

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

May 12, 2014

MEETING MINUTES

PRESENT MEMBERS: Vice Chairman, Ken Evenson; Manager Bruce Anderson; Manager Shawn Olauson; Manager Bret Fehr; Commissioner John Froelich; Mike Opat and Josh Hassel – Moore Engineering and Sean Fredricks – Ohnstad Twichell, P.C.

Absent: Chairman Jerry Hieb

Also Present: See Attached List

Vice Chairman Ken Evenson call the meeting to order at 9:02 am.

Manager Anderson made a motion to approve the BC Water Resource District minutes as corrected and the Griggs/Barnes County joint meeting minutes.

Manager Olauson seconded. Motion Approved.

Reminder of the mitigation meeting next Monday, May 19, 2014 at 6:30 pm here at the Barnes County Highway Dept.

OLD BUSINESS

Mundal Dike Complaint - Mike Opat and Jerry Hieb went down after the April meeting and visited with Kirk Mundal, regarding the dike in the floodway. Mike Opat explained that two issues are involved with this complaint. First issue is that the dike is built in the floodway and that is an issue with the BC Zoning Ordinance, and compliance with FEMA regulations, which influences insurance for the

county. BCWRD recently found out, the water district is the administrator of this ordinance. Second issue is if a permit from the State for the dike was needed.

The dike, in the floodway, needs to be moved or a modeling analysis be done to show it does not impact the flood (No Rise Analysis). Kirk Mundal had gone to previous water district to get a permit or see what he needed for this dike project. The previous water district gave him a standard permit application and he filled out and sent to State Water Commission. The State Commission said Mr. Mundal did not need a permit for this project, as it did not meet the 50 acre criteria. Mr. Mundal then went ahead and built dike. Mike visited with Managers Jerry Hieb and Bruce Anderson, about getting the analysis done to prove measurable amount of impact in the floodway. This analysis will be done by KLJ, here in Valley City, for an estimated cost of \$5,000 - \$5,500. If the analysis shows no impact in the floodway, then the dike can stay and this will not affect local ordinance and FEMA regulations. Discussion followed. Manager Anderson made a motion to hire KLJ to do the no rise analysis and the water district would split the bill with the commission. Manager Fehr seconded motion. Motion Approved.

Sanborn Lake - Commissioner Froelich informed no update at this time.

Burchill Retention - Mike Opat handed out a map of area. Water District had given Mike the okay to look into what could be done with Nyles area of retention. Mike explained that Nyle had given him a map of the area he was proposing. Cost for project has not been looked into. Money costs and actual benefit was discussed. Discussion led to maybe keeping this on hold and see what the farm bill will offer, whenever that becomes final.

Tim Berntson Tile Application -

Application to Install a Subsurface Drain for Tim Berntson in the Southeast Quarter of Section 22 and the South Half of the Northeast Quarter of Section 22 in Green Township

The Board reviewed *Application to Install a Subsurface Drain* dated February 17, 2014, for Tim Berntson. The Board previously reviewed this permit application, but Mr. Berntson subsequently submitted a modified and amended tile plan for the application; the Board reviewed the new proposed plan. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the "statewide" elements, and the Board concluded

therefore the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the Southeast Quarter and the South Half of the Northeast Quarter of Section 22 in Green Township, Barnes County, North Dakota. The modified and amended plan includes outlets that will discharge directly into an existing slough in the East Half of Section 22 on property owned by the Applicant. The original plan included tile outlets that would have discharged onto downstream properties in Sections 26 and 27 of Green Township; in light of the modification to the proposed tile plan, the tile discharge will not flow over downstream properties in Sections 26 and 27.

The Board previously provided *Thirty-Day Notices* to owners in Sections 26 and 27 of Green Township in accordance with N.D. Cent. Code Section 61-32-03.1 regarding the original proposal under the application. However, Applicant subsequently submitted an amended tile project proposal that eliminated tile discharges onto the properties in Sections 26 and 27. As a result of Applicant's plan to outlet directly into a slough on Applicant's property, the amended plan did not require a *Thirty-Day Notice* under N.D. Cent. Code § 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners under North Dakota law.

According to records on file with the Barnes County Recorder's Office, Tim and SueAnn Berntson own the Southeast Quarter of Section 22 and the South Half of the Northeast Quarter of Section 22.

Manager Olauson moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Drain* dated February 17, 2014, for Tim Berntson in the Southeast Quarter of Section 22 and the South Half of the Northeast Quarter of Section 22 in Green Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant notify the Barnes County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 3) That Applicant notify the Barnes County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 4) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Thordenskjold Drain – Manager Anderson updated district on cleaning of drain in Sec 14. (Jim Storhoff farm to the south). This area has not been clean for a long time. Manager Anderson is one portfolio holders for Thordenskjold Drain, so he went ahead and contacted Scott Cummings, who was able to do the cleaning right away, so Manager Anderson gave him the go ahead. Scott cleaned ¼ mile on top and ¼ mile at bottom with very little cleaning needed in the middle. Manager Anderson was very pleased with the job Scott was doing with slopping and cleaning of this section.

Mike Opat added that the weather had been good enough for some surveying, that the district instructed Moore Engineering to do, for Thordenskjold Drain. Section 24 is all but done and also did shots on the other side of the highway. SE section of 24 is what we needed to get the information for area to be added into Thordenskjold Drain. Surveying for rest of the drain has been done up to about the area where Scott is cleaning. Surveying will continue when Scott is done with cleaning and when weather and time permits.

10 Mile Lake – Paul Abrahamson updated the district that Keith Weston and Jerffrey Woodward came out and did a preliminary evaluation of the hydric soil locations, on May 7, 2014. They came up with an initial estimate of the lake's ordinary high watermark at/or near 1,433 msl. They have only over-layed the way points on LiDAR with 2 foot contours and have not yet evaluated them on 1 foot or 6 inch LiDAR contour layer. Keith wanted this work reviewed by other NRCS staff before providing maps to Paul and BCWRD. This general information is that the current lake level is quite close to the ordinary high water mark where hydric soils are found. Kurt Tompkin will get Paul a map regarding the Game & Fish regulations on 10 Mile Lake for the June meeting.

Kathryn Dam – Mike Opat updated district on status of cost share under \$50,000 go thru State Engineer, and this request may be on his desk, we are just waiting to get it signed and back to our district. Barr Engineering and Steve Kranz with Fish and Wildlife are working together for funds through their organization. Discussion followed. It was noted that there is a lot of debris caught up on the bridge below Kathryn Dam. Manager Evenson will talk to Kerry Johnson – BC

Highway Superintendent regarding debris below Kathryn Dam along the county bridge.

NEW BUSINESS

Maple River Dam Special Meeting – Board approved resolutions regarding the Upper Maple River Dam project. Copies of the resolutions are on file in the office. Manager Fehr made a motion to approve the resolutions for the Upper Maple River Dam Project. Shawn Olauson seconded. Motion Approved.

BILLS

Manager Anderson made a motion to approve payment of the April bills in the amount of \$1,895.82. Manager Fehr seconded. Motion passed with a roll call vote.

Meeting Adjourned at 10:27 am.

Respectfully submitted,

Linda McKenna
Secretary /Treasurer
Barnes County Water Resource District