

Barnes County Water Resource District

PO Box 306

Valley City, ND. 58461

701-845-8508

Minutes

05/09/11

Present: Jeff McMillan, Duane Lettenmaier and Pat Hurley

Also present: See attached list

Board member, Pat Hurley moved to approve the minutes of the April meeting. Board member, Duane Lettenmaier, seconded the motion. The motion carried.

Hurley moved to approve the Revenue and Expenditure reports. Lettenmaier seconded the motion. The motion carried.

Bob Koeplin of the North Country Trail Association, was present to discuss easements for the use of the Clausen Springs Dam. Mr. Koeplin informed the Board that the Trail Association had signed agreements with the North Dakota Game and Fish Department, allowing them to utilize the top of the dam as a portion of their trail. Hurley reminded Mr. Koeplin that the Dam was not owned by the North Dakota Game and Fish but by the Barnes County Water Resource District. Easements for use would have to be obtained from the District prior to further use. Hurley then noted that since the auxiliary spillway is currently under construction and not safe for hiking that the North Country Trail Association cease use immediately. All parties agreed to revisit this subject once construction is completed.

Three Drain Tile Applications for Wade Bruns were reviewed. It was the consensus of the Board that a letter from NRCS was still needed. The Secretary will contact the NRCS and request a letter stating that the NRCS would hold Mr. Bruns accountable for any Swampbuster violations and that if there were violations that the drain tile would be either removed or plugged. Hurley moved to table the drain tile application until the June meeting. Duane seconded the motion. The motion carried.

Jody Jacobson, Dave Lokken and Barry Borg were in attendance regarding water levels at Hobart Lake. The lake is currently trickling out. Discussion was held on finding a permanent solution/outlet. A discussion was held on financing. Pat moved to hire Kadramas, Lee and Jackson to survey three outlet options. Those options are; 1) through Bartz's land 2) thru Millers land and 3) thru the elevators. Duane seconded the motion. The motion carried. Ultimately the Board would like to find the path of least resistance.

A large number of people were in attendance in regards to culverts under State Highway #1 south of the city of Rogers. Eckelson Lake is discharging at its natural outlet. This water flows north easterly and passes through State Highway # 1. The current culvert sizing is not accommodating the flows and causing water to back up for miles. The District requested that the State DOT do a Hydrologic study to determine the current stream standard. John Thompson, District Engineer stated that a analysis had been done and that the study suggested the installation of three (3) 54" culverts. Mr. Thompson requested that a letter be written requesting a culvert resizing for that location. This letter should include verbiage that indicates a good cause for the resizing. The Board will also request immediate action. Copies of complaints will be attached to the request. The Secretary was also instructed to request a letter of support for larger culverts from the BNSF Rail Road.

Discussion was held on a ditch block located along State #1 by the Stewart-Anderson Drain. A request to do work in the State right of way has been made.

Meadow Lake is now inundating County Road 7 south along with many township roads. Pat has requested a coast estimate from Kadrmas, Lee & Jackson for a outlet survey and design. He has not yet received the estimate. Discussion was held on the possibility of obtaining a copy of the previous study and plans. The District office does not have a copy of this. Shelly Nelson, Soil and Water Conservation District officer, suggested that she may know who does have a copy. Shelly gave the Board a name. Pat will check with this person to see if it can be acquired. Discussion was held on the May Stutsman County Water Resource Meeting. Pat and Duane attended this meeting to request easements to allow water from Meadow Lake to flow west into Stutsman County. Stutsman County requested that a plan be presented prior to their approval of any flow easements.

Jack Olson, Sandia Township, was present to discuss issues with the Stoney Slough USFWS refuge. He was checking on the status of his complaint. Pat informed Jack that the State Water Commission was out to look at his issue. Pat will contact the State and check on the status of this complaint. Duane recommended that Jack should contact the North Dakota Agriculture Mediation Service for legal assistance. Duane will provide him with the number.

Three drainage complaints were reviewed. The following complaints were received;

- 1) T142N R57W, NE ¼ of Section 8 (Grand Prairie Township)
- 2) T138N R61W, NW ¼ of Section 26 (Meadow Lake Township)
- 3) T138N R61W, Section 35 (Meadow Lake Township)

Two Board members will investigate each site and make a report to the full Board at the June meeting.

Wilford Kunze contacted Chairman McMillan in regards to Griggs County drainage. Mr. Kunze will be attending the Griggs County meeting this week. Hurley will contact Mr. Kunze and attend the meeting with him.

A brief discussion was held on the Clausen Spring dam project. The Board will hold a executive meeting in West Fargo at Moore Engineering. Discussion was held on the progress of the project and unresolved issues with the contractor, Sellin Brother's Inc. Hurley moved to suspend the Clausen Springs Auxiliary Spillway project until May 19th, 2011 in accordance with Section 15.01(A) of the General Conditions of the Contract between the Barnes County Water Resource District and Sellin Brothers, Inc., until further notice; and to direct Ohnstad Twichell to notify Sellin Brothers, Inc., of the suspension until May 19th. Lettenmaier seconded the motion. Chairman McMillan called for a roll call vote. The results are as follows; Hurely-yes, Lettenmaier-yes, McMillan-yes. The motion carried. Discussion was held on the claim that was submitted due to Sellin defaulting on the Phase 1 portion of the project. A claim of approximately \$182,000.00 was submitted for cost incurred by the default. Hurely noted that there would certainly be additional expenses such as removal of emergency work, road reapirs etc. Discussion was held. Hurley moved to direct Moore Engineering to prepare a Change Order to reduce the Contract Price in accordance with Section 13.09 of the General Conditions of the Contract by the amount of all costs, losses, and damages incurred by the Barnes County Water Resource District in remedying Sellin Brothers, Inc.'s defaults, including construction of emergency repairs; and to direct Moore Engineering to present the Change Order to Sellin Brothers, Inc., for their consideration and response in advance of the Board's meeting on Tuesday, May 10. Lettenmaier seconded the motion. Chairman McMillan called for a roll call vote. The results are as follows; Hurley-yes, Lettenmaier-yes, McMillan-yes. The motion carried.

Chairman McMillan reported that Sanborn Lake is now discharging through its natural outlet. This outlet is to the NW. The board has been working with BNSF railroad for a possible outlet solution.

Hurley reported that he completed an inspection of the Binghampton/CP Railroad culvert just south of the City of Fingal. He felt that the culvert sizing was sufficient since the water has passed through with minimal damage.

Discussion was held on pump repairs. Duane moved to purchase new tires for the pump. Hurley seconded the motion. Chairman McMillan called for a roll call vote. The results are as follows; Hurley-yes, Lettenmaier-yes, McMillan-yes. The motion carried. The Secretary was instructed to line up the repairs.

Hurley was contacted by Shawn Wittenberg of Noltimier Township in regard to the culvert on Lila Olsons land in Section 18. Shawn would like to see a larger culvert installed to manage water levels. Hurley informed Mr. Wittenberg that there was an agreement in place and that the resizing of the culvert would have to be agreed upon by all parties.

A solicitation of view was requested by the Stae of North Dakota for the following projects; North Dakota Game & Fish- boat ramp construction on the Sheyenne River, and Advanced Engineering- installation of a perforated PVC pipe in the Sheyenne River for use as a diffuser at new outfalls relating to the Valley City Membrane Water Treatment Plant Project. The Board reviewed both project applications and documentation. It was the consensus of the Board that there were no adverse effects to Barnes County with either of the applications.

Notice was received from the North Dakota State Water Commission that they had approved three (3) emergency dike applications for Barnes County. Those applications were for; City of Valley City, Columbia Grain and Jody Jacobson both in Hobart Township.

Being no further business, Lettenmaier moved to adjourn. Hurley seconded the motion. The motion carried.

Respectfully submitted,

Jamie Smith, Secretary