

Barnes County Water Resource District

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02/14/2011

Minutes

Present: Chairman, Jeff McMillan
Board member, Pat Hurley

Absent: Duane Lettenmier

Also present: Shelly Nelson-BC Soil Conservation, Mike Opat- Moore Engineering, Commissioner John Froelich, Commissioner Eldred Knutson, Kerry Johnson- BC Highway Department, Randy McClafin- BC Sheriff, Brad Knutson- Kathryn Fire Department, Paul Fischer- City of Kathryn, Bev Anderson -BC Parks manager.

The meeting was called to order by Chairman McMillan. Board member Hurley moved to approve the Revenue & Expenditure reports. McMillan seconded the motion. The motion carried. Hurley moved to approve the minutes of the January meeting, McMillan seconded, the motion carried.

Mike Opat, Moore engineering gave a report on the Clausen Springs Auxiliary repair project.

Sellin Brothers Inc.'s lawyer sent a letter disagreeing with the Boards finding that Sellin Brothers had defaulted or that they have otherwise not performed in accordance with the contract for repair work at the dam. Phase 1 is not complete as to date. The contractual date of completion was December 17th, 2010. The Board requested that Sean Fredricks send a response to this letter. Mike informed the Board that the letter was sent today. The Board continues to find Sellin Brothers in default. Mike informed the Board that Sellin had again sent a proposal for protection of Phase 1 of the repair project. This proposal includes a clause stating that payment for work will be based on SBI Equipment Rental Rates, and charges for all materials plus 15% as well a requirement that BCWRD and SBI enter into a formal agreement

(Change Order) documenting all conditions under a change order contract. This was found unacceptable. Mike was instructed to send a notice of denial of this proposal.

The snow/water ratio was discussed. Mike presented the Board with a map that indicated that there is currently 4- 5" of water in the snow pack. This is just under last year's 5-6" of water. Although this is promising the Board is still going to monitor the snow/water ratio and begin plans for the possibility of spring flooding, especially at the Clausen Springs Dam. Mike will continue monitoring will continue to monitor these reports. The State Water Commission will again be placing a gauge near the Dam to monitor water levels. Mike noted that the next month's precipitation would be a key factor in flooding. He also advised the Board that it would take approximately 3 weeks to complete any emergency protection of the spillway and that the Board should plan accordingly. Hurley will be contacting Star Enterprise/Stata Corp. to see if they would be willing to dedicate a supply of material for Phase 1 protection and if they would be available to complete the work if necessary. Discussion was held on the need for bids. Bids are not necessary if an emergency is declared. If we advertise for bids we may be under a contract to do the work even if it is unnecessary.

Wade Bruns had sent a letter questioning the BCWRD NRCS requirements for Drain Tile. Brent Gustufson from the NRCS was not able to attend the meeting. The Board decided to table this until Brent could be present. Discussion was held on upcoming legislation regarding drain tile. With the new proposals for drain tile legislation, these requirements will not be required. This will be addressed again at the March regular meeting.

Discussion held on the condition of a dam located in the NE ¼ of the SW ¼ of Section 27, Valley Township, otherwise known as Lakeshore acres. It was reported that the spillway that is located on the west side of the lake and that it is in poor condition. The Secretary was instructed to verify if this Dam has been permitted, and to gather any other information that might be available.

Hurley will attend the Upper Sheyenne River meeting in Carrington on February 17th. Commissioner Froelich announced that the Barnes County Commission will be requesting a comprehensive water management plan.

Hurley moved to approve bills submitted for payment. McMillan seconded. A Roll call vote was taken with the following results; Hurley-yes, McMillan-yes. The motion carried.

Hurley moved to recess the meeting until 10:00 AM. McMillan seconded the motion, the motion carried.

Chairman McMillan called the meeting to reconvene.

Mike Opat presented a rough draft of the Clausen Springs Dam Emergency Action Plan. This plan is required by the State Water Commission for all Class 5 dams in the state. Mike went through each page of the rough draft and asked for any additions and corrections. Following the review Mike stated that the official plan should be complete and ready for distribution in roughly one month. This plan will be given to: The Barnes County Water Resource District, Moore Engineering, Kathryn Fire Department, Barnes County Sheriff, Barnes County Emergency Management, Barnes County Highway Department, North Dakota State Water Commission and North Dakota Game and Fish.

Being no further business, Hurley moved to adjourn. McMillan seconded the motion. The motion carried. The next regular meeting will be held on March 14th, 2011.

Respectfully Submitted,

Jamie Smith, Secretary