

## ***Barnes County Water Resource District***

*PO Box 306*

*Valley City, ND 58072*

701-845-8508

March 10, 2014

### **MEETING MINUTES**

PRESENT MEMBERS: Chairperson Jerry Hieb; Manager Ken Evenson; Manager Bruce Anderson; Manager Shawn Olauson; Manager Bret Fehr; Commissioner John Froelich; Sean Fredricks – Ohnstad/Twichell

Also Present: See Attached List

Chairperson Hieb called the meeting to order at 9:00 a.m.

Manager Olauson made a motion to accept the February 10, 2014 minutes, with corrections, Manager Anderson seconded motion. Motion approved.

#### **NEW BUSINESS**

BCWRD managers are invited to BC Township Officers Association Spring meeting 9 am on March 27, 2014 at the VFW Club.

**Legal Drain #2** - Bruce Anderson discussed what was brought up at the Legal Drain #2 annual meeting on February 25, 2014. Neil Amann and Scott Legge, Officers of Legal Drain #2 board, were also present. Manager Anderson reviewed the maintenance schedule that was updated at the annual meeting. Manager Anderson also contacted Jim McAllister, from the BC Weed Board, to spray for weeds in the drain. Jim will take a look at the situation after the spring thaw and get back to Manager Anderson. Shawn Anderson, also an officer on the Legal

Drain #2, told Manager Anderson that he is trying to rig up a spray unit, but isn't sure if he will get it organized before spring thaw. Gates need to be put on new culverts yet. Culverts are a bigger size so adjustments are needed. Donald Jorissen has a gate in his shed that could be made to fit. Gate 10, goes under county road 11 (Sanborn/Rogers road) and effects the north end of Potter Township, sec 3 & 4. Scott Legge informed the district, that this gate was put in to save the county road and is open most of the time, and these landowners get the benefit of this drainage but are not assessed. If this gate is to be left open then the landowners should be assessed into Legal Drain #2. If the landowners in area don't want to be assessed then the gate needs to be closed and left closed. Mike Opat would have to get reassessment project started or if landowners are willing to sign consent to be assessed into the drain (which would be a lot cheaper process). Sean Fredricks gave two options:

- 1) Get a voluntary assessment consent from landowners.
- 2) Reassessment process to include this into Legal Drain #2.

Manager Anderson will talk to landowners involved.

### **Tim Berntson – Drain Tile Application**

Sean Fredricks informed the district, 30 day notices were sent out to landowners 1 mile downstream. The application notes it will discharge into a natural water course, and when Mike Opat reviewed a USGS map, Mike found this is not noted as a natural water course. BCWRD policy is "If discharge is not into a natural water course, easements are needed at least 1 mile downstream." Mike Opat will need to look into this application further. If Mike finds this is a natural water course, then we can approve next month, but if easements are needed it will take longer. Manager Olauson made a motion to table this application till April meeting. Manager Fehr seconded. Motion approved.

## **OLD BUSINESS**

**Sanborn Lake** – Commissioner Froelich informed the district of discussion at last Commission Meeting for Sanborn Lake. The commission asked Betty Koslofsky, BC Tax director, to look at all the acres involved for flowage easements, and this would go all the way back to the pipe. Betty used the estimated assessed evaluations on the property, non crop, marsh and modified wet (%), and estimated taxable value for the area (Houston Engineering numbers) is \$30,628.00. Betty also looked at the estimated flowage easement market value at \$1,084.00/acre, that total estimated to be \$374,586.00. There is no permanent permit for Sanborn Lake Outlet. The temporary permit has expired. We would have to apply for another permit to open the outlet. Commissioner Froelich asked the question *Who would be controlling the gate for the Sanborn Outlet?* Chairperson Hieb explained that the outlet will remain closed and BCWRD would turn permitting process over to the BC Commission, if they want to pursue permit process. There needs to be a plan in place on how to manage the outlet. Commission will set up a meeting with all landowners involved for this easement project, and BCWRD would also be asked to come to this meeting.

**Burchill Retention** - Mike Opat, was unable to attend meeting but left information that Nyle Burchill had called Mike and was not in favor of the site plan we had come up with for the area around his property. He had something smaller in mind. Nyle will be at the April BCWRD meeting. Duane Burchill, landowner/renter for the area, was not impressed with this project proposal. Discussion of land in another area for this same project area. Duane will also be at the April BCWRD, for further information on this Maple/ Steele project.

**Thordenskjold Drain – Resolution of Necessity** - Mike Opat is working on getting right-of-ways and the surveying needed will be set up for the spring.

**10 Mile Lake** - Keith Weston, with NRCS, introduced himself at this meeting. Keith has been working with Paul Abrahamson and Mike Opat. Wes led the discussion on 10 Mile Project. A Soil Scientist will be doing an elevation study, so we can maybe get an elevation for the lake. Hydric soil line can be established so we can know a stable level for the lake. Also discussion on what the district plans for an outlet and where the outlet will go so we can move ahead. Operation is a very important key for this project. Eric Broten, who is also working with Paul Abrahamson, asked about elevation, retention and mitigated wet land for discussion. New Farm bill may have some rules that may help with this project.

**Fox Lake** - Mike Opat submitted a letter to the State Water Commission, documenting that Fox Lake flows into the Sheyenne River watershed. We now will wait to hear back from SWC.

**Kathryn Dam** - Mike Opat had Linda submit a cost-share request to the State Water Commission for the first phase portion of this project. Mike has been working with Barr Engineering and US Fish & Wildlife Service on submitting a grant application to help with funding this project. Mike Opat is still waiting on a firm idea of what the dollar amount will be, but we are hoping to get about \$15,000 for the first phase. We will need to submit cost-share planning forms for the 2015 -2017 biennium very soon and Mike Opat will get this information out to Linda.

**Hobart Lake** - FEMA finally sent the approved documents for this project. Josh and Mike are following up with FEMA on the initial costs being covered, as this is not real clear in the letter. BC Commission is officially the sponsor of the Hobart Lake project, so as soon as we review all details with the commission, and cost benefit ratio needs to be reestablished with Columbia Grain input. We can then go ahead with the kick-off meetings for the project to move forward.

**Complaint from BC Commission** - Discussion on who was Flood Plain Ordinance administer. Since 1987 policy of BC Flood Plain Ordinance, administrator has been the water district. Back then they had chairman of the water district sign the

last page of the ordinance along with the auditor and chairman of commission. Discussion about Planning/Zoning to take care of day to day projects (building permits, etc.) and dike projects be a joint decision between water district and county commission. Sean Fredricks and Mike Opat will further review ordinance. Right now Sean Fredricks will sort through complaint and figure water districts next step. Commissioner Knudson had sent a letter, on behalf of the Commission, to the individual of this complaint informing them to contact the county highway superintendant and by April have this complaint cleared up.

**Bills** – Manager Evenson made a motion to approve the February bills of \$1,068.25. Manager Fehr seconded motion. Motion approved with a roll call vote.

**Adjourned** – Manager Evenson made a motion to adjourn. Manager Olauson seconded. Adjourned

Respectfully submitted,

Linda McKenna  
Secretary /Treasurer  
Barnes County Water Resource District