulevard Ave. Dept. 770
Bismarck, ND 58505-0850

119th Street Crossing

Apple Creek By-Pass Channel

Legend

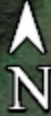
119th Street Bridge

By-Pass Channel

Base Flows in Apple Creek

119th St NE

Base flow culverts





Burleigh County Water Resource District

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

May 14, 2020

Galen Nagel
4915 Boulder Drive
Bismarck, North Dakota 58504

Re: Drain Complaint/FOIA Request - Our File No.: 282-94

Dear Mr. Nagel:

The following is in response to your inquiry dated May 5, 2020.

- 1) *In your letter dated April 16, 2020 you stated; "Mr. Beck reported his findings to the District and based upon his knowledge and experience, Mr. Beck determined that this area has no established watercourse." The November 9, 2016 District meeting minutes do not support your statement or does Mr. Beck's letter to me. I am requesting the document or audio that supports the statement you've made that there is no established watercourse.*

You were previously provided all records and documents. After reviewing our records and those of Dakota Access Media there is no recording for the meeting on that date.

- 2) *In the response letter that I received from District attorney Bliss dated April 14, 2020 Mr. Bliss states in part; "As to request 1,3 and 4 the subject property presents no natural watercourse and, as a result the District has no jurisdiction in this matter. See N.D.C.C. 61-61.1-09.1. The District's November 9, 2016 meeting minutes do not support this statement made by Mr. Bliss. I am requesting the specific documents and audio recordings that support his statement.*

You were previously provided all records and documents. After reviewing our records and those of Dakota Access Media there is no recording for the meeting on that date.

- 3) *The audio/recording of the District's November 9, 2016 meeting.*

Again, there is no audio/recording for the meeting on that date, so we are unable to provide.

Respectfully,

A handwritten signature in blue ink that reads "Greg Larson".

Greg Larson, Chairman
Burleigh County Water Resource District

cc: Board members, Commissioner Jones, Mike Gunsch, David R. Bliss (via email only)

May 05, 2020,

Burleigh County Water Resource District
Greg Larson, Chairman
1720 Burnt Boat Drive Suite 205
Bismarck, North Dakota 58501

Re: Request for public documents

Dear Mr. Larson,

I am in receipt of your response letter dated May 04, 2020. Just for my documentation if the need arises to be self-explanatory to anybody this is sent to, in your letter you stated: **"In closing, you now have the available records regarding your complaint and determination used to dismiss your complaint"**. Mr. Larson I now have two different determinations as to why my complaint was dismissed. The first documentation of fact is Mr. Beck's letter addressed to me and the second factual document is the November 09, 2016 Districts meeting minutes, later approved. These two documents state there was no obstruction to a watercourse.

The second determination are the statements made by yourself and Mr. Bliss and are not factual at this point they are unsupported by any documents that I have received to date, they are just that, statements that you and Mr. Bliss are making. Mr. Larson as you can see I am attempting to obtain all the documents as they pertain to my complaint that I filed with the District, and I have every legal right to those documents and I am following N.D.C.C. 44-04 to obtain them. I have been met with delays and as you put it inadvertently omitted documents and what I consider false and misleading information that you and Mr. Bliss are providing me with. Those statements made by yourself and Mr. Bliss need to be supported by documents or the audio from the Districts November 9, 2016 meeting to be factual and I am trying to obtain them.

I am requesting under North Dakota Open Records Law (N.D.C.C. Chapter 44-04) the following documents and/or communications;

1) In your letter dated April 16, 2020 you stated; **"Mr. Beck reported his findings to the District and based upon his knowledge and experience, Mr. Beck determined that this area has no established watercourse."** The November 9, 2016 District meeting minutes do not support your statement or does Mr. Beck's letter to me. I am requesting the document or audio that supports the statement you've made that there is no established watercourse.

2) In the response letter that I received from District attorney Bliss dated April 14, 2020 Mr. Bliss states in part; **"As to request 1,3 and 4 the subject property presents no natural watercourse and, as a result the District has no jurisdiction in this matter. See N.D.C.C. 61-61.1-09.1.** The Districts November 9, 2016 meeting minutes do not support this statement made by Mr. Bliss. I am requesting the specific documents and audio recordings that support his statement.

3) The audio/recording of the District's November 9, 2016 meeting.

If the above requests do not exist or I am being denied them, I am requesting that each of the Three requests be answered separately and in writing in accordance with N.D.C.C. 44-04-18 subsection (7).

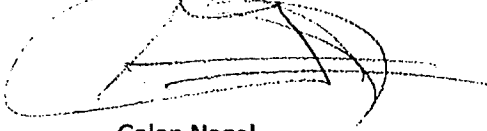
"Document" and "communications" mean any written, printed, typed, or other graphic matter of any kind or nature and all computer materials and electronic media and communications of any Kind or nature whatsoever including e-mails and texts to or from any person or source.

When a public entity receives a request for records, it must, within a reasonable time period, either provide the records or explain why the records are not provided. N.D.A.G. 98-0-22 and N.D.A.G. 2015-0-17. A denial of an open record request must indicate the entity's specific authority for denying the requested record and this requirement exists even if the request is denied on the basis that the requested records do not exist. N.D.C.C. Chapter 44-04-18 (7). N.D.A.G. 2014-02-22.

If Payment is needed in advance, please contact me and advise me of the amount owed and it will be immediately remitted. In the alternative, send a bill along with the documents and it will be promptly paid.

Please mail all requested documents to Galen Nagel, 4915 Boulder Drive Bismarck, ND 58504.

Sincerely,

A handwritten signature in black ink, appearing to read 'Galen Nagel', with a large, sweeping flourish extending to the right.

Galen Nagel

June 2020 Bills

Name	Project	Invoice	Amount
Bliss Law Firm	General	48646	\$4,204.55
Houston Engineering	General	48644	\$1,000.00
Houston Engineering	Burnt Creek Floodway	48645	\$1,056.00
Houston Engineering	Sibley Island	48647	\$1,802.50
Houston Engineering	Drainage Complaints	48648	\$624.00
PMS	Management	6442	\$1,500.00
PMS	Accounting	6442	\$975.00
PMS	Rent	6442	\$125.00
PMS	Drainage Complaints & Archives	6442	\$500.00
PMS	Office Expense - copies & postage	6442	\$124.94
Fox Island Bills			
Name	Subtotal - regular bills		\$11,911.99
Houston Engineering			
Bliss Law Firm			
	Project	Invoice	Amount
	Special Assessment Projects	48646	\$14,145.10
		19796	\$917.00
	Subtotal - Fox Island Bills		\$15,062.10
	Grand Total Bills		\$26,974.09

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

Burleigh County (ND) Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

June 5, 2020

Invoice No:

0048644

Due Date:

July 5, 2020

Project R084241-0000 BCWRD - General Engineering Services

Email Invoices: BCWRD@midco.net & rdetwillerbcwrd@gmail.com

BCWRD Project No.: 315 - Engineering Administration

See attached Project Status Report and Invoice Description.

Professional Services from April 26, 2020 to May 23, 2020

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 General Services
BCWRD Account No.	315 – Engineering Administration
Project Name:	General Engineering Services

Billing Period: *April 26, 2020 through May 23, 2020*

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:

- **May 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 and limited small contact and coordination items not related to other projects. 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**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

Burleigh County (ND) Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

June 5, 2020

Invoice No:

0048645

Due Date:

July 5, 2020

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

BCWRD Account No. 940 - Shared Projects

See Attached Project Status Report and Invoice Description.

Professional Services from April 26, 2020 to May 23, 2020

Phase 000 Burnt Creek Floodway Rehabilitation and O&M

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	1.75	208.00	364.00	
Project Engineer	4.00	173.00	692.00	
Totals	5.75		1,056.00	
Total Labor				1,056.00
		Total this Phase		\$1,056.00
		Total this Invoice		\$1,056.00



II 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: *April 26, 2020 through May 23, 2020*

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

Phase (0000) Floodway Rehabilitation and O&M

- Finalized the Operations and Maintenance Plan
- Provided to the Board for review and consideration

Comments/Issues/Problems:

- Draft for Board review to be accepted at June 2020 meeting
- O&M Agreement with BCHD under consideration, remains to be developed

Total Invoice \$ 1,056.00

See accompanying invoice for personnel cost breakdown.

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

Burleigh County (ND) Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

June 5, 2020

Invoice No:

0048646

Due Date:

July 5, 2020

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 April 26, 2020 to May 23, 2020

Phase	100	Regulatory and Easements
Task	005	Landowner Construction Issues - Extra

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	6.75	208.00	1,404.00	
Project Engineer	9.00	173.00	1,557.00	
Totals	15.75		2,961.00	
Total Labor				2,961.00

Unit Billing

(BSK) Mileage - Truck	20.0 Miles @ 0.78	15.60	
Total Units		15.60	15.60

Total this Task \$2,976.60

Total this Phase \$2,976.60

Phase	410	CMS - Construction Contract Administration
Task	002	Office Engineering Services

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	6.25	208.00	1,300.00	
Project Engineer	33.00	173.00	5,709.00	
Engineer II	7.25	138.00	1,000.50	
Administrative Assistant	4.75	80.00	380.00	
Totals	51.25		8,389.50	
Total Labor				8,389.50

Unit Billing

(BSK) Mileage - Truck	60.0 Miles @ 0.78	46.80	
Total Units		46.80	46.80

Total this Task \$8,436.30

Project	R106025-0006	Fox Island Flood Control	Invoice	0048646
Total this Phase			\$8,436.30	

Phase	420	CMS - Field Engineering Services		

Task	001	Construction Management Services		
Professional Personnel				
		Hours	Rate	Amount
Project Engineer		3.25	173.00	562.25
Engineer I		.50	125.00	62.50
Land Surveyor II		.50	143.00	71.50
Totals		4.25		696.25
Total Labor				696.25
Total this Task			\$696.25	
Total this Phase			\$696.25	

Phase	430	CMS - Construction Surveying		
Professional Personnel				
		Hours	Rate	Amount
Two Person Crew		3.00	184.00	552.00
Totals		3.00		552.00
Total Labor				552.00
Unit Billing				
(BSK) GPS Equipment Unit Hours		2.25 Hours @ 25.00		56.25
(BSK) Mileage - Survey/Inspection		35.0 Miles @ 0.78		27.30
(BSK) Lath				5.40
Total Units			88.95	88.95
Total this Phase			\$640.95	

Phase	440	CMS - Project Closeout		

Task	003	Record Drawings		
Professional Personnel				
		Hours	Rate	Amount
Sr Project Manager		6.25	208.00	1,300.00
Project Manager		.50	190.00	95.00
Totals		6.75		1,395.00
Total Labor				1,395.00
Total this Task			\$1,395.00	
Total this Phase			\$1,395.00	
Total this Invoice			\$14,145.10	



HoustonEngineering Inc.

Project Status and Invoice Description

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

HEI Project No.:	R106025-0006
BCWRD Account No.	937 – Special Assessment Projects
Project Name:	Fox Island Flood Control

Billing Period: *April 26, 2020 through May 23, 2020*

Professional engineering services associated with construction engineering, construction observation and related activities on the Fox Island Flood Control Project.

Tasks Completed:

- Continued landowner coordination related to final site restoration
- Completed cost chronology summary
- Construction Management Services continue
- Field observations and oversight as required
- Field work continues with clean up tree planting and seeding
- South Central rural water line connection installation
- Expand punch list issues as items identified
- Encroachment issues continue – evaluation, letters and timelines
- Sprinkler installations completed
- Glasser easement tree installation and site restoration after pumping

Comments and Issues:

- Pump line area restoration area to be completed
- Sprinkler system installations completed
- Chip seal is scheduled for completion
- Discussion of Lincoln Oakes irrigation line abandonment

Phase (100) Regulatory and Easements	\$ 2,976.60
Phase (410) CMS – Contract Administration	\$ 8,436.30
Phase (420) CMS – Field Engineering Services	\$ 696.25
Phase (430) CMS – Construction Surveying	\$ 640.95
Phase (440) CMS - Project Close Out	\$ 1,395.00
Total Invoice	\$ 14,145.10

See accompanying invoice for personnel cost breakdown.

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

Burleigh County (ND) Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

June 5, 2020

Invoice No:

0048647

Due Date:

July 5, 2020

Project R126025-0014 Sibley Island Flood Control Project FHMP

Work Order #18

See attached Project Status Report and Invoice Description.

Professional Services from April 26, 2020 to May 23, 2020

Phase 101 Preliminary Design

Professional Personnel

	Hours	Rate	Amount	
GIS Analyst II	.50	108.00	54.00	
Engineer I	3.75	125.00	468.75	
Totals	4.25		522.75	
Total Labor				522.75
		Total this Phase		\$522.75

Phase 102 Site Survey and Landowner Contacts

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	.25	208.00	52.00	
Project Engineer	.50	173.00	86.50	
Sr Technician	5.25	125.00	656.25	
Totals	6.00		794.75	
Total Labor				794.75
		Total this Phase		\$794.75

Phase 103 Economic Evaluation

Professional Personnel

	Hours	Rate	Amount	
Project Engineer	1.00	173.00	173.00	
Totals	1.00		173.00	
Total Labor				173.00
		Total this Phase		\$173.00

Phase 105 Regulatory Compliance

Project	R126025-0014	Sibley Island FHMP	Invoice	0048647
Professional Personnel				
		Hours	Rate	Amount
Sr Project Manager		1.50	208.00	312.00
Totals		1.50		312.00
Total Labor				312.00
			Total this Phase	\$312.00
			Total this Invoice	\$1,802.50



HoustonEngineering Inc.

Project Status and Invoice Description

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

HEI Project No.:	6025-0014
BCWRD Account No.	937 – Special Assessment Projects
Project Name:	Sibley Island Flood Control

Billing Period: *April 26, 2020 through May 23, 2020*

Professional engineering and surveying services related to the activities associated with the Sibley Island Flood Control Project and Specific Authorization #28.

Tasks Completed:

Phase 101 – Preliminary Design

- Evaluation of alignment and cost considerations
- Preliminary plan and profile update
- County Engineer discussion of alternatives - Pending

Phase 102 – Site Survey and Landowner Contacts

- Drone flight processed and mapping data created

Phase 103 – Economic Evaluation

- Limited discussion and update

Phase 105 – Regulatory Compliance

- State Water Commission Planning Form
- Research and provide information to Sibley Island Park Manager

Comments and Issues:

- Issues with identified breakout flows from Apple Creek will impact the project alignment along the Township roadways and areas included in the special assessment district. Coordination is ongoing with the NDSWC regarding future DFIRM mapping and how it will impact project configuration. FEMA QA/QC of hydraulic model for Apple Creek and Missouri River are underway, completion timeline is undetermined.
- Missouri River water surface impact review has yet to proceed. Due to changes in alignment the hydraulic impact assessment on Apple Creek may not be required.

Phase 101 – Preliminary Design	\$ 522.75
Phase 102 – Site Survey and Landowner Contacts	\$ 794.75
Phase 103 – Economic Evaluation	\$ 173.00
Phase 104 – Hydraulic Analysis Report	\$ 0.00
Phase 105 – Regulatory Compliance	\$ 312.00
Total Invoice	\$ 1,802.50

See accompanying invoice for personnel cost breakdown.

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

Burleigh County (ND) Water Resource District
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

June 5, 2020

Invoice No:

0048648

Due Date:

July 5, 2020

Project R146025-0018 Burleigh County WRD Drainage Complaints

BCWRD Account No.: 910

See attached Project Status Report and Invoice Description.

Professional Services from April 26, 2020 to May 23, 2020

Phase 000 General Inquires

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	3.00	208.00	624.00	
Totals	3.00		624.00	
Total Labor				624.00
		Total this Phase		\$624.00
		Total this Invoice		\$624.00



HoustonEngineering Inc.

Project Status and Invoice Description

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

HEI Project No.:	6025-0018
BCWRD Account No.	910 Shared Projects
Project Name:	Drainage Complaints

Billing Period: *April 26, 2020 through May 23, 2020*

Professional engineering and surveying services related to the evaluation of drainage complaints.

General Inquires (000)

- Glen Nagel 2016 Complaint – documentation request
 - Records request and follow up
 - Draft additional letters related to documents

Comments:

- Additional requests from Nagel have been answered.

Phase (000) – General Inquires	\$ 624.00
Total Invoice	\$ 624.00

See accompanying invoice for personnel cost breakdown.

1720 Burnt Boat Dr Ste 205
Bismarck, ND 58503

Date	Invoice #
5/31/2020	6442

Bill To
BCWRD

[illegible]

Bliss Law Firm breakdown:**5/31/2020 Invoice #19796**

General	\$ 1,524.00
Drainage	\$ 419.20
Miss. River	\$ 2,096.00
MRCC	\$ 78.60
McDowell	\$ 52.40
Office Supp.	\$ 34.35
Total	\$4,204.55
Fox Island	\$ 917.00
Grand Total	\$5,121.55

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

June 02, 2020

Invoice #19796

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
4/28/2020 (910H) E-mail from Houston Engineering's Nic Cullen with regard to Fox Island landowner encroachment issues, reply to the same; e-mail from Houston Engineering's Travis Johnson with regard to the same, reply to the same; telephone call from Mike Gunsch with regard to the same, discuss appropriate remedies and replies; follow-up e-mail to Cullen, Johnson, and Gunsch with regard to the same.	0.80 262.00/hr	209.60
4/29/2020 (910H) Follow-up telephone call to Travis Johnson with regard to Fox Island matters, appropriate documentation thereof.	0.50 262.00/hr	131.00
(910H) Receipt of draft transmittal letter from Mike Gunsch, review the same; review supporting documents with regard to the same, reply to Mike Gunsch, James.	0.40 262.00/hr	104.80
5/1/2020 (960-2) Receipt and review of third records request from Mr. Nagel; receipt and review of e-mail from Mike Gunsch with regard to what documentation has been provided Mr. Nagel in the past; follow-up telephone call to Manager Beck with regard to the same.	0.50 262.00/hr	131.00
(960-2) Telephone calls, e-mail to/from Mike Gunsch with regard to Nagel complaint.	0.60 262.00/hr	157.20
5/2/2020 (960-2) Receipt and review of proposed letter from Chairman Larson to Mr. Nagel, reply to the same.	0.30 262.00/hr	78.60
5/6/2020 (910H) Receipt and review of Travis Johnson's report on the status of landowners' sprinkler systems; follow-up e-mail to Manager Landenberger with regard to the same.	0.20 262.00/hr	52.40

	<u>Hrs/Rate</u>	<u>Amount</u>
5/6/2020 (933B) Receipt and review of e-mail from Mike Gunsch with regard to Missouri River bank stabilization revetments; discuss with Mike Gunsch State Water Commission involvement in these revetment matters; review Houston Engineering ONM strategic plan and jurisdictional authorities to respective river banks and subsequent e-mail correspondence with Houston Engineering, Manager Rick Dettweiler.	1.00 262.00/hr	262.00
5/8/2020 (910H) Pre-conference call discussion with Mike Gunsch with regard to Fox Island landowner obstruction issues and status thereof.	0.30 262.00/hr	78.60
(910H) Teleconference with James Landenberger, Mike Gunsch, Travis Johnson with regard to Fox Island assessment calculations, encroachment provisions; discuss MRCC, ONM status.	1.00 262.00/hr	262.00
(904) Telephone call, e-mail to Mike Gunsch, James Landenberger with regard to McDowell Dam lidar sectional review, shoreline stabilization.	0.20 262.00/hr	52.40
(910D) Telephone call with James, Mike Gunsch, and Travis Johnson with regard to status of MRCC/ONM request.	0.30 262.00/hr	78.60
5/12/2020 (910H) Follow-up telephone call to Mike Gunsch with regard to status of right-of-way issues relating to sprinkler head removal by landowners.	0.30 262.00/hr	78.60
(960-2) Follow-up telephone call to Mike Gunsch with regard to the latest open records request by Mr. Nagel.	0.20 262.00/hr	52.40
5/13/2020 (312) Prepare for Board meeting; attend Board meeting.		1,000.00
5/14/2020 (910H) Telephone call from Chairman Larson with regard to administrative matters.	0.30 262.00/hr	78.60
5/18/2020 (933B) Review Missouri River revetments agreements and documents; follow-up telephone call to Mike Gunsch with regard to the same, discuss Corps of Engineer's involvement in the same.	0.80 262.00/hr	209.60
5/27/2020 (933-B) Follow-up telephone call to Mike Gunsch with regard to Missouri River revetments and revetment agreements.	0.60 262.00/hr	157.20
(312) Follow-up telephone call to Mike Gunsch with regard to Board administrative and budgetary matters.	0.50 262.00/hr	131.00
(312) Telephone call from Chairman Larson with regard to administrative matters.	0.40 262.00/hr	104.80
5/28/2020 (933B) Review District, State Water Commission and County Commission agreements with Mike Gunsch.	0.60 262.00/hr	157.20

	<u>Hrs/Rate</u>	<u>Amount</u>
5/28/2020 (933B) Review all supporting agreements and respective chronologies for each agreement, review USCE and SWC agreements and supporting documents; follow-up e-mail to Ric and Mike Gunsch with regard to the same.	2.50 262.00/hr	655.00
5/29/2020 (933B) Prepare for conference call with Mike Gunsch and Manager Detwieller with regard to Missouri River revetments.	0.50 262.00/hr	131.00
(933B) Conference call with Rick and Mike Gunsch with regard to revetments.	2.00 262.00/hr	524.00
6/1/2020 (312) Receipt and review of Chairman Larson's request from State Auditor for annual audit information; review file; draft letter to Chairman Larson, copy to Tracie and State Auditor Mike Scherr.	0.80 262.00/hr	209.60
For professional services rendered		<u>\$5,087.20</u>
Additional Charges :		
6/1/2020 Postage		1.60
Copying costs		32.75
Total additional charges		<u>\$34.35</u>
Total amount of this bill		<u>\$5,121.55</u>
Previous balance		\$5,054.55
Accounts receivable transactions		
5/19/2020 Payment - Thank You; check No. 1830		<u>(\$5,054.55)</u>
Total payments and adjustments		<u>(\$5,054.55)</u>
Balance due		<u><u>\$5,121.55</u></u>

Payment in full must be made within 30 days of the date of this bill. Past due amounts will incur an additional 1.5% monthly fee.