

Barnes County Water Resource District
PO Box 306
Valley City, ND. 58072
701-845-8508

Minutes of meeting
11/14/2011

Barnes County Highway Department Conference

Present: Chairman- Jeff McMillan, Manager Pat Hurley and Manager Duane Lettenmaier

Also present: See attached list

The meeting was called to order at 9:00 AM by Chairman McMillan.

Manager Hurley moved and Manager Lettenmaier seconded to approve the minutes of the October meeting with corrections. All were in favor. The motion carried. Hurley moved and Lettenmaier seconded, to approve the Revenue and Expenditure Reports. All were in favor. The motion carried.

Old Business:

A possible outlet for Hobart Lake was discussed. Mike Opat, Engineer for the District was present. He showed the board a third possible outlet alignment. Gavillon Grain had concerns with two of the previous outlet alignments running underground through the north side of their already existing elevator complex. Their main concern was that this may hinder any further expansion plans that they might have. There was a heated discussion regarding the third alignment option. Gavillon Grain stated that they would possibly favor an outlet alignment that ran just north of their existing grain bunker. This alignment would have to run through the Jason Sjostrom property in SE corner of the NE 1/4 of section 23, Hobart Twp. Manager's Hurley and Lettenmaier will contact Mr. Sjostrom. Discussion was held on the size of the underground culvert. Manager Hurley requested that the engineers do a cost estimate for both at 24" and 36" underground culvert system.

Mike Opat, Engineer for the District reported that work at the Clausen Springs Dam has been completed. Mr. Opat presented the Board with a final payment change order request. This

request details that the contractor (Veit Construction) will deduct \$5,000.00 from the final pay request, if payment in full is made. This does not adversely affect any warranties on work or seeding. Hurley moved and Lettenmaier seconded, to approve the final payment change order request. All were in favor. The motion carried.

Discussion was held on the State Highway #1 culvert installation project. Mr. Opat explained to the board why there were cost overruns. Discussion was held.

Discussion was held on establishing an assessment District for the Tomahawk watershed. It was decided that persons from that area need to express interest in an assessment district and submit a bond to pay for preliminary survey work.

Nyhill Burchill addressed the Board in regards to his previous request for a culvert recommendation for the SW corner of the SW ¼ section 12 & the NW corner of the NW ¼ of section 13, Baldwin Township. Manager Hurley reviewed the area and spoke with Township officials. Hurley was not comfortable making a recommendation as the District does not have authority over Township Roads and a recommendation would be mute as the Township has no intention of placing a culvert in that location. No further action was taken.

Jack Olson, Spring Creek Township informed the Board that he had received a letter from the NRCS that the Compatible Use Authorization that allows him to maintain the drain on his WRP, had expired. Mr. Olson also stated that he had not yet received a copy of the study that the USFWS service completed last year. This study relates to the USFWS structures on his property. Mr. Olson was advised to go to the USFWS District office and request a copy of the study on the Freedom of Information Act. Mr. Olson said that he would do that. Mr. Olson still has concerns that there is an obstruction on the USFWS easement. He reported that this may be from some former construction. Manager Hurley will walk the area with Mr. Olson. Hurley also said that he had visited that area in the past and hadn't seen any obstruction but that he was willing to look again.

New Business:

Jim Quick, Lake Town Township Supervisor expressed concerns over the NRCS closing the temporary emergency drain for 10 Mile Lake. Chairman McMillan explained that this was not a matter of District business and that the District does not have authority over federal programs and regulations.

Ron Winkler- Alta Township addressed the board in regards to drainage in the NE ¼ of Section 35, Alta Township. Hurley volunteered to look at the area with Mr. Winkler.

Arvid Winkler- Cuba Township: Mr. Winkler voiced concern that the culvert recommendation that the board had given was not completed by Cuba Township. Chairman McMillan stated that the District does not have authority over Township roads/culverts. McMillan also informed Mr. Winkler that the Board simply made a recommendation and that weather or not the township chooses to follow that recommendation would be up to them.

Drainage complaints:

Les Thompson Complaint: Valley and Hobart Townships. The Board reviewed the complaint that was received on September 12, 2011. The complaint state the "Road washed out several times, I believe this creek was re routed without applying for a permit, who determined the size of culvert installed- any study done"? Manager Lettenmaier conducted an inspection of the area and also talked to local landowners. Lettenmaier recommended that the board dismiss the complaint. He indicated that after his investiagation he felt that the creek had not been re-routed. Hurley moved to accept Lettenmaier's recommendation to dismiss Mr. Thompson's complaint. Lettenmaier seconded the motion, all were in favor. The motion carried.

Randy Peterson-City of Nome Complaint: The board reviewed the complaint. Mr. Peterson states "Floods under double wide home, the city had not maintained the drain on the east side of 5th Ave. Grass has grown out onto the street and water from main street follows that path and onto my property". The Secretary consulted the District's attorney, Sean Fredricks. Mr. Fredricks conveyed that the District does not have jurisdiction over city storm sewers. Cities have jurisdiction over those issues under their zoning authority (NDAG 2005-L-19). Hurley moved to dismiss the complaint due to lack of jurisdiction. Lettenmaier seconded the motion. All were in favor. The motion carried.

Jerald Orn, Pierce Township: Mr. Orn submitted a letter of complaint in regards to slow drainage across section 27 to the east through section 26 and 25 of Pierce Township. Chairman McMillan will investigate the complaint.

Daryl and Sheryl Smith, Rogers Township: The Smith's submitted a letter of complaint in regards to drainage in Edna and Laketown Townships. This drainage is coming from the 10 Mile Lake areas. Local landowners had opened a drain for health and safety concerns. The NRCS is currently in the process of closing the drain. It was the consensus of the Board to not render any decisions until NRCS has completed their closure process.

Doug Lettenmaier, Svea Township: Complaint states that "Water back feeding north of Doug and Jenny Lettenmaier home, causing sewer to back into basement, so I need to water north of house south west. Ditch needs lean out on south side of section 2". Manager Hurley has looked into this complaint. Discussion was held. Written approval will be needed by the NRCS and the Barnes County Highway Department.

Drain Tile applications:

Application #2011-03; Ron Winkler, NE1/4 and the NW ¼ Section 36, T140N R57W (Alta Township) the board removed all documentation. All requirements have been submitted and no opposition has been received. Mr. Winkler intends to install subsurface drain tile in approximately 70 acres. Hurley moved to approve subsurface drain tile application # 2011-03. Lettenmaier seconded the motion. All were in favor, the motion carried.

Application #2011-04; Jim D. Lindseth, SW ¼ Section 14, T143N R56W (Ellsbury Township) the board reviewed all documentation. All requirements have been submitted and no opposition has been received. Mr. Lindseth intends to install subsurface drain tile in approximately 145 acres. Hurley moved to approve the subsurface drain tile application # 2011-04. Lettenmaier seconded the motion. All were in favor, the motion carried.

Other Business:

Nyhill Burchill expressed concern about a box culvert that was installed on ND State Hwy. #32 near Pillsbury. He suggested that it might be a good idea to gate these. He said that he had spoken to John Thompson, NDDOT District Engineer. Mr. Thompson apparently responded that this would be up to the Water Resource District.


Legal Drain #2 (Stewart Anderson Drain): Don Jorrisson reported that the ditch block on the State Highway has not yet been removed and had expressed concerns over farming practices taking place to close to the drain. This will be addressed again at the annual meeting. Discussion was held on the possibility of holding the annual meeting during the evening hours. No action was taken. FEMA work will hopefully be completed yet this year, but finding a contractor has been difficult. Discussion was held on trees growing in the drain in the high cut of the drain. This has not yet been done and may not be done this year. FEMA will not help on any areas of the drain that have not been routinely maintained. The trees need to be removed prior to any further FEMA reimbursement. Cattail spraying was not completed. It was decided that the gates should be shut for the winter. Don Jorrisson will ask Shawn Anderson to close

them. Mr. Jorrisson also talked about getting petition's for cleaning and for snow removal. He feels that this must be done prior to any work. This will be looked at. The secretary was instructed to ask the District's lawyer about this.

State Convention will be held on December 6th thru December 9th in Bismarck. All members and the Secretary will attend.

Being no further business, Manager Hurley moved to adjourn. Lettenmaier seconded the motion. The next meeting will be held on December 12th.

Respectfully submitted,


Jamie Smith, Secretary

Barnes County Water Resource District

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Meeting attendance

Please sign in below.

Shelly Nelson BCSCD

Ronald Winkler

David Winkler

Donald Jorissen

Ryan M. Frotz

Gavilon

Amanda Brandt

NRCS

Louis Nicoli

Jack Olson (STONEY SLOUGH)

Bruce Anderson (Hobart Twp & Land owner)

Darren Bjornson Columbia Basin

David Johnson Columbia Basin

Ed & Ann Marie Thom - landowners

Doug Zwick

Hylo X. Burchell