



BURLEIGH COUNTY WATER RESOURCE DISTRICT AGENDA

Wednesday, November 18th at 8:00 am

Tom Baker Room, 221 N. 5th Street Bismarck
(See end of agenda for meeting attendance guidelines)

8:00 a.m. - Call to Order

1. Roll Call (Larson, Reep, Detwiller, Beck, Landenberger)
2. **Approval of 10/14/20 Minutes3-5**
3. McDowell Dam
 - o 2020 NRCS Annual Inspection Report 6-28
 - o ND Outdoor Heritage Fund Grant 29-31
4. Comments from Members of the Public: (For Items Not on the agenda)
5. Financial Reports (Detwiller)
 - **Balance Sheet 32**
 - **P&L 11/18/2020 YTD 33**
 - American Bank Center Pledge of Securities – approved 34
6. **Approval of Bills: \$13,368.32..... 35**
7. **Approval of Fox Island Bills: \$9,596.50 35**
8. Drainage Permits/Complaints/Issues: *Open (Beck)*
9. Drainage Permits/Complaints/Issues: *Closed (Beck)*
10. Projects:
 - o Sibley Island (Beck)
 - o Preliminary Engineering Report – Ongoing
 - o Missouri River Water Surface Impact Evaluation – Draft Completed
 - o USACE Meeting on Geotechnical Borings (Nov 19th)
 - o Alternate Reviews and Cost Considerations (Pending)
 - o Funding Limitations – Township/County Participation/SWC Resources Trust Fund
 - o Apple Creek Floodplain Mapping – (Pending FEMA input – No response on publication)
 - o Public Comments
 - o Fox Island (Landenberger)
 - o O&M Manual (Final Draft Under Review)
 - o Assessment District Mailing (Example)..... **36-43**
 - o Bond Documents (Colliers)
 - BCWRD Refunding Improvement Bonds 44-45
 - Sources & Uses, Revenue, Debt Service, Special Assessment Schedules 46-50
 - **Resolution Authorizing Issuance of \$1,415,000 Series 2020 Bond 51-59**
 - **Resolution Authorizing Issuance of Improvement Warrant 60-66**
 - o Missouri Riverbank Stabilization (Detwiller)
 - o GIS Web Mapping Draft Completed – In testing stage (Waiting on USACE’s comments)
 - o Document Request (SWC - Ongoing)
 - o USACE/SWC Site Evaluations – Subject to available funding in 2021
 - o USACE 2019 Survey Inspection Summary Report (Structural Data Requested) 67-73
11. Break

12. Other Old Business
 - Burleigh County Assessment District Projects – Highway Dept O&M Agreements (pending)
 - Policy Manual
 - Document review (Detwiller)
 - Storm Water Management Plan Review Policy (Reep, Landenberger, Gunsch)
13. New Business:
 - Project Accounting - Frontier (Detwiller)
14. Correspondence or Document Information
 - Plats & SWMP's – Not included due to size...Available by request.
 - Temporary Water Permit Issued..... 74-75
15. Detailed Bills (pending)..... 76-94
16. Next Meeting: December 9th, 2020 –Reschedule due to ND Water Users Virtual Convention?
17. Adjourn

Note: Bold Items Require Board Action

City of Bismarck

Tom Baker Room Public Meeting Guidelines

Assumptions

- Guidance as of 5/18/20 from CDC, State of ND, and City of Bismarck. Proposed guidelines for May 18, 2020 may need to be reviewed and updated accordingly if CDC/NDDOH/Bismarck guidance is modified.
- Guidance created specifically for City of Bismarck hosted meetings but would be applicable to other political subdivisions and Boards utilizing the space.
- Boards with 5 or less members could attend in person and be seated at the head table. Boards with more than 5 members would require virtual participation or would need to be seated in the "media" table or "staff support table" in order to maintain 6' separation.

Guidelines

- Stars are marked at the head table for where each of 5 people can sit. The side tables can accommodate 2 individuals distanced each. Any numbers exceeding this in a Commission must attend virtually.
- Attendees and Staff are encouraged to use alternative methods to attending meeting such as conference calls, video conferencing or providing comments to Board Members prior to the meeting.
- ND Smart Restart signs should be posted in a conspicuous location outside the building and outside meeting room.
- Lines and waiting areas (indoor or outdoor) should be marked so physical distancing standards are met.
- Standing in the entry area should be minimized by encouraging attendees to quickly access their seats.
- Overflow seating should be provided on first floor conference room if capacity of the Tom Baker Room is fully used.
- Hand sanitizer should be offered to attendees as they arrive in the building and into the meeting room.
- Chairs for attendees should be spaced to allow 6 feet of separation for all attendees. Attendees should be instructed not to move chairs. Gallery occupancy is 34 seated individuals in chairs.
- Attendees should be encouraged to wear cloth masks where social distancing cannot be easily maintained.
- High frequency touched surfaced such as railings, door handles, and tables should be cleaned and disinfected before and after each meeting.
- Podium used by Attendees
 - Provide hand sanitizer at the podium.
 - Attendee should say and spell their name in lieu of signing in.
 - Clean and disinfect the podium before and after each meeting.

BCWRD Meeting Minutes
October 14, 2020 – Tom Baker Room, City County Office Building
Draft – not approved yet

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
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Present: Chairman Greg Larson, Rick Detwiller, James Landenberger, Rod Beck, Dennis Reep; Commissioner Kathleen Jones, Burleigh County; Michael Gunsch, Houston Engineering, Inc.; Dave Bliss, Bliss Law Firm, LLC, and Tracie Day, xtra-Office, Inc (FKA Personalized Management Services) Others Present: Dave Mayer & Dave Robinson, BPRD; Casey w/BCHD; Peter Masset – Fox Island resident Chairman Larson called the meeting to order at 8:03 am. Roll call was taken noting all members present and a quorum was declared.				
	Discussion	Action Taken	Responsible Party(s)	Due Date
Approval of 9/9/2020 Minutes:		Mgr. Reep motion to approve as presented; Mgr. Beck second. Carried by unanimous voice vote.		
McDowell Dam:	Heritage Fund Grant application complete – awaiting results.			
Facilities				
Events	Reminder that no ice fishing is allowed in winter at the dam. Nation dog event scheduled for later this month with 97 entries thus far.			
Inspection	Annual inspection completed – Awaiting report.			
Comments from Members of the Public on non-agenda related issues:		None noted.		
Financial Reports:	Mgr. Detwiller reviewed the balance sheets as well as the P&L.	Mgr. Detwiller moved to accept the balance sheet; Mgr. Landenberger second. No discussion. Motion Carried by unanimous roll call vote.		
	Mgr. Detwiller reviewed the profit & loss report	Mgr. Detwiller moved to accept the P&L; Mgr. Reep second. No discussion. Motion Carried by unanimous roll call vote.		
Bills:	General bills were presented (adjusted total \$96,197.13) Discussion: Mgr. Reep opposed and asked for removal of BCHD bill for Spiritwood Estates culvert & ditch work in the amount of \$8719.29– not our jurisdiction or responsibility. Refer this bill to Burleigh County Auditor.	Mgr. Detwiller made motion to approve all bills as amended. Mgr. Reep. seconded. Motion carried by unanimous roll call vote.		
Fox Island Bills:	Fox Island bills were presented in the amount of \$99,997.99. Discussion noted that final pay request for Northern Improvement be held until final inspections completed.	Mgr. Landenberger reviewed the bills; made motion to approve; Mgr. Detwiller seconded. Motion carried with roll call vote results of 4 Aye/Chm. Larson abstained from vote.		
Drainage Complaints (open): None noted				
Drainage Complaints (closed):				
Brentwood Christian School	Dismissal letter included in packet pp. 9-14			
Kurt Steiner	Dismissal letter included in packet pg. 15			

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
Projects:				
Sibley Island	Mgr. Beck reported preliminary engineering report is still ongoing. Missouri River impact report has been done; no affect. Engr. Gunsch stated that other projects have been approved, thus Sibley funding may be possible during next funding cycle.			
	Board accepted this report by unanimous voice vote.			
Fox Island Project:	Mgr. Reep took over meeting. Mgr. Landenberger presented Topsoil & Seeding Remediation map. Final Cost assignment and Bond Counsel documents were presented & reviewed. Removed board action requirement on this item. Letters will be sent this month.			
	Resolution Assessment Certification & Letter to county auditor.	Motion to approve by Mgr. Landenberger; 2nd by Mgr. Beck. Motion carried with roll call vote results of 4 Aye/Chm. Larson abstained from vote.		
	Notices to Landowners of Special Assessment will be sent to all impacted parties. Included on page 22 of packet.			
	Lincoln Oakes Nursery correspondence will be included in the O&M manual			
Call for Public Comment	Mgr. Reep called for further comments from the board or public regarding Fox Island; Mr. Peter Masset stepped forward to address the board.			
	Mr. Masset (3243 Gallatin Dr.) reiterated previous comments as to the transparency of communication from the board to the impacted parties of the project. He questioned the board as to exactly which parcel was eliminated/merged with parent parcel due to unbuildable status. Mgr. Landenberger and Engr. Gunsch responded to Mr. Masset in stating that while the statistical analysis of each parcel's corresponding assessment is public record, disclosure of one landowner's specific name may not be as readily disclosed.			
Missouri Riverbank Stabilization	Mgr. Detwiller reported the GIS Web Mapping draft is completed; Engr. Gunsch added that SWC ongoing research is still pending. Site evaluations depend on available funding in 2021.			
MRCC	Final billing for boring electrical line under flood control dike included in today's billing.			
Other Old Business:				
Burnt Creek Channel Vegetation Control	Mgr. Reep summarized plan to control overgrowth of weeds & cattails this winter by having the vegetation mowed by BPHD after freeze over is reached and subsequently having Burleigh County Weed Board/Weed Officer Ripplinger do the spraying	Motion to approve prepayment of the cost of the spray and estimated labor to BC Weed Board by Mgr. Reep; 2nd by Mgr. Landenberger. Approved by unanimous roll call vote.		

Agenda Items	Discussion	Board Action	Responsible Party	Due Date
	from UTV from both sides in the spring. Est. \$150 for chemical plus Labor of \$80hr estimated a full day work for total cost of \$1500-1800. Called on Casey from Highway Dept. for input.			
Policy Manual	In progress			
New Business:	Burnt Creek Assessment Certification – presented as attached in packet pp. 23-33.	Motion to approve assessment by Mgr. Reep, 2nd by Mgr. Beck. Approved by unanimous roll call vote.		
	Country Ridge/Country Creek 3rd 2020 Assessment Certification – presented as attached in packet pp. 35-37. Engr. Gunsch summarized documents presented.	Motion to approve assessment by Mgr. Detwiller; 2nd by Mgr. Landenberger. Approved by unanimous roll call vote.		
	Brookfield Estates 2020 Assessment Certification – presented as attached in packet pp. 38-40. Engr. Gunsch summarized documents presented.	Motion to approve assessment by Mgr. Reep; 2nd by Mgr. Landenberger. Approved by unanimous roll call vote.		
RFP Secretarial Services	RFP for Secretarial Services was advertised in the Bismarck Tribune. Chairman Larson received 3 inquires to the advertisement; with 1 proposal submitted. Noted that current Admin/Secretary missed deadline for submission due to her COVID-19 diagnosis and illness. Chm. Larson conferred with Atty Bliss as to legality of extending and/or accepting late proposal due to COVID-19. Atty Bliss noted that board could vote on this discretionary matter. Mgr. Detwiller commented that it would be the creation of an unfavorable precedent to make this exception.	Motion to close RFP window without further consideration by Mgr. Detwiller; 2nd by Mgr. Beck; Approved by unanimous roll call vote.		
	RFP from Fronteer Payroll Services reviewed by board. Noted that vendor is current payroll & payroll report service provider and that proposal now includes payroll services and all other administrative contractual services. New rate would be \$1920/month plus over & above at \$85/hour. New phone line will need to be established and software currently used by xtra-Office (FKA PMS, inc.) may need to be purchased by BCWRD.	Motion to accept proposal from Fronteer Payroll Services by Mgr. Landenberger; 2nd by Mgr. Reep; Approved by unanimous roll call vote.		
	Board request for Tracie with xtra-Office, Inc. DBA Personalized Management Services to work with board and new contractor in facilitating transition of service.			
Next Meeting:	The next meeting is November 18, 2020 @ 8:00 a.m.			11/18/2020

With no further business the meeting adjourned at 9:00 a.m.



Tracie Day, BCWRD Admin. Secretary



Natural Resources
Conservation Service

Bismarck State Office
PO Box 1458
Bismarck, ND
58502-1458

Voice 701.530.2000
Fax 855-813-7556

November 2, 2020

Greg Larson
Burleigh County Water Resource District
1720 Burnt Boat Drive Ste 205
Bismarck, ND 58503

RE: Annual NRCS Inspection of McDowell Dam - 2020

Dear Mr. Larson:

On August 12, 2020, NRCS engineering staff performed an annual dam inspection on McDowell Dam (McDowell). NRCS staff were met onsite by Dave Robinson with the Bismarck Parks District and James Landenberger with the Burleigh County Water Resource District. Contained within this letter are the observations and recommendations from our office.

Background

McDowell is a significant hazard structure located in the SE ¼ of Section 27, T139N-R79W. McDowell is listed in the National Inventory of Dams as ND00039. The O&M Agreement between NRCS and Burleigh WRD remains active until 2026. McDowell is comprised of a beneficial use pool of 703 ac-ft and corresponding surface area of 55.3 ac with a total height of 52 feet and length of 1,370 feet. A concrete riser tower and 36-inch reinforced concrete pipe compose the principal outlet, while a 200-foot earth lined spillway provides an auxiliary outlet. McDowell was first filled in March of 1978 and upon first filling, identified seepage was reported along the right and left abutments attributed to water bearing coal seams.

The dam was originally designed as a low hazard dam, however the 2015 dam assessment completed by HDR and Kleinfelder JV (under contract to NRCS) determined that due to downstream development, the dam now classifies as a significant hazard dam. Per analysis completed in the 2015 assessment, the dam structure does not meet current dam safety and performance standards. In 2016 the low-level outlet gate was replaced and operated during the fall of 2019 to remove water from the bottom of the reservoir. In 2017, the North Dakota State Water Commission (SWC) inspected the principal outlet conduit and did not note any issues (see 2017 SWC inspection report for complete details).

Inspection

On August 12, 2020, NRCS staff members Nick Reynolds, Tom Schanandore, and Brian Mager met Dave Robinson with the Bismarck Parks and Recreation and James Landenberger with the Burleigh County Water Resource District at McDowell. At the time of inspection, the reservoir water surface elevation was at 1724.7 feet (NAVD 88). Additionally, no rainfall had been reported within the drainage basin within the past 72-hours from the time of inspection. During the assessment, GPS locations of various features at McDowell, flow rates of drains, and photos were collected.

Upstream Slope and Crest

- The upstream slope and crest showed no noticeable sloughing or cracking. However, cattails and weeds were present within the riprap on the upstream slope, see photo 1 in Attachment 3 and map 2 in Attachment 2. Any sloughing or cracking could be an indication of embankment material being pipped through the dam by an actively occurring failure mechanism.
- Tire ruts of approximately 3 inches deep and unvegetated soil were noted on the crest, see photos 2 and 3 in Attachment 3 and map 2 in Attachment 2. Rutting on the crest can provide the potential for water collection during rain events and can lead to the degradation of the vegetated cover that is meant to provide protection should the dam experience overtopping. This compromised protection can initiate erosion of the embankment and cause a breach.
- Small woody vegetation was noted on the upstream slope, an example can be seen in photo 4 in Attachment 3 and map 2 in Attachment 2. Woody vegetation throughout the dam can be a potential failure mechanism by inducing local scour on the embankment as well as providing a seepage pathway to develop through a dam.

Downstream Slope

- Previously trimmed woody vegetation on the downstream slope was observed to be remaining partially in place, see photo 5 in Attachment 3 and map 2 in Attachment 2.
- Rodent activity was discovered on the downstream slope, see photos 6 and 7 in Attachment 3 and map 2 in Attachment 2. Animal tunnels can increase the hydraulic gradient through the embankment that can cause higher seepage velocities and lead to a piping failure.
- Small woody vegetation was noted on the downstream slope, an example can be seen in photo 6 in Attachment 3 and map 2 in Attachment 2.

Abutments

- A seep area was observed near the groin along the right abutment at an elevation of 1698.5 feet (NAVD 88). A distinct change in vegetation was observed down gradient of the seep, see photos 8 and 9 in Attachment 3 and map 2 in Attachment 2. An active seep could be carrying embankment material with the flow and compromising the embankment. It is critical that the seep water be free of embankment material.

Auxiliary Spillway

- Distinct vegetation change in auxiliary spillway and evidence of saturated soils, see photos 10 and 11 in Attachment 3 and map 2 in Attachment 2. A change in vegetation can indicate a seep and must be monitored. Additionally, the changing vegetation may not provide the needed bed armoring, should water flow over the auxiliary spillway.
- Small woody vegetation was noted in multiple locations within the auxiliary spillway along the training walls, see photos 12 and 13 in Attachment 3 and map 2 in Attachment 2.
- Two distinct animal trails were observed perpendicular to auxiliary spillway flow and did show degraded vegetative cover, see photo 14 in Attachment 3 and map 2 in Attachment 2. Degraded vegetation may not provide the required bed armoring, should water flow across the trail.

Principal Spillway

- The principal spillway intake structure was noted to have wooden flash boards in place and braced with threaded rod laid perpendicular to the exterior trash rack, see photo 15

in Attachment 3 and map 2 in Attachment 2. The threaded rod may decrease outlet efficiency by increasing the clogging factor during an activation event. If the outlet efficiency is decreased beyond the design, overtopping of the embankment could occur during larger events and lead to an overtopping failure of the earthen embankment.

- The interior of the concrete tower was inspected with an inspection camera and was noted to be in good condition with no severe cracking or spalling of the concrete.
- The stem bracket is missing a bolt, seen in photo 15 in Attachment 3 and map 2 in Attachment 2. Additionally, the plastic cover protecting the stem has broken at the base and corrosion was observed on the metal, see photos 16 and 17 in in Attachment 3 and map 2 in Attachment 2.
- An assessment of the Dam completed in 2015 by HDR and Kleinfelder JV, found the principal spillway overall to be in fair condition. The low-level slide gate on the principal spillway was replaced in the summer of 2015. It was noted to still be functional as of the fall of 2019 and plans where to operate the low level during the fall of 2020 as well.
- The principal spillway plunge pool receiving channel did appear to be impeded by cattail growth, see photo 18 in Attachment 3. The receiving channel may not have enough capacity to operate without creating tailwater on the principal spillway and thus changing the principal spillway from inlet control to outlet control.
- The outlet conduit was not internally inspected as staff did not have access to a remote vehicular camera. However, an outlet conduit inspection was completed by the North Dakota State Water Commission in their 2017 inspection.

Auxiliary Drains

- Animal guards were present on all four drains and marked with a metal post.
- Four drains were identified and can be seen labeled in the drain location map in Attachment 2. Flow rates were captured at each drain outlet and are compiled below. Additionally, the flow rate of the principal spillway was recorded to be 6.4 gallons per minute (gpm) at the time of inspection.

	8/12/2020
Auxiliary Drain 1	4.9
Auxiliary Drain 2	3.9
Auxiliary Drain 3	0
Auxiliary Drain 4	6.5

*values shown in gallons per min. (gpm)

Reservoir

- Within the reservoir of McDowell is a concession stand building and was flooded during 2011 when the auxiliary spillway was activated.
- The reservoir contains docks and boat that were securely chained and locked, see photo 19 in Attachment 3 and map 2 in Attachment 2. By securing objects within the reservoir, during an activation event of either spillway, those objects will not be able to impede either spillway capacity.
- Some localized sloughing was occurring along the east bank of the reservoir but was not significant enough to surcharge the reservoir. If a large slough occurred within the reservoir that displaced enough water to overtop the embankment a potential failure could be induced.

Recommendations

Based upon the findings of the inspection listed above It is recommended to address the following items:

- Grade tire ruts on dam crest.
- Remove woody vegetation present on upstream slope.
- Cut woody vegetation flush with grade on downstream slope.
- Fill rodent holes present on downstream slope.
- Remove woody vegetation present on downstream slope.
- Monitor seepage along right abutment.
- Remove woody vegetation present on auxiliary spillway.
- Monitor animal trails within auxiliary spillway for compromised vegetated cover and replace vegetated cover if necessary.
- Remove most of the threaded rod within the principal intake tower to reduce the clogging factor and increase the intakes performance during a flood.
- Replace missing bolt and repaint pedestal of principal intake structure.
- Replace plastic cover over the principal intake stem to prevent damage to the stem.
- Remove woody vegetation when encroaching on the right downstream abutment.
- Remove woody vegetation along auxiliary spillway training walls.
- Monitor cattail growth in downstream outlet channel.

If you should have any questions or comments regarding this inspection, please contact myself at brian.mager@usda.gov or 701-530-2024.

Sincerely,



Brian Mager, P.E.
ND NRCS Engineer

Enclosures (3)

- Attachment 1 - Annual Dam Inspection Checklist
- Attachment 2 - Maps
- Attachment 3 - Photos

Cc: Karen Goff (electronic) – State Water Commission
Michael Gunsch (electronic) – Burleigh County WRD Engineer
Shawn Koltes (electronic) – CDU Supervisor, NRCS McClusky Field Office
Roberto Luciano (electronic) -District Conservationist, NRCS Bismarck Field Office
Erica Althoff (electronic) – Lead Engineer, NRCS Devils Lake Field Office
Christi Fisher (electronic) – State Conservation Engineer, NRCS Bismarck State Office

Attachment 1

U.S. DEPARTMENT OF AGRICULTURE Natural Resource Conservation Service		ANNUAL DAM INSPECTION CHECKLIST		ND-ENG-4 Rev. 08/20
Name of Dam	McDowell	NRCS Hazard Class	SIGNIFICANT	NID# ND00039
Location:	Sec. 27 Township 139	Range 79	Inspection Date 8/12/2020	
County	Burleigh	Weather dry, sunny, clear, 82°F		
Inspectors & Guests	Nick Reynolds Tom Schanadore Brian Mager	Dave Robinson James Landenberger		Action (R) REPAIR (M) MONITOR (I) INVESTIGATE
"YES" responses need explanation added to "Remarks" section (i.e.: What? Where? Extent?). "NO" responses indicate no problems observed during				

ITEM	Y	N	N/A	REMARKS			
1. General Conditions							
a. Alterations to Dam	X						
b. Alterations to ASW	X						
c. Recent high water marks			X	Aux. Spillway flowed in 2011/PSW was obstructed			
d. Fencing adequate			X				
e. Grass Cover adequate	X						
2. Upstream Slope/Crest							
a. Erosion		X					
b. Cracks or settlements		X		No noticeable sloughing			
c. Seepage or boils		X					
d. Distinct Vegetation Change	X			Cattails present within riprap			
e. Vehicle ruts or animal trails	X			Tire ruts on crest, see photo 2	X		
f. Trees	X			Small trees, see report	X		
g. Rodent holes		X					
h. Adequate and sound riprap	X			Veg. in riprap			
3. Downstream Slope							
a. Erosion		X					
b. Cracks or settlements		X					
c. Seepage or boils		X					
d. Distinct Vegetation Change	X			Elev. 1698.5 feet, at seepage			
e. Vehicle ruts or animal trails		X					
f. Trees	X			Previously cut trees should be cut to grade	X		
g. Rodent holes	X			On bench, gopher size, see report	X		
h. Drains or wells flowing	X			See map 3 of 3 and remarks		X	
i. Adequate and sound riprap			X				
4. PSW Intake Structure	X			Concrete			
a. Spalling, cracking, & scaling		X					
b. Exposed reinforcement		X					
c. Corrosion present		X					
d. Manhole cover present			X				
e. Leakage		X		Flow over intake weir			
f. Trash rack adequate	X						
g. Inlet or trash rack obstructed	X			Flashboard threaded rod obstructing flow		X	
h. Drawdown operative	X			Closed			
i. Ladder intact			X				
j. Pedestal securely fastened		X		bolt missing, see photo 15		X	
k. Stem bent		X		replaced in 2015			
l. Stem guides operational			X				
m. Stem handwheel present		X					
n. Do metal parts require painting	X			Stem bracket paint chipping and metal rusting			

McDowell Annual Dam Inspection

8/12/2020

ITEM	Y	N	N/A	REMARKS	R	M	I
5. Abutment Contacts							
a. Erosion, cracks, or slips		X					
b. Seepage	X			See report			X
c. Gutters intact			X				
d. Trees encroaching	X			Downstream right abutment, see report	X		
6. Auxiliary Spillway							
a. Obstructions	X			Trees along downstream training walls	X		
b. Erosion, cracks, or slips		X					
c. Rodent holes		X					
d. Roads, ruts, or animal trails	X			Two animal trails perpendicular to flow		X	
e. Low areas or ditches		X					
f. Seepage/Saturation	X			Saturated soil near end of cut spillway		X	
7. PSW Conduit	X			Concrete Metal			
a. Spalling, cracking, & scaling		X					
b. Exposed reinforcement		X					
c. Joints displaced or offset			X				
d. Joint material lost			X				
e. Leakage			X				
f. Conduit misaligned			X				
8. Stilling Basin/Plunge Pool				Stilling Basin Plunge Pool			
a. Spalling, cracking, & scaling			X				
b. Exposed reinforcement			X				
c. Joints displaced or offset			X				
d. Joint material lost			X				
e. Joints leak			X				
f. Dissipater deteriorating			X				
g. Dissipater clean of debris			X				
h. Toe drains visible	X						
i. Toe drains flowing	X			See remarks			
j. Toe drain animal guards	X			Ensure guards are snug			
k. Toe drains damaged		X					
l. Earth erosion		X					
m. Adequate and sound riprap			X				
n. Outlet channel obstructed	X			Cattails impeding flow	X		
9. Reservoir							
a. Buildings in flood pool	X			Concession stand building		X	
b. Slips or erosion on banks	X			East bank sloughing, localized		X	
c. Debris		X					
d. Unsecured boats/docks		X					
e. Sediment deposits		X					
10. Instruments							
a. Structure instrumented			X				
b. Monitoring performed			X				

McDowell Annual Dam Inspection


Page 2 of 3
8/12/2020

REMARKS: NAVD 88 = NAVD 29 + 1.368 FT
Drain #4 = 6.5 gpm
Right principal spillway drain = 0.001 gpm
Principal Spillway = 6.4 gpm
Left principal spillway drain= No flow
Drain #1 = 4.9 gpm
Drain #2 (1/4 full of Iron Ochre) = 3.9 gpm
Drain #3 = No flow

NRCS ENGINEER

Brian Mager

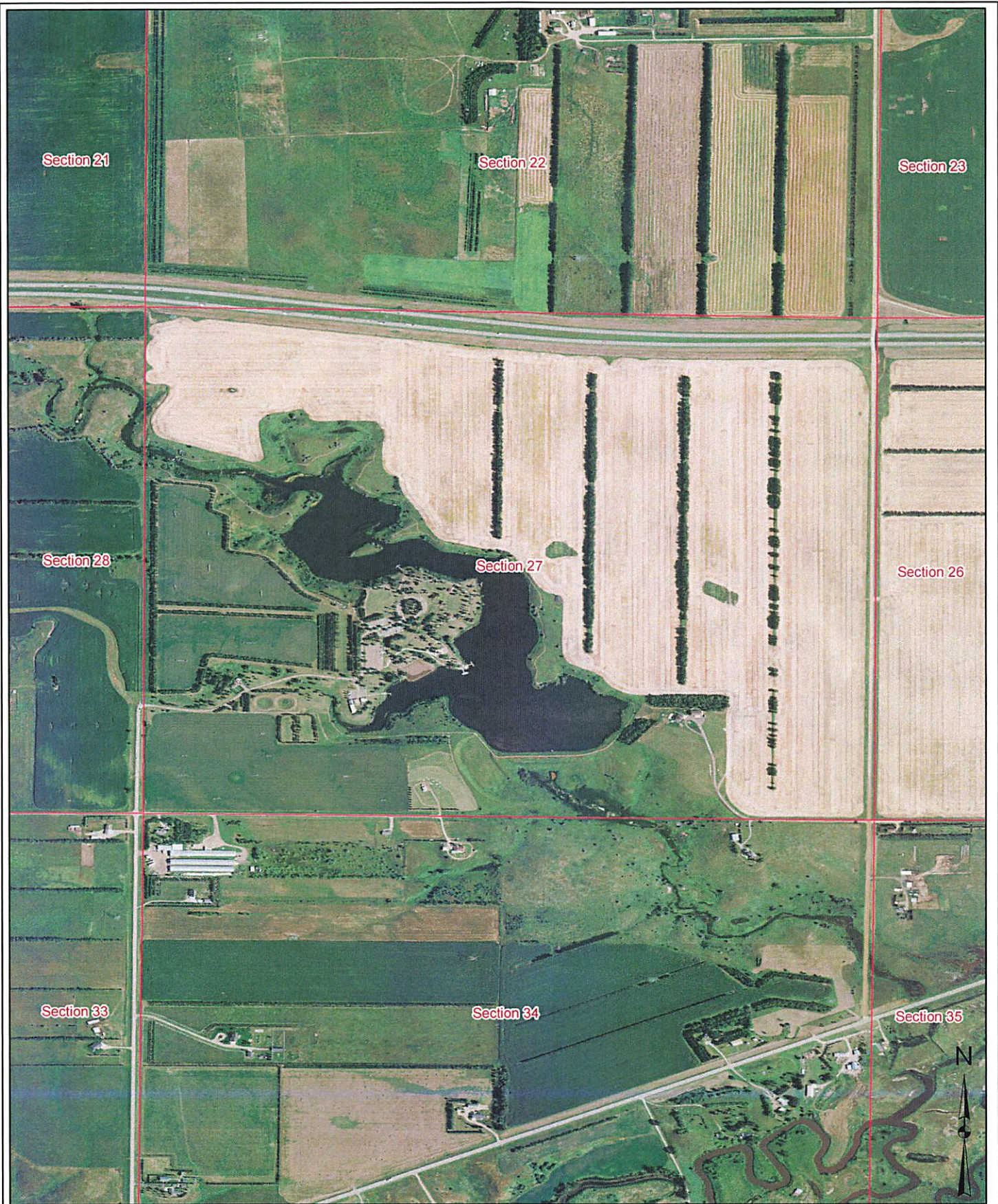
Signature



Date

10/30/20

Attachment 2

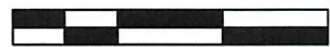


United States
Department of
Agriculture

McDowell Inspection Overview Map

Burleigh, ND
Section 27, T-139N, R-79W

760 380 0 760 1,520



"Scale in Feet"

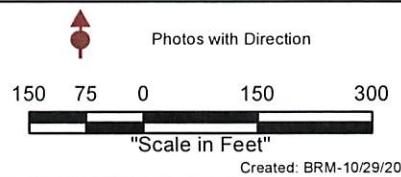
10/29/20

Sheet 1 of 3



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McDowell Inspection Photo Locations and Directions Burleigh, ND Section 27, T-139N, R-79W





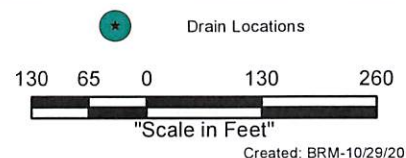
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Agriculture

McDowell Inspection

Drain Locations

Burleigh, ND

Section 27, T-139N, R-79W



Created: BRM-10/29/20

Attachment 3

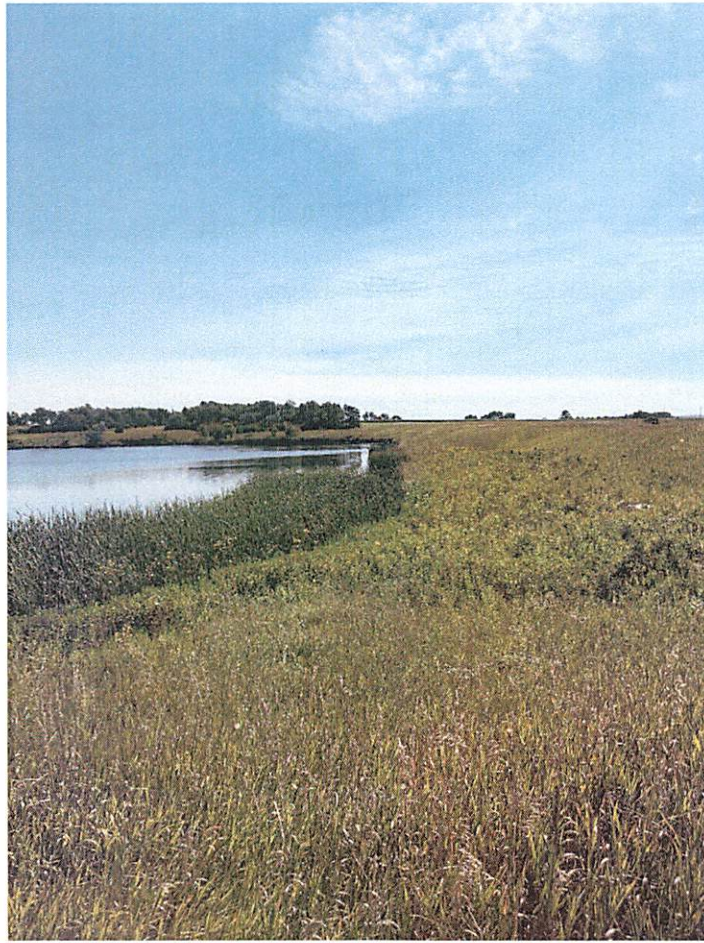


Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

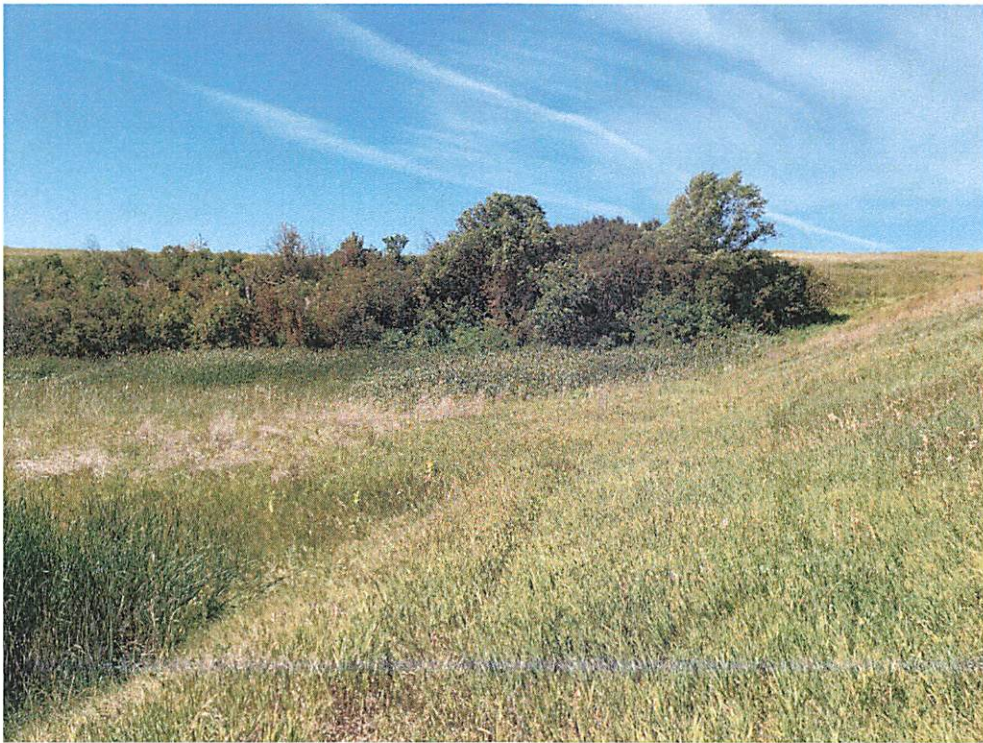


Photo 8



Photo 9

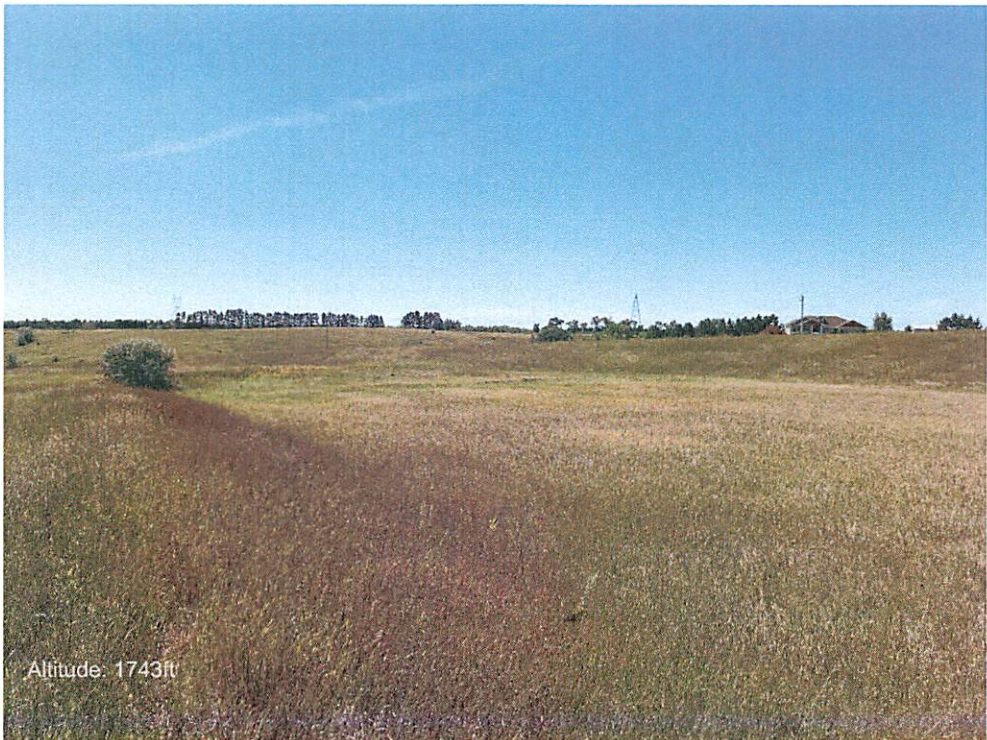


Photo 10



Photo 11

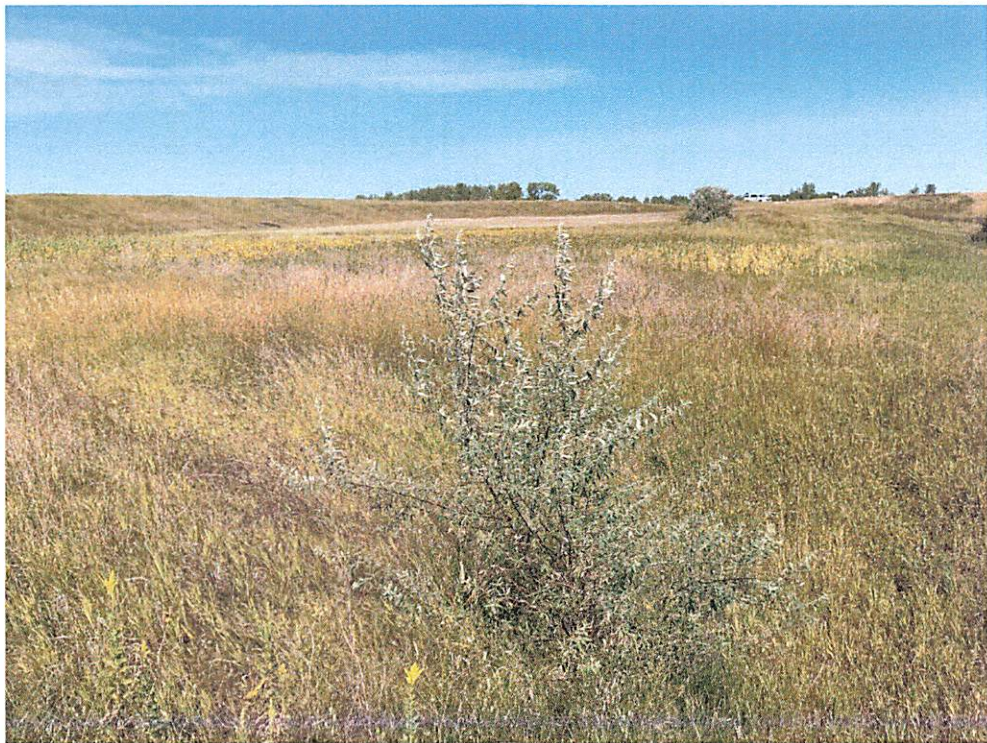


Photo 12



Photo 13



Photo 14



Photo 15



Photo 16

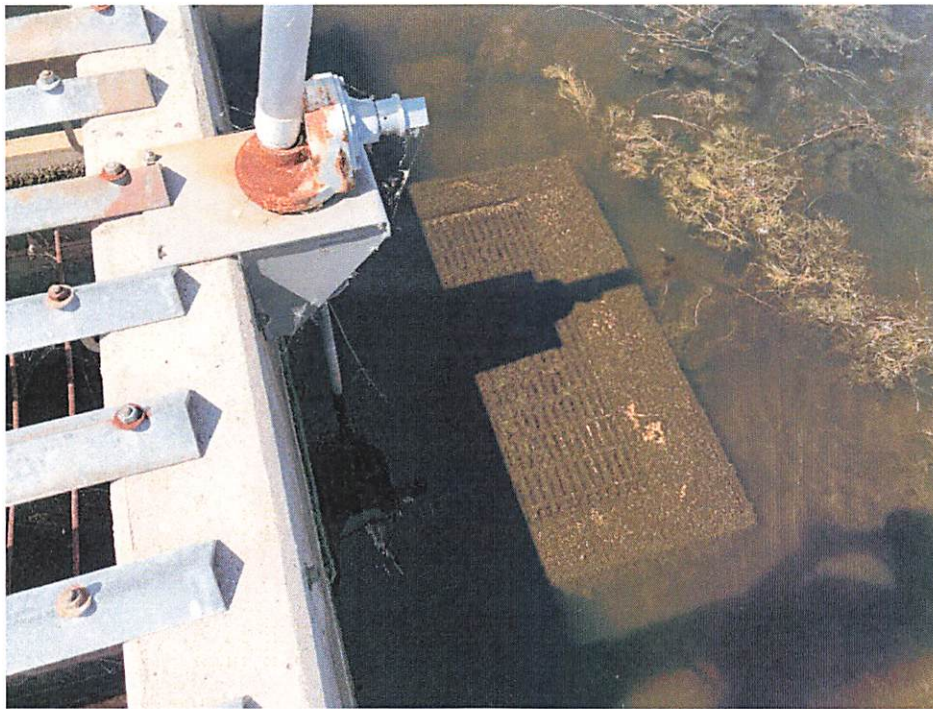


Photo 17

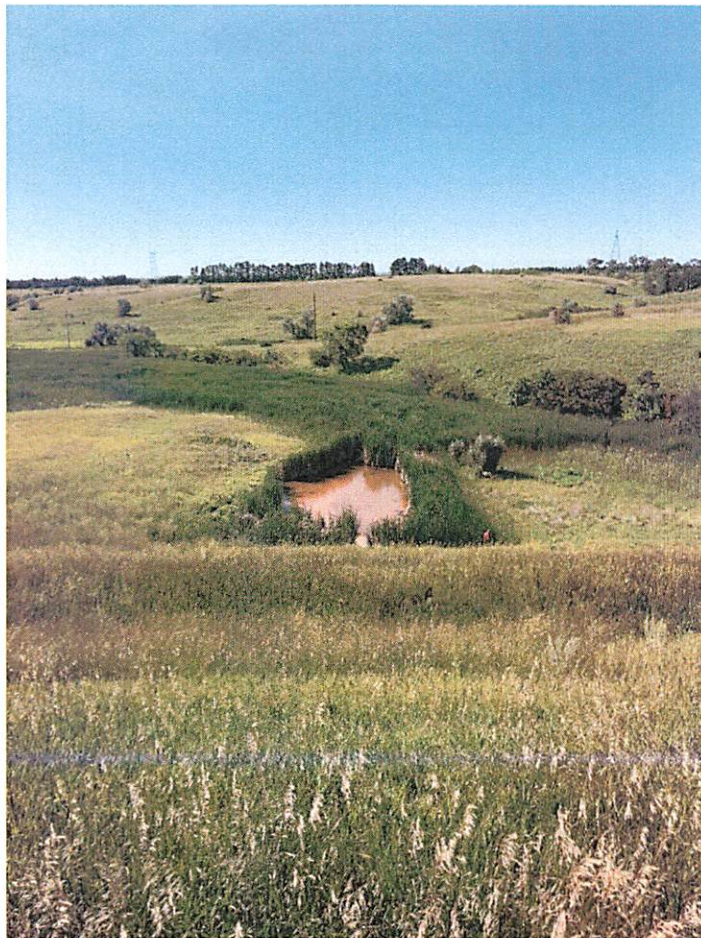


Photo 18



Photo 19

ND Outdoor Heritage Fund Advisory Board

Tuesday, October 27, 2020

9:00 a.m. CT

Due to public health considerations to stay healthy and slow the spread of COVID-19, please attend the meeting remotely and join through Microsoft Teams at this link:

[Join Microsoft Teams Meeting](#)

- I. Call to Order and Determination of Quorum - *Bob Kuylen, Chairman*
- II. **Consideration of October 27, 2020 agenda** (additions/deletions) - *Bob Kuylen*
- III. **Consideration of May 8, 2020 meeting minutes** ([Attachment A](#))
- IV. Outdoor Heritage Fund (OHF) Financial Report ([Attachment B](#)) - *Karlene Fine*

(Approximately 9:10 a.m.)

V. Presentations:

- 1. ~~Y~~ 17-5 (C) Delta Waterfowl: Increasing Duck Production-Hen Houses, \$105,000
- 2. ~~Y~~ 17-7 (C) ND Game & Fish: Red River Basin Wildlife and Water Quality Enhancement Pilot Program, \$270,000
- 3. ~~Y~~ 17-10 (C) Pheasants Forever: Community Pollinator Project, \$12,000
- 4. ~~Y~~ 17-9 (C) ND Natural Resources Trust: North Dakota Partners For Wildlife Project, \$716,500
- 5. 17-4 (C) Cass County SCD: Cass County Windbreak & Wildlife Planting Initiative Phase II, \$50,000 ~~NO~~
- 6. 17-3 (D) Cass County: Drain 27 Wetland Restoration Project and Recreational Features, \$443,000 ~~NO~~

Break (15 minutes)

(Approximately 10:45 a.m.)

- 7. ~~Y~~ 17-2 (D) Burleigh County WRD: McDowell Dam Bank Stabilization, \$70,553
- 8. ~~N~~ 17-6 (D) Minot Park District: Outdoor Recreation Area-Phase One, \$373,175
- 9. ~~Y~~ 17-8 (B) ND Natural Resources Trust: Bakken Development and Working Lands Program II, \$3,337,100
- 10. ~~Y~~ 17-1 (B) Audubon Dakota: North Dakota Conservation Forage Program, \$6,918,306
- 11. ~~Y~~ 17-11 (B) Pheasants Forever: Southwest Grazing Lands Improvement Project - Phase II, \$223,900

VI. Public Comment on Applications

(Approximately 12:00 p.m.)

Break for Lunch (30 minutes)

(Approximately 12:30 p.m.)

VII. General Discussion by the OHF Advisory Board on the Grant Round 17 applications

(Approximately 2:00 p.m.)

VIII. Completion and Compilation of Scoring Sheets & Completion of Ranking Sheets

Break (20 minutes)

(Approximately 2:20 p.m.)

IX. **OHF Advisory Board will vote on Funding Award Recommendations***

X. Other business - *Andrea Pfennig*

1. Conflict of Interest ([Attachment C](#))
2. Marketing ([Attachment D](#))
3. Legislative Session ([Attachment E](#))
4. Summary Report on Projects ([Attachment F](#))

XI. Adjournment

*requires roll call votes

Grant Round 17

Grant Round 17							
Number	Major Directive	Title	Applicant	OHF Funding Request	Total Project Cost	Summary	OHF Advisory Board Recommendation
17-1	B	North Dakota Conservation Forage Program	Audubon Dakota	6,918,306	10,107,177	Enroll approximately 18,000 acres of private lands over a four-year project period to improve soil health, forage quality, and wildlife habitat by integrating grazing and/or haying land management techniques.	\$6,918,306
17-2	D	McDowell Dam Bank Stabilization	Burleigh County Water Resource District	70,553	135,618	Stabilize the McDowell Dam Reservoir by relocating a portion of recreational trail to be farther away from the water's edge to prevent shoreline erosion along with adding a culvert and replacing another culvert where concentrated surface runoff crosses the pedestrian trail and has degraded the trail quality.	
17-5	C	Increasing Duck Production-Hen Houses	Delta Waterfowl	105,000	214,295	To install 600 artificial nesting cylinders fashioned from rolled straw (Hen Houses) over the next three years in order to boost nest success and thereby increase mallard production.	\$105,000
17-7	C	Red River Basin Wildlife and Water Quality Enhancement Pilot Program	North Dakota Game and Fish Department	270,000	1,313,400	Establish 3,000 acres of habitat through Conservation Cover, Critical Area Planting, Filter Strip, Grassed Waterway, Pollinator Habitat, Forage & Biomass Planting, Range Planting, Riparian Forest Buffer, and Riparian Herbaceous Cover.	\$270,000
17-8	B	Bakken Development and Working Lands Program II	North Dakota Natural Resources Trust	3,308,100	6,361,383	Restore scattered parcels of marginal or degraded farmland to productive grassland in counties west of the Missouri River along with the Three Affiliated Tribes and Standing Rock Sioux Tribal lands using a Grassland Enhancement Incentive Payment (GEIP).	\$3,308,100
17-9	B	North Dakota Partners For Wildlife Project	North Dakota Natural Resources Trust	716,500	6,361,383	Restore/create 70 acres of wetlands, planting of 1,000 acres of cover crops, restoring of 600 acres of grasslands, and enhancing of 14,000 acres of grazing lands through installing grassland management developments for implementing rotational grazing systems.	\$716,500
17-10	C	Community Pollinator Project	Pheasants Forever	12,000	46,978	Deliver 10 community pollinator projects, impacting 500 individuals, in 6 communities across the State, over a 3-year period that will engage community members in creating habitat for pollinators and other wildlife species.	\$12,000
17-11	C	Community Pollinator Project	Pheasants Forever	223,900	397,184	A phase II project of assisting with the installation of between five to ten grazing systems that will continue to improve, maintain and restore water quality, soil conditions, plant diversity, and animal systems to approximately 6,000 acres.	\$223,900 \$11,624,359

Burleigh County Water Resource District (BCWRD)
Balance Sheet
As of November 18, 2020

ASSETS

LIABILITIES & EQUITY

Current Assets			
Checking/Savings			
American Bank Center Checking	409,919.65		
Designated Reserve Funds		Liabilities	
Aero Club Rent	13.00	Current Liabilities	
Apple Valley	19,000.00	Other Current Liabilities	
Apple Valley Spec. Assessment	12,626.81	21010 · Retainage Payable	36,240.00
Brookfield Estates	2,377.34	24000 · Payroll Liabilities	1,425.42
Burnt Creek	115,000.00	25000 · Bond Discount	-9,455.00
Emergency Fund	95,037.13	Total Other Current Liabilities	28,210.42
McDowell Dam (Buffer Zone)	80,000.00	Total Current Liabilities	28,210.42
McDowell Dam Fresh Water Intake	10,000.00	Long Term Liabilities	
McDowell Rent	10,609.00	23200 · Rehab Apple Valley Waste Water	160,000.00
Missouri River Bank Stabilizati	24,906.33	237 · Burnt Creek Floodway	291,100.00
Designated Reserve Funds - Other	244.23	23800 · Missouri River Correctional Cen	330,812.50
Total Designated Reserve Funds	369,813.84	Total Long Term Liabilities	781,912.50
Total Checking/Savings	779,733.49	Total Liabilities	810,122.92
Other Current Assets			
11000 · Intergovernmental Receivable	12,912.80	Equity	
11010 · Taxes Receivable	11,294.71	32000 · Retained Earnings	3,369,895.60
Total Other Current Assets	24,207.51	Net Income	141,695.20
Total Current Assets	803,941.00	Total Equity	3,511,590.80
Fixed Assets		TOTAL LIABILITIES & EQUITY	
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	4,321,713.72		

Burleigh County Water Resource District (BCWRD)
Profit & Loss by Class
January 1 through November 18, 2020

					TOTAL	General	Apple Valley	Brookfield Est.	Burnt Creek Floodway	Burnt Creek Watershed	Country Ridge/Creek	Fox Island	Hay Creek Pines	McDowell Dam	Missouri River Gen.	MRCC	Sibley Island	TOTAL
				Income														
				31110 • Real Estate Tax	865,347.43	863,047.41	0.00	0.00	2,300.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	865,347.43
				31810 • In Lieu of Tax	12,410.58	12,410.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,410.58
				36110 • Interest	37.01	37.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37.01
				36210 • McDowell Dam Recreation Income	38,045.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38,045.03	0.00	0.00	0.00	38,045.03
				36215 • McDowell Dam Land Lease	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00	0.00	0.00	0.00	500.00
				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	0.00	0.00	0.00	24,565.44
				43810 • Reimbursements	37,326.03	0.00	592.02	0.00	1,676.23	0.00	0.00	0.00	0.00	0.00	0.00	35,057.78	0.00	37,326.03
				44110 • Operations & Maintenance	49,071.62	0.00	0.00	0.00	21,099.61	0.00	0.00	0.00	0.00	0.00	0.00	27,972.01	0.00	49,071.62
				46910 • Misc Revenue	673.00	673.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	673.00
				Total Income	1,027,976.14	900,733.44	592.02	0.00	25,075.86	0.00	0.00	0.00	0.00	38,545.03	0.00	63,029.79	0.00	1,027,976.14
				Gross Profit	1,027,976.14	900,733.44	592.02	0.00	25,075.86	0.00	0.00	0.00	0.00	38,545.03	0.00	63,029.79	0.00	1,027,976.14
				Expense														
				111 • Payroll Expenses	19,631.24	19,631.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,631.24
				111A • Payroll Taxes	1,885.82	1,885.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,885.82
				112 • Management Services	10,058.22	10,058.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,058.22
				113 • Accounting & Contract Services	12,190.00	12,190.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,190.00
				114 • Audit	7,350.00	7,350.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,350.00
				312 • Legal Fees	18,915.40	13,203.80	0.00	0.00	0.00	0.00	0.00	4,925.60	0.00	707.40	0.00	78.60	0.00	18,915.40
				315 • Engineering Administration	14,236.50	10,716.00	0.00	0.00	0.00	0.00	0.00	0.00	2,016.75	0.00	0.00	1,503.75	0.00	14,236.50
				328 • Liability Insurance	4,216.00	4,216.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,216.00
				335 • Building Rent	1,125.00	1,125.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,125.00
				376 • Dues & Publications	2,240.81	1,740.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00	0.00	0.00	2,240.81
				411 • Office Expense	1,450.82	1,450.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,450.82
				50913 • Interest Expense	12,800.00	2,125.00	2,125.00	0.00	4,050.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,500.00	12,800.00
				905 • McDowell Dam-Capital Improvemen	20,177.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20,177.60	0.00	0.00	0.00	20,177.60
				910 • Projects														
				Administration	211,640.02	7,925.00	425.00	0.00	450.00	0.00	0.00	13,466.36	0.00	188,278.66	0.00	1,095.00	0.00	211,640.02
				Engineering	421,835.70	38,523.75	0.00	0.00	2,900.50	1,000.00	0.00	315,393.35	0.00	14,816.25	10,163.50	0.00	39,038.35	421,835.70
				Legal Fees	5,056.60	0.00	0.00	0.00	0.00	0.00	0.00	4,925.60	0.00	131.00	0.00	0.00	0.00	5,056.60
				O&M	28,031.51	8,787.97	0.00	666.25	3,592.50	0.00	614.25	167.70	0.00	11,143.34	0.00	3,059.50	0.00	28,031.51
				Total 910 • Projects	666,563.83	55,236.72	425.00	666.25	6,943.00	1,000.00	614.25	333,953.01	0.00	214,369.25	10,163.50	4,154.50	39,038.35	666,563.83
				920 • Continuing Education	200.00	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00
				933 • Missouri River General Services	5,285.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,331.80	2,953.86	0.00	5,285.66
				937 • Design/Special Assessment														
				Engineering	48,652.35	0.00	0.00	0.00	0.00	0.00	0.00	26,478.90	0.00	0.00	3,691.50	0.00	18,481.95	48,652.35
				937 • Design/Special Assessment - Other	23,269.04	0.00	0.00	0.00	0.00	0.00	0.00	20,916.54	0.00	0.00	2,352.50	0.00	0.00	23,269.04
				Total 937 • Design/Special Assessment	71,921.39	0.00	0.00	0.00	0.00	0.00	0.00	47,395.44	0.00	0.00	6,044.00	0.00	18,481.95	71,921.39
				940 • Operations & Maintenances	2,215.50	0.00	0.00	0.00	1,056.00	0.00	0.00	0.00	0.00	0.00	0.00	1,159.50	0.00	2,215.50
				941 • Stream Gages	757.50	757.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	757.50
				960 • Drainage Complaints	7,303.15	7,303.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,303.15
				970 • Storm Water Management Plans	5,756.50	5,756.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,756.50
				Total Expense	886,280.94	154,946.58	2,550.00	666.25	12,049.00	1,000.00	614.25	386,274.05	2,016.75	235,254.25	19,039.30	14,350.21	57,520.30	886,280.94
Net Income					141,695.20	745,786.86	-1,957.98	-666.25	13,026.86	-1,000.00	-614.25	-386,274.05	-2,016.75	-196,709.22	-19,039.30	48,679.58	-57,520.30	141,695.20

Rec'd 11/9/2020



November 3, 2020

Burleigh County Water Resource District
Greg Larson
1720 Burnt Boat Drive, Suite 205
Bismarck, ND 58503

Greg,

This letter is to certify that at a meeting of the American Bank Center Board of Directors on October 28, 2020 the pledge of securities to the Burleigh County Water Resource District was approved.

The approval of the pledged securities will be reflected in the October 28, 2020 minutes of the Board of Directors. The following information was reviewed as of September 30, 2020.

Deposits	\$978,102
Required Pledges	\$525,912
Par Value Pledged	\$1,870,000
Market Value as of September	\$2,001,544

The "Required Pledges" above has been adjusted to reflect an additional \$250,000 of FDIC coverage for interest bearing demand accounts. If you have any questions, please contact me at 483-3241.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhonda Maher", with a long horizontal flourish extending to the right.

Rhonda Maher
Finance Support
American Bank Center
140 1st Avenue West
Dickinson, ND 58601
701-483-3241
rmaher@weareamerican.com

Bismarck, ND
320 North 4th Street, 58501
325 West Arbor Avenue, 58504
1101 East Interstate Avenue, 58503
1190 West Turnpike, 58501

Dickinson, ND
140 1st Avenue West, 58601
1151 3rd Avenue West, 58601

Killdeer, ND
P.O. Box 489, 58640
150 Central Avenue North, 58640

New England, ND
P.O. Box 337, 58647
6 9th Street East, 58647

Minot, ND
2201 15th Street SW, 58701

weareamerican.com

November 2020 Bills

Name	Project	Invoice	Amount
Bliss Law Firm		144	\$1,000.00
Houston Engineering	Sibley Island	51223	\$1,045.00
Houston Engineering	General Engineering services	51224	\$1,572.00
Houston Engineering	McDowell Dam Heritage Fund Grant	51222	\$7,055.50
xtra Office, Inc DBA PMS	Admin, Bookkeeping, Supplies	6490	\$2,420.82
Fronteer Payroll Services	2020 3rd Quarter payroll & reports	1510	\$275.00
	Subtotal - regular bills		\$13,368.32
Fox Island Bills			
Name	Project	Invoice	Amount
Bliss Law Firm	Fox Island	144	\$890.80
Houston Engineering	Fox Island O&M	51226	\$1,947.00
Houston Engineering	Fox Island Special Assessment Projects	51227	\$4,583.70
Houston Engineering	Fox Island Special Assessment Projects	51228	\$2,175.00
	Subtotal - Fox Island Bills		\$9,596.50
Total Bills	\$22,964.82		

Affidavit of Mailing

Fox Island Flood Control Project Certification of Assessments

The undersigned does hereby certify that the attached letter to the Burleigh County Auditor regarding the Notice of Certified of Assessments and Resolution of the Burleigh County Water Resource District was also mailed to those property owners subject to these assessments on behalf of the Burleigh County Water Resource District on October 22, 2020.

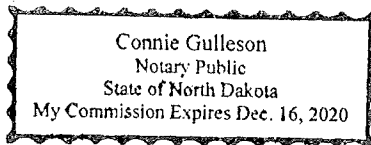
Shawn Mistelski

Shawn Mistelski
Houston Engineering, Inc.

Sworn and subscribed to before me this 27th day of October 2020 in Burleigh County, ND.

Connie Guleson

Notary Public in and for the State of North Dakota





Burleigh County Water Resource District

**1926 Frontier Drive, Suite B
Bismarck, North Dakota 58504
(701) 222-3499
www.bcwrld.org**

October 27, 2020

SAMPLE LETTER

Re: Fox Island Special Assessment District

The Burleigh County Water Resource District at their October 14, 2020 meeting approved the certification of assessments for the Fox Island Flood Control Project. This was based on a review final costs and allocation of those costs to construction and operations and maintenance.

Enclosed is our letter transmitting this information to the Burleigh County Auditor directing the project and O&M costs to be assessed for 2020 and into the future. This letter includes the certified assessment listing for each property within the Fox Island Special Assessment District.

All construction has been completed and we are currently working on the Fox Island Flood Control Operations and Maintenance Manual. When completed this document will be posted on our website (www.bcwrld.org).

If you have questions, please email us at bcwrld@midco.net.

Respectfully,

A handwritten signature in blue ink that reads "James Landenberger".

James Landenberger, Manager
Burleigh County Water Resource District

Enclosures

Current Board Members:

Greg Larson, Chairman, Bismarck 400-7217 Dennis Reep, Vice Chairman, Bismarck 223-7052 Rick Detwiller, Secretary Treasurer, Bismarck 223-8782
Rodney Beck, Bismarck 220-5313



Burleigh County Water Resource District

1926 Frontier Drive, Suite B
Bismarck, North Dakota 58504
www.bcwrld.org

October 14, 2020

Al Vietmeier, Burleigh County Auditor
City/County Office Building
221 North 5th Street
P.O. Box 5518
Bismarck, North Dakota 58506-5518

RE: Fox Island Flood Control Project – Certified Assessment District

Dear Mr. Vietmeier:

The Burleigh County Water Resource District (BCWRD) approved the Fox Island Flood Control Special Assessments during their meeting on October 14, 2020. A copy of the certified assessment list for this project is enclosed. The special assessments are a combination of two values. The first is the Construction Assessment District, which includes 59 rural residential parcels. The second is the O&M Assessment District and includes 104 parcels. The Construction Assessments are in the amount of \$21,617.99, while the O&M Assessments are in the amount of \$1,329.77. There are 59 lots with a combined assessment of \$22,947.76, and the remaining 45 lots only have the O&M Assessment amount.

The Board will not have the bonds sold until later this year; therefore, they are recommending the 2020 assessments be principal only, with interest added starting January 1, 2021. The anticipated combined interest rate on these bonds is projected at 2.5% to 3.0%, pending final sale, and the repayment period will be 20 years. This letter along with the enclosed certified assessment list will be mailed to the landowners within the special assessment district for their information prior to receiving their tax statement. We can discuss the final interest rates after the election has concluded.

The BCWRD hereby certifies these costs for assessment and directs them to be levied in accordance with the assessment list. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Reep".

Dennis Reep, Vice Chairman
Burleigh County Water Resource District

Enclosure

C: Rick Detwiller, BCWRD Treasurer
Kathleen Jones, Burleigh County Commissioner
David Bliss, Bliss Law Firm
Michael H. Gunsch, Houston Engineering, Inc.

Current Board Members:

Greg Larson, Chairman, Bismarck 400-7217 Dennis Reep, Vice Chairman, Bismarck 223-7052 Rick Detwiller, Secretary/Treasurer, Bismarck 223-8782 Rodney Beck, Bismarck 220-5313 James Landenberger 426-6439

18-18-80-86-00-120	TIMBERLANE PLACE BLOCK 001.12 NOT ASSESSED ALONE - TAKEN WITH OTHER LOTS	TRAYNOR, D			0.00%			\$1,329.77	4467 TIMBERLANE PLACE TIMBERLANE, ND 58004-8108
18-18-80-86-00-130	TIMBERLANE PLACE BLOCK 001.11 & 10 OF LOT 12 1508.27	HAGENSE, JASON & JANA			0.00%			\$1,329.77	2507 TIMBER LN TIMBERLANE, ND 58004-8108
18-18-80-86-00-140	TIMBERLANE PLACE BLOCK 001.2 546.793	OTTENSON, GUY & KEANE			0.00%			\$1,329.77	2501 TRAYNOR LN TIMBERLANE, ND 58004-8103
18-18-80-86-00-070	TIMBERLANE PLACE BLOCK 001.7 + 10 OF LOT 12 6380.72	DOLE, TRACY E & SARAH J			0.00%			\$1,329.77	2462 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-86-00-110	TIMBERLANE PLACE BLOCK 001.10 + 10 OF LOT 12 1307.98	MANTOGIO, DIANA H & TOVE E			0.00%			\$1,329.77	2460 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-86-00-080	TIMBERLANE PLACE BLOCK 001.8 + 10 OF LOT 12 6580.1 880.58	TESKE, ARLA R			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-00-020	TIMBERLANE PLACE SECOND BLOCK 03.12 844.837	ROBINSON, EUGENE & LAFAYE S			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-00-030	TIMBERLANE PLACE SECOND BLOCK 03.10 589.598	LESTENIA, SARAH B			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-00-010	TIMBERLANE PLACE SECOND BLOCK 03.11 612.847 704.672	WARRIEL, LARRY W & JANI L			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-00-020	TIMBERLANE PLACE SECOND BLOCK 03.12 443.980	BERGHE, GREGORY A & ROSEMARY M			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-00-030	TIMBERLANE PLACE SECOND BLOCK 03.13 236.001	LEDSINGER, MARK & SUSAN			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-00-040	TIMBERLANE PLACE SECOND BLOCK 03.14 1505.68 638.02	TRAYNOR, KENNETH & MOLLY			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-02-010	TIMBERLANE PLACE SECOND BLOCK 02.11 546.46	WILLIAMS, JEFF & COURTNEY L K			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-02-010	TIMBERLANE PLACE SECOND BLOCK 02.18 1590.70 732.11	MCNEIR, SCOTT & KATHLEEN			0.00%			\$1,329.77	2471 TIMBERLANE PL TIMBERLANE, ND 58004-8108
18-18-80-87-00-030	MEADOWVIEW SECOND BLOCK 00.11 341.216	DOUGHALE, MICHAEL & JUDY			0.00%			\$1,329.77	2752 SMOCKET LN TIMBERLANE, ND 58004-8108
18-18-80-87-00-050	TIMBERLANE PLACE SECOND BLOCK 02.15 1830.74 44.3893	GRINZ, LEROY A & SALLY A			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-87-00-060	TIMBERLANE PLACE SECOND BLOCK 02.16 642.973	MEYER, CHRISTOPHER & JANEL			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-87-00-020	TIMBERLANE PLACE SECOND BLOCK 02.17 745.96 772.769	ENGZ, ZAMALIA & REGINA, RANDALL			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-87-00-030	TIMBERLANE PLACE SECOND BLOCK 02.18 443.704	HAUSEN, JAMES L & MELANIE			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-87-00-040	TIMBERLANE PLACE SECOND BLOCK 02.14 483.723	BERGHE, LYNN			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-87-00-050	TIMBERLANE PLACE SECOND BLOCK 02.17 07.796 800.601	SCHEMT, JULIE A			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-87-00-060	TIMBERLANE PLACE SECOND BLOCK 02.18 151.976	LUNDIN, ROBERT J & LEECORPUS			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-85-00-060	MEADOWVIEW SECOND BLOCK 00.10 7.6 364.43	CEMAK, CULIYA & REBECCA K			0.00%			\$1,329.77	2802 WOODLAND DR TIMBERLANE, ND 58004-8103
18-18-80-34-00-020	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	JOHNSON, DENNIS L & GAYLE M			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-030	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	MIRZAL, MICHAEL AV & EVA MARIE			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-040	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	MACQUEEN, JEFFREY & ASTRID			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-050	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	WALKER, DONAYNE & REINE			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-070	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	LEBE, DANIE M			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-080	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	SMITH, JAMES W & DOBBS M			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-090	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	JOSEPH, LESTER E & JANA R			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-100	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	HOFER, RANDY & HERMAN-CHERYL			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-110	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	LUNDS, JOHN H & RUTH W			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-120	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	ANDRE, JANI			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-130	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	GLASSER, LAWRENCE D & CARMEN K			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-140	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	HAUSER, JESSICA & KIMBERLY			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-150	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	KOCH, SHAWN B & USA			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-160	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	EVERITT, LESTER E & JANA R			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-170	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	ROLOFF, DON & DANA			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-180	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	GAJON, NEIL & FRANK			100.00%		\$216.1739	\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-190	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	MCNEIR, PHILIP & DANETTE			0.00%			\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004
18-18-80-34-00-200	FOX ISLAND SECOND BLOCK 03.10 17.3 759.907	MCNEIR, PHILIP & DANETTE			0.00%			\$1,329.77	2385 LARSON RD TIMBERLANE, ND 58004

18-18-00-58-01-011	MEADOW VIEW FIFTH BLOCK 01.11 THE SOUTH 281.09 FEET 6468077 TMS 18 WAS COMBINED WITH MEADOW VIEW FIFTH BLOCK 01.11 LESS 238.89 SQ 622780, WHICH WAS DETERMINED TO BE AN UNBUILDABLE PL. THAT HAD A PARCEL NO. 38-1-38-00-58-01-010 AND AN ADDRESS OF 3442 LARSEN RD (1.13 ACRES)	COOL, MICHAEL & >	1950 FAIRVIEW DR	100.00%	\$16,173.99	\$1,329.77	\$22,847.76	KOPNICKER & GOLF, ANGELA 1850 FAIRVIEW DR BIRMINGHAM, ND 58004-8904
18-18-00-60-01-010	MEADOW VIEW FOURTH BLOCK 01.07 1.1655 ACRES 4155 W/4S 7/4W 408665	MOEN, STEVEN W & VERONICA B		0.00%	\$0.00	\$0.00	\$0.00	3201 TAYLOR RD BIRMINGHAM, ND 58004-8904 2620 SMOKEY LN BIRMINGHAM, ND 58004
18-18-00-60-01-011	MEADOW VIEW FOURTH BLOCK 01.14 1.187 ACRES W/4S 7/4W 448854	HARRINGTON, DONALD & JIM		0.00%	\$0.00	\$0.00	\$0.00	2620 SMOKEY LN BIRMINGHAM, ND 58004
18-18-00-60-01-013	MEADOW VIEW FOURTH BLOCK 01.15 W/4S 7/4W 491171 4960803	BURLEIGH COUNTY		0.00%	\$0.00	\$0.00	\$0.00	2620 SMOKEY LN BIRMINGHAM, ND 58004
18-18-00-60-01-014	MEADOW VIEW FOURTH BLOCK 01.16 1.211 ACRES 4155 W/4S 7/4W 448865	BURLEIGH COUNTY		0.00%	\$0.00	\$0.00	\$0.00	2620 SMOKEY LN BIRMINGHAM, ND 58004
18-18-00-60-01-021	THREE PLANE PLACE SECOND BLOCK 01-12 THE 511-2718 ACRES 4155 W/4S 7/4W 448865	DONALD, MICHAEL & JUDY		0.00%	\$0.00	\$0.00	\$0.00	2748 SMOKEY LN BIRMINGHAM, ND 58004-8907
18-18-00-60-01-030	THREE PLANE PLACE SECOND BLOCK 01-13 LESS THE 521.27 TO 051 486223	OTTESON, GUY & KAYE M	2655 SMOKEY LN	0.00%	\$0.00	\$1,329.77	\$1,329.77	2655 SMOKEY LN BIRMINGHAM, ND 58004-8933
18-18-00-60-01-020	MEADOW VIEW FOURTH BLOCK 01.12 LESS 4037.82 SQ OF 1.5 460082	MOEN, STEVEN W & VERONICA B	3201 TAYLOR RD	0.00%	\$0.00	\$1,329.77	\$1,329.77	3201 TAYLOR RD BIRMINGHAM, ND 58004-8904
18-18-00-60-01-021	MEADOW VIEW FOURTH BLOCK 01.15 W/4S 7/4W 448865	BURLEIGH COUNTY		0.00%	\$0.00	\$0.00	\$0.00	2620 SMOKEY LN BIRMINGHAM, ND 58004
18-18-00-60-01-030	MEADOW VIEW FOURTH BLOCK 01.13 LESS 4037.82 SQ OF BURLEIGH COUNTY 509647	PRINATSKY, DANIEL A & GRENZ, MELINDA J	3307 TAYLOR RD	0.00%	\$0.00	\$1,329.77	\$1,329.77	DANIEL PRINATSKY LIVING TRUST 3307 TAYLOR RD BIRMINGHAM, ND 58004-8932
18-18-00-60-01-031	MEADOW VIEW FOURTH BLOCK 01.15 W/4S 7/4W 448865	BURLEIGH COUNTY		0.00%	\$0.00	\$0.00	\$0.00	2620 SMOKEY LN BIRMINGHAM, ND 58004-8932
18-18-00-60-01-020	MEADOW VIEW SECOND BLOCK 00-10 72 486019	PALLER, JOSEPH L & DAWN M	2801 SMOKEY LN	0.00%	\$0.00	\$1,329.77	\$1,329.77	2801 SMOKEY LN BIRMINGHAM, ND 58004-8939
18-18-00-60-01-030	MEADOW VIEW SECOND BLOCK 00-11.8 WEST OF LOT 4 570034 718667	PETERSON, DAVID L B & >	2800 SMOKEY LN	0.00%	\$0.00	\$1,329.77	\$1,329.77	GILLESPIE, CHELSE 2800 SMOKEY LN BIRMINGHAM, ND 58004-8939
18-18-00-60-01-040	MEADOW VIEW SECOND BLOCK 00-14 LESS THE 148F 596565	GLUE, DOUGLAS W & NAOMI H	2405 SMOKEY LN	0.00%	\$0.00	\$1,329.77	\$1,329.77	2405 SMOKEY LN BIRMINGHAM, ND 58004-8941 1071 FAIRVIEW DR BIRMINGHAM, ND 58001
18-18-00-07-01-025	WILLS 1ST SUB 2ND REPEAT BLOCK 01 AUDITORS LOT 2A OF LOT 2 679668 679785	UPDEGRASS, ROBERT & SHARMA		0.00%	\$0.00	\$0.00	\$0.00	2520 LARSEN RD BIRMINGHAM, ND 58004-8916
18-18-00-60-00-051	WILLS FIRST BLOCK 00 PART OF LOT 5 886074 PT ON THE SOUTH LINE OF LOT 5A THAT LIES 421.72 W/4S 7/4W 448865	BROWN, SCOTT & MCCORMICK, AMELIA A	2520 LARSEN RD	100.00%	\$16,173.99	\$1,329.77	\$22,847.76	2520 LARSEN RD BIRMINGHAM, ND 58004-8916
18-18-00-60-00-055	MEADOW VIEW SECOND BLOCK 00 AUDITORS LOT 8 OF LOT 5 886074 777090 780227	JOHNSON, MELANIE B & PATRICK	1400 LARSEN RD	0.00%	\$0.00	\$1,329.77	\$1,329.77	1400 LARSEN RD BIRMINGHAM, ND 58004
18-18-00-60-00-055	MEADOW VIEW SECOND BLOCK 00 AUDITORS LOT 8 OF LOT 5 886074 777090 780227	JOHNSON, GARY A & CAROL V	2525 SMOKEY LN	0.00%	\$0.00	\$1,329.77	\$1,329.77	2525 SMOKEY LN BIRMINGHAM, ND 58004
18-18-00-33-07-031	FOX ISLAND BLOCK 07 TRACT A OF LOT 3 702876	BRIDGE & BENTZ D & >		0.00%	\$0.00	\$0.00	\$0.00	PETUS-BRIDGE, JANA 2221 LODGE LODGE DR BIRMINGHAM, ND 58004-8907
18-18-00-33-07-030	FOX ISLAND BLOCK 07 TRACT B 886074 051.8 574809	ANFINMAN, CONNOR A & BEN		100.00%	\$16,173.99	\$1,329.77	\$22,847.76	2743 FAIRVIEW DR BIRMINGHAM, ND 58004
18-18-00-34-00-070	FOX ISLAND SECOND BLOCK 00 LOT 8 & 9 512626 512664	ROSE & PAVIS		0.00%	\$0.00	\$0.00	\$0.00	41 KOLLISTER HATCH ROAD COLETA, CA 93117-9755
18-18-00-34-00-080	FOX ISLAND SECOND BLOCK 00 LOT 8 & 9 760733	SHELLING, JASON	1466 GALLATIN DR	0.00%	\$0.00	\$0.00	\$0.00	1466 GALLATIN DR BIRMINGHAM, ND 58004-8907
18-18-00-60-05-010	WILLS SECOND BLOCK 05 AUDITORS LOT 14 OF LOT 1 886074 790306 693700	HITCHENS, THOMAS & KATHERINE	1317 GALLATIN DR	0.00%	\$16,173.99	\$1,329.77	\$22,847.76	1317 GALLATIN DR BIRMINGHAM, ND 58004
18-18-00-60-05-011	WILLS SECOND BLOCK 05 AUDITORS LOT 18 OF LOT 1 886074 790306 818932	PRINATSKY, DANIEL A & GRENZ, MELINDA J		0.00%	\$0.00	\$0.00	\$0.00	2424 TIMBERLANE PL BIRMINGHAM, ND 58004-8918
18-18-00-60-05-012	WILLS SECOND BLOCK 05 AUDITORS LOT 1C OF LOT 1 886074 790306 791864	HOFF, THOMAS & RITA		0.00%	\$0.00	\$0.00	\$0.00	2444 TIMBERLANE PL BIRMINGHAM, ND 58004
18-18-00-60-05-052	WILLS FIRST BLOCK 05 AUDITORS LOT 4 OF 4A AUDITORS LOT 14 OF LOT 5A AUDITORS LOT 8 OF LOT 7 01 LOT 5A	HERRING, JOSEPH A & HEATHER A	2480 LARSEN RD	100.00%	\$16,173.99	\$1,329.77	\$22,847.76	2480 LARSEN RD BIRMINGHAM, ND 58004
18-18-00-07-01-010	WILLS 1ST SUB 2ND REPEAT BLOCK 01 LOT 1 788390	NEES, SARA & DOUGLAS	2450 LARSEN RD	100.00%	\$16,173.99	\$1,329.77	\$22,847.76	2450 LARSEN RD BIRMINGHAM, ND 58004-8916
18-18-00-60-00-040	WILLS FIRST BLOCK 00 AUDITORS LOT 1 OF LOT 4A AUDITORS LOT 1 OF LOT 4A AUDITORS LOT 8 OF LOT 7 01 LOT 5A 886074 880778 887035	HERRING, JENNIFER E & CONNIE A	2480 LARSEN RD	100.00%	\$16,173.99	\$1,329.77	\$22,847.76	2480 LARSEN RD BIRMINGHAM, ND 58004-8916
Total Lots within Assessment District				59	\$1,275,463.41	\$138,296.12	\$1,413,757.53	Total Bond Amount
Exempt - County Parcels				59				
Exempt - Unbuildable				45				
Privates 11+ acre parcel - Unbuildable				104				
Assessable Parcels				104				
Changes from Original Assessment District Listing								
Group Parcel Removed per Request and Board Action								
Egg Parcel Combined - Smaller lot Removed (unbuildable status)								
Fender Parcel Combined Remains a 2 lot assessment (developable)								

119	Total Lots Assessed in Construction District	59	
6	Total Lots within O&M District Only	45	
8	Total Lots within O&M District	104	
1	Total Project Implementation Expenses	\$5,061,501.19	
104	Less Participation (State/Twp/WRD/Other)	\$3,811,735.78	
	Bonding Expense	\$25,700.00	
	Total Assessment Amount	\$1,275,463.41	
	Total Assessment Per Lot (59 lots)	\$21,617.99	
	O&M Cost	\$138,296.12	
	O&M Assessment Per Lot (104 Lots)	\$1,329.77	

[S] / Dennis Reep
 Dennis Reep, Vice Chairman
 Burleigh County Water Resource District

[S] / Juncie Day
 Juncie Day
 Burleigh County Water Resource District

10/14/2020
 Date

10/14/2020
 Date

BURLEIGH COUNTY WATER RESOURCE DISTRICT
BURLEIGH COUNTY, NORTH DAKOTA

RESOLUTION CONFIRMING ASSESSMENT LIST
AND DIRECTING CERTIFICATION OF ASSESSMENTS

RECITALS:

The Water Resource Board (the "**Board**") of the Burleigh County Water Resource District, Burleigh County, North Dakota (the "**District**") hereby finds, declares and recites the following:


- A. On March 8, 2016, the Board adopted a Resolution of Necessity establishing the Fox Island Flood Control Project (the "**Project**"), and on October 12, 2016 determined that residents in the improvement district approved the project. On December 22, 2016, following an opportunity to protest as required by law, the Board confirmed the Assessment List for the Project, which Assessment List is attached hereto.
- B. The Board desires to cause Project special assessment installments with interest to be certified to the Burleigh County Auditor for collection.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD AS FOLLOWS:

1. The attached Assessment List for the Project is hereby confirmed and said assessments are hereby in all things deemed finally confirmed, and said special assessments unpaid shall bear and accrue interest at the rate of one and one-half percent (1.50%) per annum above the rate on the bonds issued to finance the Project, from the date of January 1, 2021, and shall be certified and payable in equal annual installments over a period of 20 years, with the first certification in 2020 for collection in 2021 and annually thereafter.
2. The Secretary is hereby directed to annually certify said special assessment installments with interest as above specified to the Burleigh County Auditor for extension on the tax list of the District.

Dated: October 14, 2020.

BURLEIGH COUNTY WATER RESOURCE DISTRICT



Vice Chairman, Water Resource Board

Attest:



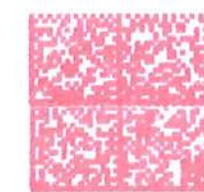
Secretary

The governing body of the District acted on the foregoing resolution at a properly noticed meeting held in Bismarek, North Dakota, on October 14, 2020, with the motion for adoption made by Manager Landenberger and seconded by Manager Beck, and the roll call vote on the motion was as follows:

"Aye" Rod Beck, Dennis Reep, Rick Detwiller, James Landenberger

"Nay" none

~~Absent~~ Abstain - Greg Larson



US POSTAGE
\$01.20⁹
First-Class
Mailed From 58503
10/27/2020
032A 0061824626

First Class Mail

SAMPLE

DISCARD NO 58504 0007
Bismarek, ND 58504

BURLEIGH COUNTY WATER RESOURCE DISTRICT

NORTH DAKOTA

\$1,415,000 Refunding Improvement Bonds, Series 2020

General Information

The Burleigh County Water Resource District (“District”) was established by order of the North Dakota State Water Commission on June 11, 1971 and is a political subdivision of the State of North Dakota, organized and operating pursuant to North Dakota Century Code Chapter 61-16.1. The Burleigh County Water Resource District has the same jurisdictional boundaries as Burleigh County. Burleigh County is located in south central North Dakota. The District currently encompasses approximately 1,668 square miles. The population of the District is approximately 95,000. The official newspaper of the Burleigh County Water Resource District is the “The Bismarck Tribune”.

The District, among other things, has jurisdiction over all dams, water channels, reservoirs and artificial lakes in Burleigh County. The District regulates surface water to prevent floods by modifying channels or flood plains of any stream or watercourse within the District. This includes authorities related to the Missouri River system and cooperation with Burleigh County and the City of Bismarck related to surface water management.

The District can operate and maintain recreational facilities, as it does with the McDowell Dam Recreation Area, under an agreement with the Bismarck Parks & Recreation District. The District has the authority to plan, modify or repair sanitary and storm sewer systems and treatment plants, and can coordinate proposals to install, construct or modify culverts and bridges.

The District may authorize and issue warrants to finance construction of water conservation and flood control projects, assess benefited property for part or all of the cost of such projects, and require appropriations and tax levies to maintain sinking funds for construction warrants on a cash basis at all times.

The District also has regulatory authority to review permits for dikes, dams and other devices which retain more than 50 acre-feet of water or 25 acre-feet of water for a medium-hazard or high hazard dam. The District also regulates drainage which drains a pond, slough, lake or sheetwater, or any series thereof, with a watershed of 80 acres or more. The District has the statutory responsibility to close illegal drainage, remove negligent obstructions to drains or watercourses, and removal of illegally constructed dikes, dams and other devices.

Governmental Organization and Services

The District meets on the second Wednesday of each month and otherwise as needed at the City/County Building, Bismarck, North Dakota. The members of a water resource district board are appointed by the Burleigh County commission. Current appointed board members and their positions are:

<u>Name</u>	<u>Position</u>	<u>Term Expires</u>
Greg Larson	Chairman	12/31/2020
Dennis Reep	Vice Chairman	12/31/2022
Rodney Beck	Manager	12/31/2021
James Landenberger, PE	Manager	12/31/2022
Rick Detwiller	Secretary/Treasurer	12/31/2021

Other:

<u>Name</u>	<u>Position</u>	<u>Firm</u>
David Bliss	Legal Counsel to the District	Bliss Law Firm, LLC
Michael Gunsch	Consulting Engineer	Houston Engineering, Inc.

Funds on Hand

<u>Fund</u>	<u>Amount as of 10/14/2020</u>
General	\$421,961.83
Dedicated Funds	\$334,800.39
Maintenance/Project Accounts	\$15,004.15
Total	\$791,766.37

Future Financing

Is the Water District planning any additional financing within the next six months?

No

BONDED DEBT

General Obligation

None.

Revenue Bonds

None.

Special Assessment Bonds/Warrants

<u>Year</u>	<u>Purpose</u>	<u>Final Maturity</u>	<u>Principal Amount Outstanding*</u>
2013	State Revolving Loan	09/01/2032	\$ 160,000
2016	Refunding Improvement Bonds, Series 2016	05/01/2035	295,000
2017	Refunding Improvement Bonds, Series 2017	05/01/2032	335,000
2020	Refunding Improvement Bonds, Series 2020 <i>(this issue)</i>	05/01/2040	<u>1,415,000</u>
	Total:		<u>\$ 2,205,000</u>

Source: 2019 Audited Financials of the District

*As of 09/30/2020, including the new Series 2020 Bonds

\$1,415,000

Burleigh County Water Resource District, North Dakota

Special Assessment Revenue Bonds, Series 2020

Fox Island Flood Control Project

Estimated Funding Required:

Sources:

Bond Proceeds	1,415,000.00
Reoffering Premium	-
Total	<u><u>1,415,000.00</u></u>

Uses:

Net Project Costs	1,388,057.53
Underwriter's Discount 1.25%	17,687.50
Capitalized Interest	-
Bond Counsel	8,500.00
Paying Agent	750.00
Rounding Amount	<u>4.97</u>
Total	<u><u>1,415,000.00</u></u>

\$1,415,000

Burleigh County Water Resource District, North Dakota
Special Assessment Revenue Bonds, Series 2020
Fox Island Flood Control Project

Revenue vs D/S - Calendar Year

Year	Special Assessment Revenue	Capitalized Interest	Total Revenues	Scheduled P&I	D/S Fund	Cash Balance
12/31/2020		-	-	-	-	-
1 12/31/2021	96,599.78	-	96,599.78	92,866.58	3,733.20	3,733.20
2 12/31/2022	96,599.78	-	96,599.78	85,127.50	11,472.28	15,205.48
3 12/31/2023	96,599.78	-	96,599.78	84,851.25	11,748.53	26,954.01
4 12/31/2024	96,599.78	-	96,599.78	84,510.00	12,089.78	39,043.79
5 12/31/2025	96,599.78	-	96,599.78	84,087.50	12,512.28	51,556.07
6 12/31/2026	96,599.78	-	96,599.78	83,600.00	12,999.78	64,555.85
7 12/31/2027	96,599.78	-	96,599.78	83,015.00	13,584.78	78,140.63
8 12/31/2028	96,599.78	-	96,599.78	82,316.25	14,283.53	92,424.16
9 12/31/2029	96,599.78	-	96,599.78	81,520.00	15,079.78	107,503.94
10 12/31/2030	96,599.78	-	96,599.78	85,590.00	11,009.78	118,513.72
11 12/31/2031	96,599.78	-	96,599.78	84,522.50	12,077.28	130,591.01
12 12/31/2032	96,599.78	-	96,599.78	83,367.50	13,232.28	143,823.29
13 12/31/2033	96,599.78	-	96,599.78	82,142.50	14,457.28	158,280.57
14 12/31/2034	96,599.78	-	96,599.78	85,800.00	10,799.78	169,080.35
15 12/31/2035	96,599.78	-	96,599.78	84,337.50	12,262.28	181,342.63
16 12/31/2036	96,599.78	-	96,599.78	82,800.00	13,799.78	195,142.41
17 12/31/2037	96,599.78	-	96,599.78	81,206.25	15,393.53	210,535.94
18 12/31/2038	96,599.78	-	96,599.78	84,520.00	12,079.78	222,615.72
19 12/31/2039	96,599.78	-	96,599.78	82,740.00	13,859.78	236,475.50
20 12/31/2040	96,599.78	-	96,599.78	80,920.00	15,679.78	252,155.28
Total	\$1,931,995.61	-	\$1,931,995.61	\$1,679,840.33	\$252,155.28	

\$1,415,000

Burleigh County Water Resource District, North Dakota
Special Assessment Revenue Bonds, Series 2020
Fox Island Flood Control Project

Debt Service Schedule - Annual

Year	Special Assessment Revenue	Principal	Interest Rate	Interest	Total P+I	Bond Balance
02/15/2020						1,415,000.00
05/01/2020						1,415,000.00
1 05/01/2021	96,599.78	75,000.00	0.300%	7,737.83	82,737.83	1,340,000.00
2 05/01/2022	96,599.78	65,000.00	0.400%	20,257.50	85,257.50	1,275,000.00
3 05/01/2023	96,599.78	65,000.00	0.450%	19,997.50	84,997.50	1,210,000.00
4 05/01/2024	96,599.78	65,000.00	0.600%	19,705.00	84,705.00	1,145,000.00
5 05/01/2025	96,599.78	65,000.00	0.700%	19,315.00	84,315.00	1,080,000.00
6 05/01/2026	96,599.78	65,000.00	0.800%	18,860.00	83,860.00	1,015,000.00
7 05/01/2027	96,599.78	65,000.00	1.000%	18,340.00	83,340.00	950,000.00
8 05/01/2028	96,599.78	65,000.00	1.150%	17,690.00	82,690.00	885,000.00
9 05/01/2029	96,599.78	65,000.00	1.300%	16,942.50	81,942.50	820,000.00
10 05/01/2030	96,599.78	70,000.00	1.450%	16,097.50	86,097.50	750,000.00
11 05/01/2031	96,599.78	70,000.00	1.600%	15,082.50	85,082.50	680,000.00
12 05/01/2032	96,599.78	70,000.00	1.700%	13,962.50	83,962.50	610,000.00
13 05/01/2033	96,599.78	70,000.00	1.800%	12,772.50	82,772.50	540,000.00
14 05/01/2034	96,599.78	75,000.00	1.900%	11,512.50	86,512.50	465,000.00
15 05/01/2035	96,599.78	75,000.00	2.000%	10,087.50	85,087.50	390,000.00
16 05/01/2036	96,599.78	75,000.00	2.100%	8,587.50	83,587.50	315,000.00
17 05/01/2037	96,599.78	75,000.00	2.150%	7,012.50	82,012.50	240,000.00
18 05/01/2038	96,599.78	80,000.00	2.200%	5,400.00	85,400.00	160,000.00
19 05/01/2039	96,599.78	80,000.00	2.250%	3,640.00	83,640.00	80,000.00
20 05/01/2040	96,599.78	80,000.00	2.300%	1,840.00	81,840.00	-
Total	\$1,931,995.61	\$1,415,000.00		\$264,840.33	\$1,679,840.33	

\$1,415,000

Burleigh County Water Resource District, North Dakota
Special Assessment Revenue Bonds, Series 2020
Fox Island Flood Control Project

Debt Service Schedule - Semi-Annual

Year	Special Assessment Revenue	Principal	Interest Rate	Interest	Total P+I	Bond Balance
02/15/2020						1,415,000.00
05/01/2020						1,415,000.00
11/01/2020						1,415,000.00
1 05/01/2021	96,599.78	75,000.00	0.300%	7,737.83	82,737.83	1,340,000.00
11/01/2021				10,128.75	10,128.75	1,340,000.00
2 05/01/2022	96,599.78	65,000.00	0.400%	10,128.75	75,128.75	1,275,000.00
11/01/2022				9,998.75	9,998.75	1,275,000.00
3 05/01/2023	96,599.78	65,000.00	0.450%	9,998.75	74,998.75	1,210,000.00
11/01/2023				9,852.50	9,852.50	1,210,000.00
4 05/01/2024	96,599.78	65,000.00	0.600%	9,852.50	74,852.50	1,145,000.00
11/01/2024				9,657.50	9,657.50	1,145,000.00
5 05/01/2025	96,599.78	65,000.00	0.700%	9,657.50	74,657.50	1,080,000.00
11/01/2025				9,430.00	9,430.00	1,080,000.00
6 05/01/2026	96,599.78	65,000.00	0.800%	9,430.00	74,430.00	1,015,000.00
11/01/2026				9,170.00	9,170.00	1,015,000.00
7 05/01/2027	96,599.78	65,000.00	1.000%	9,170.00	74,170.00	950,000.00
11/01/2027				8,845.00	8,845.00	950,000.00
8 05/01/2028	96,599.78	65,000.00	1.150%	8,845.00	73,845.00	885,000.00
11/01/2028				8,471.25	8,471.25	885,000.00
9 05/01/2029	96,599.78	65,000.00	1.300%	8,471.25	73,471.25	820,000.00
11/01/2029				8,048.75	8,048.75	820,000.00
10 05/01/2030	96,599.78	70,000.00	1.450%	8,048.75	78,048.75	750,000.00
11/01/2030				7,541.25	7,541.25	750,000.00
11 05/01/2031	96,599.78	70,000.00	1.600%	7,541.25	77,541.25	680,000.00
11/01/2031				6,981.25	6,981.25	680,000.00
12 05/01/2032	96,599.78	70,000.00	1.700%	6,981.25	76,981.25	610,000.00
11/01/2032				6,386.25	6,386.25	610,000.00
13 05/01/2033	96,599.78	70,000.00	1.800%	6,386.25	76,386.25	540,000.00
11/01/2033				5,756.25	5,756.25	540,000.00
14 05/01/2034	96,599.78	75,000.00	1.900%	5,756.25	80,756.25	465,000.00
11/01/2034				5,043.75	5,043.75	465,000.00
15 05/01/2035	96,599.78	75,000.00	2.000%	5,043.75	80,043.75	390,000.00
11/01/2035				4,293.75	4,293.75	390,000.00
16 05/01/2036	96,599.78	75,000.00	2.100%	4,293.75	79,293.75	315,000.00
11/01/2036				3,506.25	3,506.25	315,000.00
17 05/01/2037	96,599.78	75,000.00	2.150%	3,506.25	78,506.25	240,000.00
11/01/2037				2,700.00	2,700.00	240,000.00
18 05/01/2038	96,599.78	80,000.00	2.200%	2,700.00	82,700.00	160,000.00
11/01/2038				1,820.00	1,820.00	160,000.00
19 05/01/2039	96,599.78	80,000.00	2.250%	1,820.00	81,820.00	80,000.00
11/01/2039				920.00	920.00	80,000.00
20 05/01/2040	96,599.78	80,000.00	2.300%	920.00	80,920.00	-
Total	\$1,931,995.61	\$1,415,000.00		\$264,840.33	\$1,679,840.33	

Dougherty & Company LLC
Public Finance

\$1,415,000

Burleigh County Water Resource District, North Dakota
Special Assessment Revenue Bonds, Series 2020
Fox Island Flood Control Project

Special Assessment Schedule

	Year	Principal	Interest Rate	Interest	Total P+I	Balance
	10/01/2020					1,415,000.00
	12/31/2020					1,415,000.00
1	12/31/2021	84,409.56	3.446%	12,190.23	96,599.78	1,330,590.44
2	12/31/2022	50,747.63	3.446%	45,852.15	96,599.78	1,279,842.81
3	12/31/2023	52,496.40	3.446%	44,103.38	96,599.78	1,227,346.41
4	12/31/2024	54,305.42	3.446%	42,294.36	96,599.78	1,173,040.99
5	12/31/2025	56,176.79	3.446%	40,422.99	96,599.78	1,116,864.20
6	12/31/2026	58,112.64	3.446%	38,487.14	96,599.78	1,058,751.56
7	12/31/2027	60,115.20	3.446%	36,484.58	96,599.78	998,636.36
8	12/31/2028	62,186.77	3.446%	34,413.01	96,599.78	936,449.59
9	12/31/2029	64,329.73	3.446%	32,270.05	96,599.78	872,119.86
10	12/31/2030	66,546.53	3.446%	30,053.25	96,599.78	805,573.33
11	12/31/2031	68,839.72	3.446%	27,760.06	96,599.78	736,733.61
12	12/31/2032	71,211.94	3.446%	25,387.84	96,599.78	665,521.67
13	12/31/2033	73,665.90	3.446%	22,933.88	96,599.78	591,855.76
14	12/31/2034	76,204.43	3.446%	20,395.35	96,599.78	515,651.33
15	12/31/2035	78,830.44	3.446%	17,769.34	96,599.78	436,820.90
16	12/31/2036	81,546.93	3.446%	15,052.85	96,599.78	355,273.97
17	12/31/2037	84,357.04	3.446%	12,242.74	96,599.78	270,916.93
18	12/31/2038	87,263.98	3.446%	9,335.80	96,599.78	183,652.94
19	12/31/2039	90,271.10	3.446%	6,328.68	96,599.78	93,381.84
20	12/31/2040	93,381.84	3.446%	3,217.94	96,599.78	-
Total		\$1,415,000.00		\$516,995.61	\$1,931,995.61	

Dougherty & Company LLC
Public Finance

**RESOLUTION AUTHORIZING THE ISSUANCE OF
\$1,415,000 REFUNDING IMPROVEMENT BONDS, SERIES 2020**

BE IT RESOLVED by the Water Resource Board of the Burleigh County Water Resource District, North Dakota (the "**Issuer**"), as follows:

1. WARRANT. In and by a resolution heretofore adopted this date, the Issuer has authorized the issuance of a definitive improvement warrant in the principal amount of \$1,415,000 (the "**Warrant**") payable from the funds of the Fox Island Flood Control Project described in the resolution, and subject to the terms, provisions and covenants set forth in the resolution, which is hereby incorporated herein and made a part hereof.

2. AUTHORIZATION OF REFUNDING IMPROVEMENT BONDS. It is hereby found, determined and declared that the improvement Warrant was duly and legally authorized under authority of and in accordance with the provisions of Chapter 61-16.1 of the North Dakota Century Code ("**N.D.C.C.**"); that there is not at the present time in the Improvement District Funds sufficient money to pay the Warrants drawn thereon with interest, and by the exchange of the Warrants for refunding improvement bonds the interest rate and interest costs thereon will be substantially reduced, and the general tax which the Issuer may become obligated to levy for any deficiencies in the funds can be reduced and equalized, and the burden on the taxpayers and property owners will be substantially reduced; that the Warrants are subject to exchange at the option of the Issuer for the purpose of issuing refunding improvement bonds of the Issuer in accordance with the provisions of Section 61-16.1-36, N.D.C.C.; that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to the issuance of the refunding improvement bonds hereinafter described have been done, do exist, have happened and have been performed in due form, time and manner as so required; and that the issuance of the refunding improvement bonds is necessary and expedient and for the best interest of the Issuer and its inhabitants, taxpayers and the owners of property liable to be assessed for the improvements.

Pursuant to the authority of Chapter 61-16.1 of the N.D.C.C. and the provisions of this Resolution, a series of bonds of the Burleigh County Water Resource District entitled to the benefits, protection and security of such provisions is hereby authorized in the aggregate principal amount of \$1,415,000. The series of bonds shall be designated "\$1,415,000 Burleigh County Water Resource District, North Dakota, Refunding Improvement Bonds, Series 2020" (the "**Bonds**"), for the purpose of refunding the Warrant and paying related costs of issuance.

There is hereby appointed a Term and Pricing Committee to which is delegated the power and authority to agree with the purchaser (the "**Purchaser**") on the actual principal amount of Bonds to be issued, the stated maturity dates and maturity schedule, the specific principal amounts and interest rates for each maturity, redemption dates and purchase price, all within the parameters set forth herein. The Chairman and Secretary (or the Vice Chairman in the absence of the Secretary), are appointed as the Term and Pricing Committee (the "**Term and Pricing**

Committee"). The Term and Pricing Committee is hereby granted full power and authority to bind the Issuer, subject to the limitations stated herein.

3. SALE. The Bonds will be sold through negotiated sale to Colliers Securities LLC. The Term and Pricing Committee shall review and approve the terms of the final sale and pricing, provided that the purchase price for the Bonds shall not be less than 98.00% of the principal amount of the Bonds. Colliers Securities LLC is hereby authorized and directed to prepare and circulate, after review by the Secretary, of the preliminary official statement and to take all actions necessary for the issuance, sale and delivery of the Bonds.

4. TERMS. The Bonds shall be dated the date of issuance. The Bonds shall be issued in fully registered form in the denomination of \$5,000 and integral multiples thereof and shall be numbered in consecutive numerical order from R-1 upwards as issued. The Bonds shall bear interest from their date or from the most recent interest payment date on which interest has been paid or duly provided for, until the principal amount of the Bonds is paid, at the rates established by the Term and Pricing Committee, provided the net interest cost does not exceed 3.25%. Such interest (computed upon the basis of a 360-day year consisting of twelve months of 30 days each) is payable semiannually on the first day of May and November in each year until paid, commencing May 1, 2021. The Bonds shall mature on May 1 of each year and in the amounts as determined by the Term and Pricing Committee, provided that the final maturity shall be no later than May 1, 2040. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused. The Bonds shall be payable from the Bond Fund established herein.

The principal of and interest on the Bonds shall be payable at the Bank of North Dakota, Bismarck, North Dakota (the "**Paying Agent**" and "**Registrar**"), by check, wire or other electronic transfer to the name and address of the registered owners as they appear on the Bond Register as of the fifteenth day (whether or not a business day) of the immediately preceding month, and the Issuer hereby agrees to pay the reasonable and customary charges of the Paying Agent for the receipt and disbursement of such principal and interest.

5. OPTIONAL REDEMPTION. Bonds maturing in the years 2026 and thereafter shall each be subject to redemption and prepayment at the option of the Issuer on May 1, 2025, and any date thereafter, at a price equal to the principal amount thereof and accrued interest. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Bonds the Issuer will cause notice of call to be mailed to the registered holders thereof. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the holder without charge, representing the remaining principal amount outstanding.

6. MANDATORY REDEMPTION. Bonds designated as term bonds in are subject to mandatory sinking fund redemption, by random selection, at a redemption price equal to the principal amount thereof, plus accrued interest to the redemption date, without premium, on May 1, in the years and in the amounts agreed to by the Term and Pricing Committee.

7. **FORM OF BONDS.** The Bonds shall be in substantially the form on file with the counsel to the Issuer.

8. **PREPARATION, EXECUTION AND DELIVERY OF BONDS.** The Bonds shall be initially issued as book-entry only bonds with one bond issued for each stated maturity in the aggregate principal amount of such maturity. The Bonds shall be initially registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, and the Bond Registrar shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholders or registered owners of the Bonds shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds. The Bonds shall be printed under the direction of the Secretary, and shall be executed on behalf of the Issuer by the facsimile signatures of the Chairman and the Secretary and the Certificate of Authentication shall be manually signed by an authorized representative of the Bond Registrar. When the Bonds have been so prepared and executed, the Secretary shall deliver the same to the purchaser thereof upon payment of the purchase price in accordance with the contract of sale. The purchaser shall not be obligated to see to the application of the purchase price.

9. **REGISTRATION, TRANSFER AND EXCHANGE.** Books for the registration and for the transfer of the Bonds as provided in this Resolution shall be kept by the Bank of North Dakota, which is hereby appointed the Bond Registrar of the Issuer for the Bonds. Upon surrender for transfer of any Bond at the principal corporate trust office of the Bond Registrar duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Issuer shall execute and the Bond Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds for a like aggregate principal amount.

The Bond Registrar shall not be required to transfer or exchange any Bonds (i) during the period commencing on the fifteenth (15th) day of the month next preceding any Interest Payment Date and ending on such Interest Payment Date, (ii) fifteen (15) days before the day for the selection of Bonds to be redeemed or, (ii) selected, called, or being called for redemption in whole or in part.

The Bonds are issuable as registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof not in excess of any single maturity. Subject to the limitations of and upon payment of the charges provided for in this Resolution, registered Bonds may be exchanged for a like aggregate principal amount of other authorized denominations of registered Bonds of the same Series and the same maturity.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded by the Bond Registrar, the Issuer and Paying Agent as the absolute owner thereof for all purposes. Payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative and neither the Issuer nor the Bond Registrar nor any Paying Agent shall be affected by any notice to the contrary, but such registration may be changed as hereinabove provided. All such payments

shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums paid.

The Bond Registrar shall require the payment by any bondholder requesting exchange or transfer of a sum sufficient to cover any tax or other governmental charge that may be imposed on the Issuer or the Bond Registrar with respect to such exchange or transfer and a sum sufficient to pay the cost of preparing each new Bond issued upon such exchange or transfer.

10. AUTHENTICATION. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a Certificate of Authentication on such Bond shall have been duly executed by the Bond Registrar. Such executed Certificate of Authentication of the Bond Registrar upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Resolution. The Bond Registrar's Certificate of Authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer or signatory of the Bond Registrar, but it shall not be necessary that the same officer or signatory sign the Certificate of Authentication on all of the Bonds.

11. REPLACEMENT OF BONDS. If any Bond is mutilated, lost, stolen, or destroyed, the Issuer shall execute and the Bond Registrar shall authenticate a new Bond of the same date, maturity, and aggregate denomination, as that mutilated, lost, stolen, or destroyed; provided that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Bond Registrar, and in the case of any lost, stolen, or destroyed Bond, there shall be first furnished to the Issuer and the Bond Registrar evidence of such loss, theft, or destruction satisfactory to the Issuer and the Bond Registrar, together with an indemnity satisfactory to them. In the event any such Bond shall have matured or been called for redemption, instead of issuing a duplicate Bond, the Issuer may pay the same. The Bond Registrar may charge the holder or owner of such Bond with their reasonable fees and expenses including reasonable attorneys' fees and expenses in connection with replacing any Bond mutilated, lost, stolen, or destroyed.

12. CANCELLATION. Whenever any outstanding Bond shall be delivered to the Bond Registrar for cancellation pursuant to this Resolution or for replacement pursuant to paragraph 10 hereof or for transfer or exchange pursuant to paragraph 8 hereof, such Bond shall be cancelled and destroyed by the Bond Registrar and counterparts of a certificate of destruction evidencing such destruction shall be furnished by the Bond Registrar to the Issuer.

13. FUNDS HELD FOR PAYMENT. In the event any Bond shall not be presented for payment when the principal thereof becomes due, either at maturity, or at the date fixed for redemption thereof, or otherwise, if funds sufficient to pay such Bond shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the Issuer to the owner thereof for the payment of such Bond shall forthwith cease, terminate, and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds without liability for interest thereon, for the benefit of the owner of such Bond who shall thereafter be restricted exclusively to such funds, for any claim of whatever nature on his part under this Resolution or on, or with respect to, the Bond; provided, that any funds which shall be so held by the Paying Agent and which remain unclaimed by the holder of any Bond not presented for

payment by May 1, 2041, shall be returned to the Issuer free of any trust or lien and thereafter any such holder shall look only to the Issuer for payment of such amount without interest thereon and the Paying Agent shall have no further responsibility with respect to such moneys.

14. 2020 REFUNDING IMPROVEMENT BOND FUND. There shall be and is hereby created a special fund to be maintained by the Secretary separate and apart from all other funds of the Issuer, to be designated as the 2020 Refunding Improvement Bond Fund (the "**Bond Fund**"). To the fund shall be credited the Warrants referred to in paragraph 1 hereof when received by the Secretary, which Warrants shall thereupon become and shall thereafter be held as assets of the fund, and the proceeds of all collections on the Warrants so acquired shall be held by the Issuer in trust for the use and benefit of the holders from time to time of the Bonds herein authorized. The fund of the improvement district described in the resolution referred to in paragraph 1 hereof shall be continued and payments shall be made therefrom on the Warrants drawn thereon in the same manner as though the Warrants had not been exchanged. All payments of principal and interest made on the Warrant shall be credited to the Bond Fund and shall be used and applied in payment of the principal of and interest on the Bonds as such principal and interest becomes due.

15. TAX COVENANTS.

(a) The Issuer covenants and agrees with the holders from time to time of the Bonds that it will not take or permit, nor fail to take or permit, any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "**Code**"), and the regulations, amended regulations and proposed regulations issued thereunder, as now existing or as hereinafter amended or proposed and in effect at the time of such action.

(b) The Issuer covenants and agrees with the holders from time to time of the Bonds it will assure that (i) not in excess of ten percent (10%) of the Net Proceeds of the Bonds is used for Private Business Use if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a Private Business Use; and (ii) and that, in the event that both (A) in excess of five percent (5%) of the Net Proceeds of the Bonds are used for a Private Business Use, and (B) an amount in excess of five percent (5%) of the principal or five percent (5%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for Private Business Use or in payments in respect of property used or to be used for Private Business Use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for Private Business Use, then the excess over five percent (5%) of Net Proceeds of the Bonds used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the Project and shall not exceed the proceeds used for

governmental use of the portion of the Project to which such Private Business Use is related.

(c) The Issuer covenants and agrees with the holders from time to time of the Bonds that it will assure that not in excess of the lesser of five percent (5%) of the Net Proceeds of the Bonds are used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Investments or assessments) to persons other than state or local governmental units.

(d) The Issuer further covenants and agrees with the holders from time to time of the Bonds that it will not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code and Regulations promulgated thereunder.

16. QUALIFIED TAX-EXEMPT OBLIGATIONS. The Issuer hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of paragraph (3) of Section 265(b) of the Code and covenants that the Bonds do not constitute "private activity bonds" as defined in Section 141 of the Code, and that not more than \$10,000,000 aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income taxes (excluding, however, private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code), including the Bonds, have been or shall be issued by the Issuer, including all subordinate entities of the Issuer, during the calendar year 2020.

17. ARBITRAGE.

(a) Unless and until the regulations under Section 148 of Code have been modified or amended in pertinent part, the Secretary shall ascertain monthly the amount on deposit in the Principal and Interest Account of the fund of the improvement district referred to in paragraph 1 hereof and in the Bond Fund. If the aggregate amount on deposit in such Principal and Interest Account and in the Bond Fund ever exceeds the aggregate amount of principal and interest due and payable from the Bond Fund within 13 months thereafter (except for a reasonable carryover), such excess shall not be invested except at a yield less than or equal to the yield on the Bonds, based upon their amounts, maturities and interest rates on their dates of issue, computed by the actuarial method.

(b) For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements in accordance with Section 148(f)(4)(D) of the Code, the Issuer covenants that it is a governmental unit with general taxing powers; that the Bonds are not "private activity bonds" as defined in Section 141 of the Code; that ninety-five percent (95%) or more of the Net Proceeds of the Bonds are to be used for local governmental activities of the Issuer (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the Issuer); and that the aggregate face amount of all the tax-exempt obligations (other than private activity bonds as defined in Section 141 of the

Code) issued by the Issuer, including all subordinate entities of the Issuer, during the calendar year 2020 will not exceed \$5,000,000.

(c) On the date fixed for the delivery of the Bonds, the Chairman and the Secretary shall make and file in the office of the Secretary and deliver to the purchaser a certificate in accordance with the provisions of Section 148 of the Code and Treasury Regulations Sections 1.148-2(b) stating that on the basis of the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, as such facts, estimates and circumstances are set forth in the certificate, it is not expected that the proceeds of the Bonds will be used in a manner that would cause the Bonds to be arbitrage bonds within the meaning of the Code and Regulations.

18. COVENANTS AND AGREEMENTS OF THE ISSUER. The Issuer covenants and agrees with the holders from time to time of each of the Bonds, (a) that it will use due diligence to collect the Warrants and special assessments; (b) that it will preserve and enforce for the benefit of the holders of the Bonds all of the rights, powers, and privileges reserved to holders of the Bonds, and all of the covenants of the Issuer provided in the Resolution authorizing the Warrants; (c) that the Issuer shall prepare and file with the County Auditor/Treasurer of Burleigh County on or before February 1 of each year a complete statement of the condition and resources of the Bond Fund; that in February of each year the Board of County Commissioners of Burleigh County is required by Section 61-16.1-25, N.D.C.C. to review such statement and determine whether there has been or will likely occur a default in the financial obligations secured by the Bond Fund coming due in the next thirteen (13) months; and that if such a determination is made, the Board of County Commissioners shall pay from the General Fund, or levy a general property tax upon all taxable property within the County, unlimited as to rate or amount to produce an amount which will be sufficient, along with the funds in the Bond Fund to equal 100% of the principal and interest coming due on the Bonds within the next twelve (12) months; and (d) that if the balance in the Bond Fund should at any time be insufficient to pay all principal and interest then due on the Bonds issued under this Resolution, such balance shall be used first to pay the interest due, and the remainder shall be applied in payment of the principal due on the Bonds in direct order of maturity years and pro rata as to Bonds maturing in the same year. The Issuer reserves the privilege of refunding any of such matured Bonds for the payment of which moneys are not at the time available by issuing new bonds payable from the fund, on a parity with those theretofore issued as to interest charges therein, but the maturity of any such new bonds shall be subsequent to the maturity of all Bonds payable from the fund which then remain outstanding.

19. DISCHARGE. When all of the Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this Resolution shall cease. The Issuer may discharge all Bonds due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, the same may nevertheless be discharged by depositing with the Paying Agent a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The Issuer may also discharge all Bonds at any time by irrevocably depositing in escrow with a suitable bank, for the purpose of paying all principal and interest when due on such Bond, a sum of cash and securities of the types described in Section 40-27-13, N.D.C.C., in such aggregate

amount, bearing interest at such rates and maturing or callable at the holder's option on such dates as shall be required to provide funds sufficient for this purpose.

20. OTHER PROCEEDINGS. The officers of the Issuer are authorized and directed to prepare and furnish to the purchasers of the Bonds, and to the attorneys approving the legality thereof, records of the Issuer, and certificates and affidavits as to other matters shown by their official records and otherwise known to them, which may reasonably be required to evidence the legality and marketability of the Bonds, and all certified copies, certificates, affidavits and other instruments so furnished, including any heretofore furnished, shall constitute representations of the Issuer as to the correctness of all facts stated or recited therein. Delivery of the Bonds is subject to the approving opinion of bond counsel and customary closing certificates, including a certificate as to absence of material litigation and an arbitrage certificate.

20. CERTIFICATES. The Chairman and Secretary/Treasurer (each an "Authorized Officer"), in consultation with counsel, are hereby authorized to deliver a Certificate which cures ambiguities, defects or omissions herein, corrects, amends or supplements any provision herein, lessens the obligations of the Issuer hereunder, adds to the rights or options of the Issuer, or otherwise makes changes to the provisions hereof, which such Authorized Officer determines are in furtherance of the financing contemplated herein, which determination shall be evidenced conclusively by the execution of such certificate.

21. OFFICIAL STATEMENT. The use and distribution of the Official Statement for the sale of the Bonds is hereby authorized, approved, and ratified and the use thereof prior to the date hereof is ratified and confirmed as of the date first circulated.

22. CONTINUING DISCLOSURE. The Issuer hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the Issuer to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Section.

(Remainder of this page intentionally left blank.)

Dated: November 19, 2020.

BURLEIGH COUNTY
WATER RESOURCE DISTRICT

Attest:

Chairman, Water Resource Board

Secretary

The governing body of the District acted on the foregoing resolution at a properly noticed meeting held in Bismarck, North Dakota, on November 19, 2020, with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____

Abstain _____

**RESOLUTION CREATING THE FUND OF AN IMPROVEMENT DISTRICT
AND AUTHORIZING THE ISSUANCE OF IMPROVEMENT WARRANT**

BE IT RESOLVED by the Water Resource Board of the Burleigh County Water Resource District, North Dakota (the "**Issuer**"), as follows:

1. It is hereby found, determined and declared that the Issuer has heretofore duly created the following improvement district within the boundaries of the Issuer:

Fox Island Flood Control Project

(the "**Improvement District**") pursuant to North Dakota Century Code (the "**N.D.C.C.**") Chapter 61-16.1 and has ordered, received and approved plans and specifications, and estimates of the cost, for the construction of the improvements in the Improvement District; that the Board determined the necessity of constructing the improvements; that the Board held a public hearing according to law; that the Board determined that the owners of property representing 62.00% of the ballots cast voted in favor of the Improvement District, and thereupon the Board ordered the establishment of the Fox Island Flood Control Project; that contracts for construction of the improvements have been duly awarded and executed; that the contracts and contractors bonds have been and are hereby approved; that the Issuer possesses and has power to exercise through this Board jurisdiction over flood control projects and may regulate and control water for the prevention of floods and flood damages, including diking the channels of any stream or watercourse and to construct structures to impound and regulate such waters; that it is necessary to construct a levee system and all required appurtenant features required to protect the property owned by the Missouri River Correctional Center and surrounding residential properties within the defined benefit area from Missouri River flows and inundation during an event similar to that experienced in 2011; that the total cost of the improvements in excess of any other funds on hand and appropriated for the payment of such cost, including North Dakota State Water Commission cost share funding and legislative appropriation, and including reimbursing other funds of the Issuer for any amounts temporarily advanced to meet immediate expenses of the improvements is now estimated to be approximately \$1,415,000; that the total benefits to all lots, tracts and parcels of land liable to be specially assessed for benefits resulting from the improvements in the Improvement District will be substantially in excess of the cost of the improvements to be assessed against the properties as herein provided; and that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed preliminary to the issuance and sale of the improvement warrants to provide moneys to pay for the improvements have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

2. There is hereby created a special fund of the Issuer for the Fox Island Flood Control Project, designated as follows:

Fox Island Flood Control Project Fund

(the "**Fund**"). The Fund shall be held and administered by the Secretary separate and apart from all other funds of the Issuer and shall be continued and maintained as herein directed until all warrants issued thereon shall have been fully paid with interest. In such Fund there shall be maintained two separate accounts to be designated as the "Construction Account" and "Principal and Interest Account," respectively. The District shall issue a Definitive Improvement Warrant, Series 2020 in the amount of \$1,415,000 (the "**Warrant**") to finance the Fox Island Flood Control Project.

2.1. There shall be credited to the Construction Account in the Fund the proceeds of the sale of the Warrant issued against such Fund except the accrued interest and any other amounts required to be deposited into the Principal and Interest Account, and except for such amounts used to reimburse the District for prior expenditures at closing. All costs and expenses of making the improvement, including interest coming due during construction, costs of issuance and payment of temporary warrants, shall be paid from time to time as incurred and allowed from the Construction Account, upon construction account warrants signed by the Chairman and Secretary, and moneys in the Construction Account shall be used for no other purpose, provided, that if upon completion of the improvement and approval thereof by the Engineer for the Issuer, and payment of all claims and expenses in respect to the improvement, there shall remain any unexpended balance in the Construction Account, such balance shall be transferred to the Principal and Interest Account and handled and accounted for in the same manner as other moneys in that account.

2.2. There shall be credited to the Principal and Interest Account in the Fund the accrued interest on the Warrant drawn on the Fund from the date of the Warrant to the date of delivery thereof to the purchaser, the entire amount of special assessments, any revenues or general tax receipts appropriated to the Fund and any taxes to be levied with respect to that improvement as herein agreed, and any balance remaining in the Construction Account after completion of the improvement. Moneys in the Principal and Interest Account shall be used only for payment of the principal of and interest on the Warrant drawn against the Fund as such payments become due.

2.3. The Issuer covenants and agrees with the holders from time to time of the \$1,415,000 Refunding Improvement Bonds, Series 2020 (the "**Bonds**") that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "**Code**"), and regulations, amended regulations and proposed regulations issued thereunder, as now existing or as hereinafter amended or proposed and in effect at the time of such action.

2.4. Unless and until the regulations under Section 148 of the Code have been modified or amended in pertinent part, the Secretary shall ascertain monthly the amount on deposit in the Principal and Interest Account and in the Bond Fund. If the aggregate amount on deposit in the Bond Fund and in the Principal and Interest Accounts ever exceeds by more than \$100,000 the aggregate amount of principal and interest due and payable from the Bond Fund within 13 months thereafter (except for a reasonable carryover), such excess shall not be invested except at a yield less than or equal to the yield on the Bonds, based upon their amounts, maturities and interest rates on their date of issue, computed by the actuarial method.

2.5. The Issuer shall assure that (i) not in excess of ten percent (10%) of the Net Proceeds of the Warrant is used for Private Business if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Warrant during the term thereof is, under term of the Warrant or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a Private Business Use or by payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a Private Business Use; and (ii) and that, in the event that both (A) in excess of five percent (5%) of the Net Proceeds of the Warrant are used for a Private Business Use, and (B) an amount in excess of five percent (5%) of the principal or five percent (5%) of the interest due on the Warrant during the term thereof is, under the terms of the Warrant or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for Private Business Use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for Private Business Use, then the excess over five percent (5%) of Net Proceeds of the Warrant used for a Private Business Use shall be used for a Private Business Use related to the governmental use of a portion of the Project and shall not exceed the proceeds used for the governmental use of the portion of the Project to which such Private Business Use is related.

2.6. The Issuer shall assure that not in excess of the lesser of five percent (5%) of the Net Proceeds of the Warrant are used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Investments or assessments) to persons other than state or local government units.

2.7. The Issuer shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Warrant to be "federally guaranteed" within the meaning of Section 149(b) of the Code and Regulations promulgated thereunder.

2.8. The Issuer hereby designates the Warrant as a "qualified tax-exempt obligation" for purposes of paragraph (3) of Section 265(b) of the Code and covenants that the Warrant does not constitute a "private activity bond" as defined in Section 141 of the Code, and that not more than \$10,000,000 aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income taxes (excluding, however, private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code), including the Warrant, have been or shall be issued by the Issuer, including all subordinate entities of the Issuer, during the calendar year 2020.

2.9. For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements in accordance with Section 148(f)(4)(D) of the Code, the Issuer covenants that it is a governmental unit with general taxing powers; that the Bonds are not "private activity bonds" as defined in Section 141 of the Code; that ninety-five percent (95%) or more of the Net Proceeds of the Bonds are to be used for local governmental activities of the Issuer (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the Issuer); and that the aggregate face amount of the tax-exempt obligations (other than private activity bonds as defined in Section

141 of the Code) issued by the Issuer, including all subordinate entities of the Issuer, during the calendar year 2020 will not exceed \$5,000,000.

3. With respect to the Improvement District, the Issuer irrevocably covenants and agrees with all holders of the Warrant on the Fund of the Improvement District that it will perform, in accordance with law, all acts and things necessary for the valid annual levy of special assessments against properties within the Improvement District benefitted by the improvement, subject to Chapter 61-16.1, N.D.C.C., in an aggregate amount equal to the total cost of the improvement to the Issuer, except any portion, as the Issuer may determine to pay by the levy of ad valorem taxes upon all taxable property within its corporate limits. In the event that the assessment should at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the Issuer or by the Board or by any Issuer officers or employees, whether in the making of the assessment or in the performance of any condition precedent thereto, the Issuer and this Board covenant and agree that they will forthwith do all such further acts and take all further proceedings as may be required by law to make such assessment a valid and binding lien upon such lot or tract. The Issuer irrevocably agrees and covenants to continue to levy annual assessments over a period of years, subject to a reduction or extension of such period of time as may be deemed necessary by the Issuer due to collection of assessments, with the first certification and for first collection in the years, respectively, as follows, and annually thereafter:

<u>Improvement District</u>	<u>Repayment Period (Years)</u>	<u>Year Of First Levy</u>	<u>Year Of First Collection</u>
Fox Island Flood Control Project	20	2020	2021

Installments of the special assessments (and taxes, if any) from time to time remaining unpaid shall bear interest at the rate not exceeding one and one-half (1.50) percentage points above the rate on the Warrant.

4. In anticipation of the collection of special assessments, revenues and other taxes, if any, and for the purpose of borrowing money to pay the cost of the improvements, the Issuer shall issue its improvement Warrant on the Fund pursuant to Section 61-16.1-34, N.D.C.C. The Warrant shall be dated the date of issuance. The Warrant shall be in registered form and shall bear interest from date of issue until paid at the rates determined by the Term and Pricing Committee, provided the net interest cost does not exceed 3.25%, payable semiannually on each May 1 and November 1, commencing May 1, 2021. The Warrant shall not be subject to redemption or exchange except through the issuance of refunding improvement bonds in accordance with the provisions of Section 61-16.1-36, N.D.C.C. for which purpose the Warrants may be redeemed or exchanged on any date at par and accrued interest. The principal of and interest on the Warrant shall be payable at the office of the Secretary, in Bismarck, North Dakota. The Warrant drawn on the funds shall be in the principal amounts, and shall be payable on May 1 in the respective years and amounts as determined by the Term and Pricing Committee. The Chairman and Secretary (or the Vice Chairman in the absence of the Chairman), are appointed as the Term and Pricing Committee (the "**Term and Pricing Committee**"). The Term and Pricing Committee is hereby granted full power

and authority to bind the Issuer, subject to the limitations stated herein, including the authority to determine the actual principal amount of the Warrant to be issued, the stated maturity dates and amortization schedule for the Warrant, the interest rates for each maturity, the redemption dates and the purchase price for the Warrant.

The total cost of the improvements for the Improvement District, including construction, engineering, administrative, any land or easement acquisition required, and other fees and all other expenses incidental to the completion of the improvements, less grants and cost-share are estimated to be not less than as follows:

<u>Fund</u>	<u>Principal Amount</u>
Fox Island Flood Control Project	\$1,415,000
TOTAL	\$1,415,000

5. The Warrant shall be printed in substantially the form attached approved by counsel to the Issuer.

6. The Warrant shall be prepared for execution under the direction of the Secretary and shall be executed on behalf of the Issuer by the signature of the Chairman, countersigned by the Secretary. When executed, the Warrant shall be delivered by the Secretary to the purchaser thereof upon payment of the purchase price agreed upon, and the purchaser shall not be obligated to see to the application of the purchase price.

7. The Issuer shall prepare and file with the County Auditor/Treasurer of Burleigh County on or before February 1 of each year a complete statement of the condition and resources of the Bond Fund; that in February of each year the Board of County Commissioners of Burleigh County is required by Section 61-16.1-25, N.D.C.C. to review such statement and determine whether there has been or will likely occur a default in the financial obligations secured by the Bond Fund coming due in the next thirteen (13) months; and that if such a determination is made, the Board of County Commissioners shall pay from the General Fund, or levy a general property tax upon all taxable property within the County, unlimited as to rate or amount to produce an amount which will be sufficient, along with the funds in the Bond Fund to equal 100% of the principal and interest coming due on the Bonds within the next twelve (12) months.

8. With respect to the Fund, the Issuer reserves the right and privilege of refunding any Warrant drawn against the Fund which are past due, or to the redemption or exchange of which the holder thereof shall have consented, and for the payment of which Warrant moneys are not at the time available in the Fund, by issuing new warrants pursuant to the provisions of Section 61-16.1-36, N.D.C.C. Such refunding warrant shall be payable from the Fund on a parity with the Warrant theretofore issued as to interest charges, but the maturities of the refunding warrant shall be subsequent to the maturities of all Warrant payable from the Fund and then outstanding, except the Warrant so refunded. With respect to the Fund, the Issuer also reserves the right to issue additional improvement warrants for the payment of the cost of the improvement in the Improvement District, to include if the actual cost of the improvement should be greater than has

been estimated, and such additional warrants to be payable from the Fund on a parity with other warrants drawn on the Fund.

9. The officers of the Issuer and the County Auditor/Treasurer of Burleigh County are authorized and directed to prepare and furnish to the purchaser of the Warrant and to the attorneys approving the same, certified copies of all ordinances, resolutions, affidavits or other instruments relating to the establishment and construction of the improvement and the operation and maintenance thereof, and the levy of special assessments and taxes therefor and for the issuance of the improvement Warrant, which may be necessary or proper to show the validity of marketability of the Warrant, and all instruments and transcripts so furnished, constitute representations of the Issuer as to the correctness of the facts as stated or recited therein.

10. The Chairman and Secretary/Treasurer (each an “Authorized Officer”), in consultation with counsel, are hereby authorized to deliver a Certificate which cures ambiguities, defects or omissions herein, corrects, amends or supplements any provision herein, lessens the obligations of the Issuer hereunder, adds to the rights or options of the Issuer, or otherwise makes changes to the provisions hereof, which such Authorized Officer determines are in furtherance of the financing contemplated herein, which determination shall be evidenced conclusively by the execution of such certificate.

(Remainder of this page intentionally left blank.)

Dated: November 19, 2020.

BURLEIGH COUNTY
WATER RESOURCE DISTRICT

Attest:

Chairman, Water Resource Board

Secretary

The governing body of the Issuer acted on the foregoing resolution at a properly noticed meeting held in Bismarck, North Dakota, on November 19, 2020, with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____

Abstain _____



**US Army Corps
of Engineers** ®
Omaha District

**Missouri River Bank Stabilization
Garrison Dam to Lake Oahe
Survey Inspection Summary Report
October 2020**



Sunrise over the Hwy 200 bridge at Washburn, ND

River and Reservoir Engineering Section, Hydrologic Engineering Branch

1. Introduction

This document summarizes the efforts to create a GIS-based geodatabase of bank stabilization structures located on the Missouri River from Garrison Dam downstream to near the headwaters of Lake Oahe. Information is provided on the initial creation based on historic plan and aerial photos as well as the field reconnaissance to improve the database with site survey data.

1.1 Background

The Omaha District began construction of a number of bank stabilization projects in the Garrison Degradation reach in the 1970's as part of the "Section 32" program. By 1981, all these projects were complete. In the ensuing years, property owners along the river have also constructed their own private bank stabilization structures (BSS). The construction of some of these BSS has been unreported by the private landowner.

1.2 Database Creation

Using existing maps and imagery a preliminary geodatabase was created containing all known/visible BSS. Known structures are those illustrated in the historic USACE Section 32 project plans or recorded in existing databases (e.g. ORM). Visible structures were located in aerial photographs.

1.3 Field Reconnaissance

The purpose of the field reconnaissance was to fully catalog and record every known/visible BSS on the Missouri River from Garrison Dam (1960 River Mile 1390) to River Mile 1296 in Lake Oahe.

A field reconnaissance was then conducted to verify structure location and survey any additional structure not initially included within the geodatabase. The field reconnaissance was timed to coincide with lower flows so that a maximum number of structures would be visible above water. Timing in the early spring also provided ideal near-leaf-off conditions to provide maximum visibility of banks and structure.

Numerous bank protection projects exist in off-channel sites such as marinas and harbors. These structures were not physically verified during this field reconnaissance due to lack of interest in these projects for the intended purposes of the geodatabase. Time constraints and boat access during low flows also prevented access to these sites.

1.4 Final Product

The final product of this effort is a GIS-based geodatabase of bank stabilization structures that is available for use by USACE. The database was built using historic information and aerial photos. Field reconnaissance was used to locate additional structures and improve structure location accuracy. While significant effort was used to create a high quality database, the Missouri River is a challenging work environment and continuing effort to update and improve the database should be anticipated.

2. Imagery Analysis

2.1 Sources

2.1.1 LiDAR

In 2017, Omaha district contracted for LiDAR and orthometric imagery collection to be completed during low-flow, leaf-off conditions in the fall of 2017. This LiDAR set covers the entire survey area of interest. The imagery is high resolution, 6" imagery. The high quality of the imagery is shown in Figure 1 with visible individual slabs of concrete and stone that can be clearly seen.



Figure 1. Private bank protection - Right descending bank near RM1357

2.1.2 Bank Protection Status Maps “as-built” (1981)

These map books were compiled after the completion of all federal bank stabilization structures and comprise the most complete information regarding the location of the Federal Section 32 structures. These maps show the location of all the structures with the structure name and type overlaid on black and white aerial imagery. The map books also contain tabular information on each structure including type, location area, maximum structure elevation, and year completed. An example is provided in Figure 2.

The “other” feature class contains all the known \ visible BSS that were not part of the Section 32 program. These structures would include (but are not limited to) all other federal structures, state structures, and privately placed structures. Using the 2017 aerial imagery, each noticeable structure was traced and recorded into the database. In cases where information was known about the provenance of the structure, (i.e. ORM database) that information is attributed in the table.

3. Field Reconnaissance Survey

A physical reconnaissance of all structures was conducted in April 2019. The purpose of this trip was to field check the database and verify structure lengths and locations as well as locate any structures that were missed during the initial database creation.

3.1 Survey Vessel

The reconnaissance was conducted from survey vessel 417 of Omaha District (see Figure 3). Vessel 417 is a 26’ foot flat bottom “jon” boat with enclosed cabin. It is powered by twin 90 HP Mercury outboard engines. The engines can be raised via jack plates and combined with the flat bottom, the boat can be navigated into fairly shallow waters (~2 ft) if needed to obtain survey data. The cabin of the boat has sufficient windows to provide full 365 degree viewing.



Figure 3. Survey Vessel 417 during survey

3.2 Hypack® 2017

Hypack® is the navigation software of choice of hydrographic surveyors world-wide. This survey program enables real-time GPS location corrections on a variety of background images and map products. Using this program, the team was able to navigate the boat using 2017 aerial imagery overlaid with the GIS database.

3.3 Crew

The crew for the reconnaissance survey included personnel from the USACE and the North Dakota state Water Commission as follows:

- Data recorder/Team lead: Ben Ream, Hydrographic Surveyor/Engineer – USACE Omaha
- Boat Operator: Bill Williams, Hydrographic Survey Technician –USACE Omaha
- Spotter: Ashley Persinger, North Dakota State Water Commission – Sovereign Land Specialist
- Spotter: Benjamin Reile, Garrison Project - Regulatory
- Spotter: Toni Erhardt, Garrison Project - Regulatory

3.4 The Process

The field reconnaissance survey began on April 29, 2019. Ben Ream, Bill Williams, Ashley Persinger, and Benjamin Reile launched the boat at the tailrace boat ramp downstream of Garrison Dam. The team proceeded downstream and began the visible inspection to verify the previously recorded structures and adding those that were not in the database. The team finished surveying the first reach from river mile 1389 to 1319 on the first day.

On the second day of the survey, (April 30) Toni Erhardt of the Garrison Project, Regulatory team replaced Benjamin Reile. All other members of the team remained the same on the second day. The team surveyed the second reach from river mile 1319 to 1296.

The structures in the database were all field-verified, if they could be visualized from the boat. Actual end points of the rock structures were surveyed in Hypack® so later edits to the database could be made. There were several instances where the survey vessel could not get near enough to the structure to mark a survey point. In these extreme cases, where there was usually several hundred feet of land and vegetation between the boat and structure, no attempt was made to collect data on those structures.

There were several areas along the bank with rock along the water's edge that were not included in the database. The rock in these areas was not continuous nor did it look like the rock had been placed. The terrain in the Garrison Degradation reach contains glacial till and it is expected that these rocks and boulders would become exposed by normal river processes. Any privately placed rock structures (either buried refusals or an elevated windrow) that were located on top of the bank were also not included in the database. These are not considered active bank protection. There is no guarantee that the river will migrate sufficiently to launch these structures. If windrow structures are launched, it is not clear that the section will act to provide continuous bank protection that is sufficient to prevent bank erosion.

Of the Federal Section 32 structures, there are a few that could not be verified/visualized because they were underwater in the channel of the river at the time of the inspection. It is unknown whether these structures are still intact. These structures were digitized along with all the Federal structures and are included in the database. However, the precise location of these structures is not known.

4. Final Database product

The final database was created by incorporating the field inspection survey marks from Hypack that were set during the inspection into the database. Structure lengths/shape were updated with field data and any missing structures were added to the database. The vast majority (95%) of structures were found to have been already included in the initially created database. Forty-one structures were added to the database using field survey information and the location of many structures was slightly modified. The final database includes a total of 860 structures. While significant effort was used to create a high quality database, the Missouri River is a challenging work environment and continuing effort to update and improve the database should be anticipated. The electronic database resides at:

\\nwo-netapp2\CENWO-ED-H\RARE\GIS\GIS_Database\Garrison Deg\Garrison Bank Stabilization UTMFootUS Modified.gdb

An example of structure location information contained within the database is shown in Figure 4.

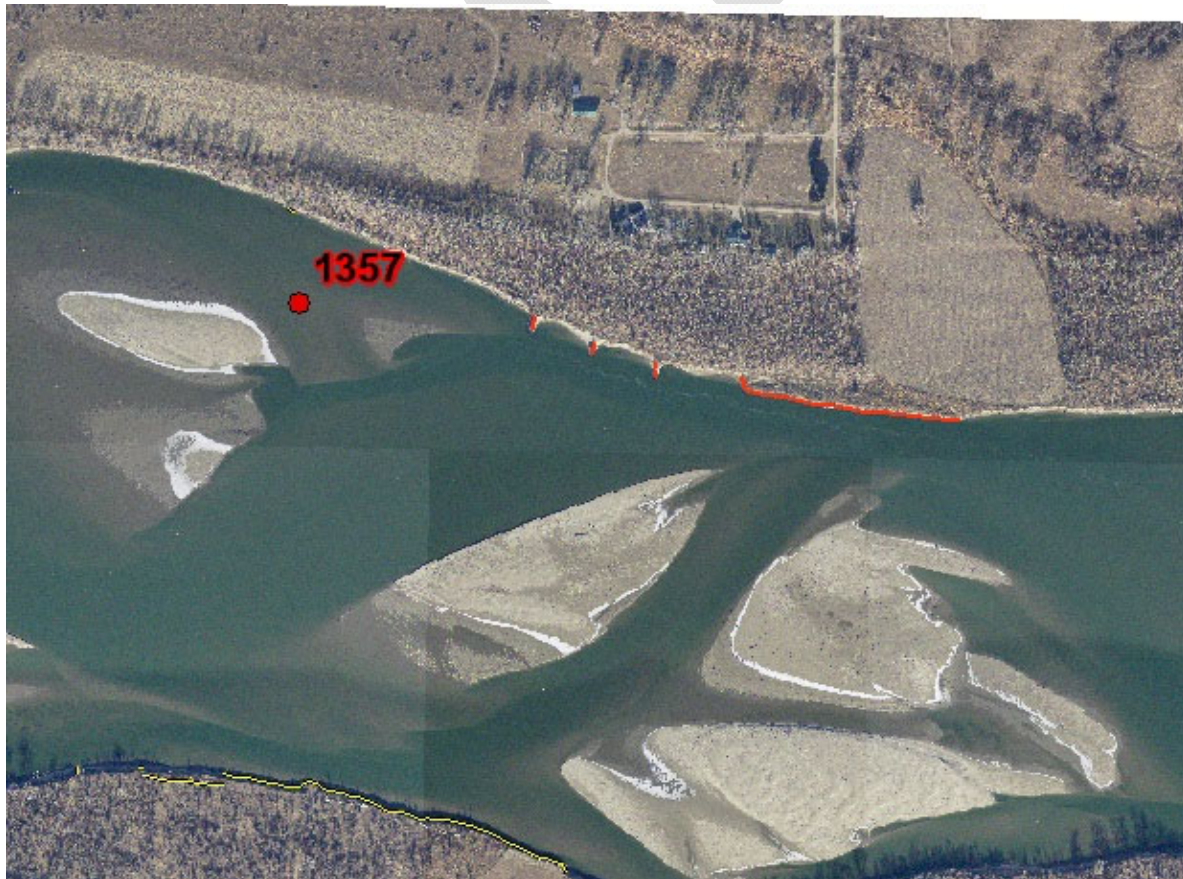


Figure 4. Database Example Near Washburn Showing Section 32 Structures (red) and Private Structures (yellow)

Permit Number - ND2020-20319

**State of North Dakota
Temporary Water Permit
SWC Project No. 1400A**

In response to an application for a temporary water permit dated 9/30/20 as received in this office 9/30/20, authority is hereby granted to:

Central Specialties Inc.
6325 Cty Rd 87 SW

Alexandria, MN 56308

Contact Person: Troy Johnson

Telephone: (320) 762-7289

A Temporary Water Permit as follows:

Source: unnamed slough

Point of Diversion: NW1/4 NW1/4 Sec. 33 Twp. 139 Rng. 078

Nature of Use: Road Construction

Total Quantity of Water: 0.900 Acre-Feet

Maximum Withdrawal Rate: 300.0 gpm

Period of authorized usage: 10/28/20 through 9/29/21

This temporary water permit does not authorize the construction of any dam or crossing. Future water use from this source for this purpose may require a conditional water permit. Temporary water permits are not a water right, are non-transferrable, cannot be modified, and water must only be used for the specified nature of use. This temporary water permit is granted subject to water use by senior appropriators. Withdrawals authorized by this temporary water permit must cease upon order of the State Engineer. Noncompliance with permit conditions may result in possible civil or criminal penalties. Development of a water project with a temporary water permit is at the permitholder's risk.

Conditions

1. Water must be withdrawn from the right of way.
2. A weather-protected copy of this temporary water permit must be present and on display at the equipment withdrawing water at all times.

Dated: 10/28/20

cc: Burleigh WRD

John Paczkowski, P.E.
Interim State Engineer
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505



Hydrologist Manager
Water Appropriation Division

Permit Number - ND2020-20319

**State of North Dakota
Temporary Water Permit
SWC Project No. 1400A**

3. The permitholder must complete every enclosed Annual Water Use Report, even if no water is withdrawn based on the following:
 - a. For temporary water permits that are inclusive to one (1) calendar year:
 - i. One (1) Annual Water Use Report must be submitted to the Office of the State Engineer within thirty (30) days after the expiration date of the permit.
 - b. For temporary water permits that span two (2) calendar years:
 - i. The first Annual Water Use Report must be submitted to the Office of the State Engineer within thirty (30) days after the close of the first calendar year, which must report the total water withdrawn in the first calendar year, and
 - ii. The second Annual Water Use Report must be submitted to the Office of the State Engineer within thirty (30) days after the expiration date of the permit, which must report the total water withdrawn in the second calendar year.
4. Any works associated with this temporary water permit are subject to inspection at any time by representatives of the Office of the State Engineer. Refusal to allow inspection is grounds for temporary water permit cancellation.
5. Failure to comply with any order of the State Engineer may result in temporary water permit forfeiture.

Dated: 10/28/20

cc: Burleigh WRD

John Paczkowski, P.E.
Interim State Engineer
ND State Water Commission
900 East Boulevard
Bismarck, ND 58505



Hydrologist Manager
Water Appropriation Division

November 2020 Bills

Name	Project	Invoice	Amount
Bliss Law Firm		144	\$1,000.00
Houston Engineering	Sibley Island	51223	\$1,045.00
Houston Engineering	General Engineering services	51224	\$1,572.00
Houston Engineering	McDowell Dam Heritage Fund Grant	51222	\$7,055.50
xtra Office, Inc DBA PMS	Admin, Bookkeeping, Supplies	6490	\$2,420.82
Fronteer Payroll Services	2020 3rd Quarter payroll & reports	1510	\$275.00
	Subtotal - regular bills		\$13,368.32
Fox Island Bills			
Name	Project	Invoice	Amount
Bliss Law Firm	Fox Island	144	\$890.80
Houston Engineering	Fox Island O&M	51226	\$1,947.00
Houston Engineering	Fox Island Special Assessment Projects	51227	\$4,583.70
Houston Engineering	Fox Island Special Assessment Projects	51228	\$2,175.00
	Subtotal - Fox Island Bills		\$9,596.50
Total Bills	\$22,964.82		

Bliss Law Firm, LLC
400 East Broadway, Suite 308
Bismarck, ND 58501

Burleigh County Water Resource District
1926 Frontier Dr., Suite B
Bismarck, ND 58504

November 2, 2020

Invoice #144

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
10/5/2020 (910H) Follow-up telephone call from to Mike Gunsch with regard to Fox Island change orders.	0.30 262.00/hr	78.60
10/14/2020 (910H) Post-meeting review of Fox Island assessment documents; follow-up telephone call to Mike Gunsch with regard to the same.	0.50 262.00/hr	131.00
10/20/2020 (910H) Receipt and review of numerous Fox Island landowner comments with regard to final assessment and certification; follow-up telephone calls to/from Mike Gunsch, Manager Landenberger, discuss the same.	0.90 262.00/hr	235.80
10/21/2020 (312) Prepare for Board meeting; attend Board meeting.	0.50	1,000.00
10/22/2020 (910H) Receipt and review of Fox Island correspondence from Board members, Mike Gunsch as to Fox Island landowner communications; follow-up telephone call to Mike Gunsch with regard to the same.	0.50 262.00/hr	131.00
10/23/2020 (910H) Receipt and review of final certification of assessment, notice of publication; legal research with regard to publication requirements of resolution and assessment; reply to Mike Gunsch, Board members.	0.80 262.00/hr	209.60
10/29/2020 (910H) Telephone calls from/to Mike Gunsch with regard to Fox Island bond obligation calculations.	0.40 262.00/hr	104.80
For professional services rendered	3.90	\$1,890.80
Previous balance		\$2,179.00
Accounts receivable transactions		
10/14/2020 Payment - Thank You. Check No. 1873		(\$2,179.00)

	<u>Amount</u>
Total payments and adjustments	<u>(\$2,179.00)</u>
Balance due	<u><u>\$1,890.80</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.

November 2020 Bills

Bliss Law Firm breakdown:	
11/02/2020 October 2020 Invoice #144	
General	
	\$ 1,000.00
Miss. River Revetments	
Office Supp.	
Total	\$ 1,000.00
Fox Island	\$ 78.60
	\$ 131.00
	\$ 235.80
	\$ 131.00
	\$ 209.60
	\$ 104.80
Fox Island Total	\$ 890.80
Grand Total	\$ 1,890.80

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
1926 Frontier Drive, Suite B
Bismarck, ND 58504

November 16, 2020

Invoice No: 0051222

Due Date: December 16, 2020

Project R081032-0104 McDowell Dam Heritage Fund Grant

See attached Project Status Report and Invoice Description.

Professional Services from September 27, 2020 to November 7, 2020

Phase 002 Heritage Fund Grant Application

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	2.75	208.00	572.00	
Project Engineer	29.00	173.00	5,017.00	
Engineer II	1.50	138.00	207.00	
Engineer I	3.00	125.00	375.00	
Landscape Architect	3.00	133.00	399.00	
Totals	39.25		6,570.00	
Total Labor				6,570.00
Total this Phase				\$6,570.00

Phase 003 Design, Plans and Specifications

Professional Personnel

	Hours	Rate	Amount	
Project Engineer	.50	173.00	86.50	
Landscape Architect	3.00	133.00	399.00	
Totals	3.50		485.50	
Total Labor				485.50
Total this Phase				\$485.50
Total this Invoice				\$7,055.50



Houston Engineering Inc.

Project Status and Invoice Description

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

HEI Project No.:	1032-104: McDowell Dam Recreation Area
BCWRD Account No.	905
Project Name:	McDowell Dam Recreation Area – ND Heritage Fund Grant Application

Billing Period: *September 27, 2020 through November 7, 2020*

Professional engineering and surveying services related to the application for a Heritage Fund Grant Application to protect the McDowell Dam Trail System including, but not limited to the following:

- Create PowerPoint for grant committee presentation
- Evaluate presentation and respond to Committee inquiry
- Communication with State Forester on tree species and distribution along the trail
- Prepare a landscape plan for the tree planting options – design approach
- Coordination with Bismarck Parks and Rec on in-kind work items
- Presentation to the OHG Committee with Board Manager
- Follow up on grant recommendation

Comments:

- The project was recommended for funding by the Outdoor Heritage Fund Committee. Once notice is provided then final design and bidding can proceed.
- Construction would occur in the spring of 2021, potential bidding in February.
- Need to assure tree watering in project specifications, as the recent drought has been hard on other plantings at McDowell.

See accompanying invoice and cost summary for personnel cost breakdown.

Total Invoice \$ 7,055.50

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
1926 Frontier Drive, Suite B
Bismarck, ND 58504

November 16, 2020

Invoice No: 0051223

Due Date: December 16, 2020

Project R126025-0014 Sibley Island Flood Control Project FHMP

Work Order #18

See attached Project Status Report and Invoice Description.

Professional Services from September 27, 2020 to November 7, 2020

Phase 101 Preliminary Design

Professional Personnel

	Hours	Rate	Amount	
Project Manager	5.50	190.00	1,045.00	
Totals	5.50		1,045.00	
Total Labor				1,045.00
Total this Phase				\$1,045.00
Total this Invoice				\$1,045.00



Houston Engineering 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: *September 27, 2020 through November 7, 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

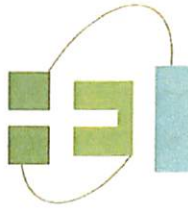
- Continued development of the report document – *see comment below on scope and budget.*
- On-going discussions with the USACE regarding geotechnical exploration

Comments and Issues:

- The Apple Creek flood insurance mapping has impacted project alignment along the Township roadways and those areas in the special assessment district. It was anticipated preliminary mapping would be available in July 2020, this has not yet occurred. This process was delayed by FEMA/NDSWC to address to unrelated mapping requirements in Burleigh County. Timeline for this release is unknown.
- The project realignment has resulted in increased costs to complete the preliminary design and engineering report, as the previously anticipated township roadway work has required consideration of more earthen levee option. This shifts the scope of services from the BCHD back to the BCWRD as part of the revised design features. Therefore, the BCWRD budget will need to be increased to accommodate that change. These costs may be offset in part by eliminating the Apple Creek modeling, but the extent remains to be determined. This does not influence the State Water Commission Cost Share submittal only who pays for these services.
- Covid and staffing related issues have affected progress on this effort.

Phase 101 – Preliminary Design	\$ 1,045.00
Total Invoice	\$ 1,045.00

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
1926 Frontier Drive, Suite B
Bismarck, ND 58504

November 16, 2020

Invoice No: 0051224

Due Date: December 16, 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 September 27, 2020 to November 7, 2020

Phase 000 Burleigh Co. WRD - General

Monthly Lump Sum Amount

Fee 1,000.00

Total this Phase \$1,000.00

Phase 007 General Services - Hourly

Professional Personnel

	Hours	Rate	Amount
Sr Project Manager	2.75	208.00	572.00
Totals	2.75		572.00
Total Labor			572.00

Total this Phase \$572.00

Total this Invoice \$1,572.00



Houston Engineering 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: *September 27, 2020 through November 7, 2020*

Professional engineering administrative services related to routine monthly 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:

- **October Meeting**
- Meeting preparation and discussion
- Review of minutes and agenda updates
- Various BCWRD issues, contacts and calls
- **Additional Services – Related to project accounting and secretarial transition**

Comments:

- This invoice is only for Board meeting related time along with limited small contact and coordination items that are not project related. In accordance with Board direction, all costs associated with drainage complaints, stormwater plan review, and other project related activities are invoiced to assigned project numbers.
- Additional Services on this invoice were requested to assist in looking at project accounting, which will require a review of the various projects for both O&M, Bond and related accounts.

General Services	\$1,000.00
<u>Additional Services</u>	<u>572.00</u>
Total Invoice	\$1,572.00

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
1926 Frontier Drive, Suite B
Bismarck, ND 58504

November 16, 2020

Invoice No: 0051226

Due Date: December 16, 2020

Project R006025-0027 Fox Island Flood Control - O&M

BCWRD Account No.: 937 - Special Assessment Projects

See attached Project Status Report and Invoice Description.

Professional Services from June 21, 2020 to November 7, 2020

Phase 002 2020 O & M Services

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	3.00	208.00	624.00	
Project Engineer	6.50	173.00	1,124.50	
Engineer I	.50	125.00	62.50	
Technician II	1.00	112.00	112.00	
Totals	11.00		1,923.00	
Total Labor				1,923.00

Reimbursable Expenses

Reproductions	24.00	
Total Reimbursables	24.00	24.00

Total this Phase \$1,947.00

Total this Invoice \$1,947.00



HoustonEngineering Inc.

Project Status and Invoice Description

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

HEI Project No.:	6025-0027
BCWRD Account No.	937 – Special Assessment Projects
Project Name:	Fox Island Flood Control – O&M Services

Billing Period: *June 21, 2020 through November 7, 2020*

Professional engineering services associated with the Operation and Maintenance of the Fox Island Flood Control Project, including primarily 2019 surface and groundwater removals due to excessive fall precipitation.

Tasks Completed:

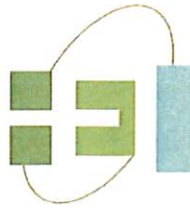
- Continued work on the O&M Manual – Easement review and appendices documents
- Various site activities associated with warranty services following construction
 - Tree Replacement
 - Topsoil issue and over seeding completion – select location
 - Landowner inquiries
- North Dakota Health Department – Annual renewal of discharge permit

Comments and Issues:

- These services will continue until the O&M Manual is completed. Then going into 2021 the services will shift to field and potential warranty issues, if any, along with coordination with the BCHD regarding their assuming normal O&M activities.

Phase (002) 2019 O&M Services	\$ 1,947.00
Total Invoice	\$ 1,947.00

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
1926 Frontier Drive, Suite B
Bismarck, ND 58504

November 16, 2020

Invoice No: 0051227

Due Date: December 16, 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 June 21, 2020 to November 7, 2020

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

Professional Personnel

	Hours	Rate	Amount	
Project Engineer	8.00	173.00	1,384.00	
Totals	8.00		1,384.00	
Total Labor				1,384.00
		Total this Task		\$1,384.00
		Total this Phase		\$1,384.00

Phase	430	CMS - Construction Surveying
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Professional Personnel

	Hours	Rate	Amount	
Technician II	4.00	112.00	448.00	
Totals	4.00		448.00	
Total Labor				448.00

Unit Billing

(BSK) Mileage - Survey/Inspection	40.0 Miles @ 0.78	31.20	
(BSK) GPS Equipment Unit Hours	1.5 Hours @ 25.00	37.50	
Total Units		68.70	68.70
	Total this Phase		\$516.70

Phase	440	CMS - Project Closeout
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Task	001	Final Inspection
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Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	4.25	208.00	884.00	

Project	R106025-0006	Fox Island Flood Control	Invoice		0051227
Project Engineer		5.50	173.00	951.50	
	Totals	9.75		1,835.50	
	Total Labor				1,835.50
Total this Task					\$1,835.50

Task	003	Record Drawings			
Professional Personnel					
		Hours	Rate	Amount	
Project Engineer		4.50	173.00	778.50	
Engineer II		.50	138.00	69.00	
	Totals	5.00		847.50	
	Total Labor				847.50
Total this Task					\$847.50
Total this Phase					\$2,683.00
Total this Invoice					\$4,583.70



Houston Engineering 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: *August 23, 2020 through November 7, 2020*

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

Tasks Completed:

- Construction Management Services
 - Topsoil, over seeding and check on structure elevation
 - Final field inspection
- Letter to Lincoln Oakes Nursery – Notice of O&M Obligations
- Final NIC pay request to close out the project
- Final updates to the record drawings based on final survey/observation

Comments and Issues:

- Lincoln Oakes irrigation line abandonment not completed
- Bond Sale – Pending (November-December)
- O&M Manual revisions continue under a separate invoice

Phase (410) CMS - Construction Contract Administration	\$ 1,384.00
Phase (430) CMS - Construction Survey	\$ 516.70
Phase (440) CMS - Project Close Out	\$ 2,683.00
Total Invoice	\$ 4,583.70

See accompanying invoice for personnel cost breakdown.

INVOICE**Houston Engineering 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
1926 Frontier Drive, Suite B
Bismarck, ND 58504

November 16, 2020

Invoice No: 0051228

Due Date: December 16, 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 September 27, 2020 to November 7, 2020

Phase 997 Board Administration Activities

Professional Personnel

	Hours	Rate	Amount	
Sr Project Manager	7.00	208.00	1,456.00	
Project Engineer	3.00	173.00	519.00	
Administrative Assistant	2.50	80.00	200.00	
Totals	12.50		2,175.00	
Total Labor				2,175.00
		Total this Phase		\$2,175.00
		Total this Invoice		\$2,175.00



Houston Engineering 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: *September 27, 2020 through November 7, 2020*

Professional engineering services associated with evaluating and segregating engineering and legal administrative expenses and assigning costs to selected categories after consideration the expense and purpose for which it occurred on the Fox Island Flood Control Project. These services continue as part of the close out process and final assessment activities. In addition, services are charge to this phase for Board Administrative expenses not related to construction activities associated with the project.

Tasks Completed – Phase 997:

- Letter to the special assessment district residents regarding final costs and included the letter to County Auditor and board action on assessments.
- Research Board project records for data request by Bond Council
- Review of Bond Council documents and providing data to complete related to board funds from accounting report.
- Landowner inquiry on a residence that was sold during the construction process.

Comments and Issues:

- **These costs are separate and are not to be charged to the Fox Island Assessment district as they are determined to be a general function of the board.**

Phase (997) Board Administrative Activities	\$ 2,175.00
Total Invoice	\$ 2,175.00

See accompanying invoice for personnel cost breakdown.



Frontier Payroll Services Inc
4007 State Street, Ste 20 P.O. Box 1315
Bismarck, ND 58502-

Date: October 21, 2020
Invoice #: 0000001510
Terms: Net

Burleigh Co. Water Resource District
1720 Burnt Boat Dr Ste 205
Bismarck, ND 58503-

Total Due: \$275.00

Detach And Return With Payment

Frontier Payroll Services Inc 4007 State Street, Ste 20 P.O. Box 1315, Bismarck, ND 58502-

Description	Amount	Total
3rd Quarter 2020 Payroll Processing	\$125.00	\$125.00
3rd Quarter Payroll Report Processing	\$150.00	\$150.00
Total:		\$275.00

Thank you for your business!

1926 Frontier Drive, Suite B
Bismarck, ND 58504

Date	Invoice #
10/31/2020	6490

Bill To
BCWRD

[illegible]