

Barnes County Water Resource District
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December 14, 2010

Minutes

Present: Chairman McMillan, Board members: Pat Hurley and Don Johnson

Also present: John Froelich, Duane Lettenmier, Sean Fredricks, Mike Opat, Mark Sellin, Patrick Hockett and Joel Lyons

The meeting was called to order by Chairman, Jeff McMillan.

Chairman McMillan announced a change in the agenda order.

Joel Lyons, USDA Wildlife Management Program, addressed the board in regards to the projected deficits in the next Biennium. According to Lyons, the projected deficit for the 2011-2013 Biennium is \$348,000.00. If the cooperative program is not fully funded, Wildlife Services will permanently furlough four (4) of the nine (9) full-time Field Specialists. This furlough would eliminate delivery of service (beaver and predator damage management) to 28 of North Dakota's counties. Mr. Lyons requested the support of the District during this Legislative session to secure adequate funding for the program. In 2010, Barnes County utilized this program thirteen (13) times for beaver control and eight (8) times for predator control. The Board recognized the need for these services and will support the Wildlife Management program at the Legislative level, currently the District does not have additional funding to contribute to the cause.

Sean Fredricks, attorney for the District, informed the board members that the the grant anticipation bond for the Clausen Springs Auxiliary Spillway repair project will be handled by Doherty & Company. This \$1.8 million Grant Anticipation bond will be at an interest rate of no more than 2.8%. The Secretary is to set up a separate account with funding moneys from the North Dakota State Water Commission (NDSWC), North Dakota Game and Fish (NDG&F) and the Red River Joint Water Resource District (RRJWRD). Hurley moved to accept the resolution to purchase the Grant Anticipation Bond, seconded by Johnson. Chairman McMillan called for

a roll call vote. The result of the roll call vote is as follows: Hurley-yes; Johnson-yes; and McMillan-yes. The motion carried.

Clausen Springs Auxiliary Spillway Improvement Change order for additional drain tile was reviewed. This will be at an additional cost of \$42,567.00. The drain tile was necessary to divert spring water from the project site.

Clausen Springs Auxiliary Spillway Improvement project suspension request from Sellin Brothers was again reviewed. Sellin Brothers claims that they are requesting to suspend the project due to weather related product quality and safety concerns. There is no provision in the contract requiring the District to suspend the project until spring. Sellin brothers acknowledged that they agreed to the terms of the contract that specifically gave completion dates. Sean Fredricks advised the board that indemnities for damages are the responsibility of the contractor and that the District is held harmless if Phase One is not completed by December 17th. If the Board should decide to suspend the project until spring, the contract would be compromised. Johnson moved to table the suspension request until the next meeting, seconded by Hurley the motion carried. Concerns over flood protection were again discussed. Mike Opat, Engineer for the District, recommended that the entire span of Phase One be armored in the event that the auxiliary spillway needs to be utilized in the spring of 2011. Sellin Brothers was not in favor of this. Mark Sellin, President of Sellin Brothers, promised to be onsite in early spring and that his company would be there in the event of spring flooding. Mr. Sellin had other suggestions for protecting the spillway and requested that he be able to submit them to the Engineer for review and possible consideration.

Project partial payment No. 1 was reviewed. The total amount for work to date is \$374,398.27 less the standard 10% retaining (437,439.83) for a total of \$336,958.44. Hurley moved to withhold an additional \$150,000.00 and to authorize a total payment of \$186,958.44. Johnson seconded the motion; Chairman McMillan called for a roll call vote. The results of the roll call vote are as follows: Hurley-yes; Johnson-yes; McMillan-yes, the motion carried. Sellin Brothers requested payment for the articulating block that was purchased and is stored off site in St. Cloud, Minnesota. Hurley moved to deny the request, Johnson seconded. The motion carried.

Mike Opat updated the Board on the progress of the Emergency Action Plan (EAP) for the Clausen Springs Dam. The board originally authorized Moore Engineering to complete and EAP for the dam in 2009. This was put on hold after the auxiliary spillway was severely eroded during the spring 2009 flood. Hurley moved to revise the EAP proposal and to submit it to the State Water Commission for approval, seconded by Johnson. The motion carried. Cost share funding was secured in 2009 for this project from the SWC and the RRJWRD. Engineering costs

are estimated to total \$10,000.00 less \$9,000.00 in cost share funds for a total cost to the District of \$1,000.00. The board can expect to have this proposal in mid February.

Discussion was held regarding payment for engineering service for the Clausen Springs Emergency Spillway repair. Hurley moved to pay Moore Engineering a total of \$155,006.52 contingent on the bond funding being in place, Johnson seconded the motion. Chairman McMillan called for a roll call vote. The results are as follows: Hurley-yes; Johnson-yes; McMillan-yes, the motion carried.

Johnson moved to approve the minutes of the November meeting, seconded by Hurley. The motion carried.

Hurley moved to approve the Revenue & Expenditure Reports, Johnson seconded the motion. The motion carried.

Hurley moved to pay bills as presented by the Secretary, seconded by Johnson. The motion carried.

Hurley reported on the John Bury complaint in Getchell Township. Bill Cruff raised the road late this fall. Hurley notified Bury, and Bury stated that he was satisfied.

Hurley reported that Scott Cummings cleaned Thordenskjold Drain from the culvert at Ussatis's driveway approximately 500 feet south and then in a number of high spots that were identified. Cleaning of the drain will continue next year.

Chairman McMillan reported that the Eckelson Lake natural water course cleanout is on hold until the contractor can get on site.

Chairman McMillan presented outgoing Board Member Don Johnson with a plaque in appreciation of 8 years of service. Duane Lettenmier of Sanborn was appointed by the County Commissioners and will begin his service to the District in January 2011.

Being no further business, Hurley moved to adjourn, seconded by Johnson. The motion carried.

Respectfully submitted,

Jamie Smith, Secretary
Barnes County Water Resource District