

Barnes County Water Resource District

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701-845-8508

July 14, 2014

MEETING MINUTES

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

Also Present: See Attached List

Chairman Jerry Hieb called the meeting to order at 9:03 am.

Manager Olauson made a motion to approve the BCWRD minutes, Manager Anderson seconded motion. Motion approved.

Chairman Hieb said a few words in remembrance of Manager Kenneth Evenson, who passed this last month.

Mundal Dike Complaint – Sean Fredricks updated the district that he sent a draft letter to Mike and Linda regarding Mr. Mundal. Mike Opat has made his comments for this and Linda will get it finished and off to Mundals, Moldenhauers and McGoughs. This will address the state dike complaint the Water District is obligated to address. As for the Floodway Complaint from the County Commission; Carl Martineck, BC State Attorney, has been in touch with Sean and Carl is still conducting his analysis as to what the next step will be on this complaint.

Maple River Joint Meeting – Sean Fredricks updated BCWRD on the assessment hearing for this project. Assessment portion of this project has gone very well and we've had great participation from both districts. Right of Way acquisition phase is next. Still waiting for State Permit also. Costs for project have been reduced significantly because they have applied for cost share from the Cass County Sales Tax Committee and they got it in the amount of \$700,000. This brings the local costs to about 10%. (Federal costs share is also a possibility, not for sure.)

Mike Opat included that Maple/Steel Board and BCWRD approved the assessments. Construction probably will not get started till next year on this project. Discussion followed regarding the project. August 7, 2014 Mary Podoll from the state will be coming over for a tour of the site and then all will go back to Fargo for a meeting and BC managers are invited to attend that meeting.

Sanborn Lake – Manager Anderson updated the district. Anderson Construction has put in the culverts and has some finishing work to complete. Commissioner Froelich asked Manager Anderson, early in July, to go out and check if water going through the Sanborn outlet. Control gate was not fully closed and Manager Anderson had a hard time turning gate control, but did get it closed fully and will check out again after today's meeting to make sure no water is being released. Commissioners want to go ahead with getting easements for the Sanborn project. Discussion followed. Mike Opat informed district that getting a Permit from the state is not part of the easement process. It would be nice, for legal purposes, to have easements signed for the Sanborn Project. The easements we have signed are good. Discussion on easements and the working of the Sanborn Outlet.

Manager Anderson made a motion to have Sean Fredricks review the Jorissen/Offner agreements and develop an opinion, also Sean will draft a flowage easement in the county's name and the commission can go out and negotiate with the landowners. Bret Fehr seconded. Motion approved with a unanimous roll call vote.

Thordenskjold Drain – Resolution of Necessity - Sean Fredricks handed out a copy of the draft of Resolution of Necessity and went over resolution with the managers. Now we need to proceed with right of way acquisition and apply for the permit. With Permit in hand and right of way acquired, Mike can open bids to get project constructed, then we can enter an order and publish and then drain will be officially extended. Manager Olauson made a motion to approve the Resolution of Necessity. Manager Anderson seconded motion. Motion approved with a roll call vote. Discussion for the Right of Way acquisition followed. It was decided for Sean to prepare the easements and get them to Manager Anderson and Manager Olauson to get them signed.

10 Mile Lake – Paul Abrahamson asked if the BCWRD was still in favor of an inter agency meeting before they could precede with a legal drain proposal or other plans. Keith Weston would like to be at this agency meeting. Discussion of dates followed and Friday, August 15th at 10 am here at the BCHD was decided on. Agencies to be invited are - US Fish & Wildlife Service, ND Game & Fish, NRCS – Stuart Blotter, Regional Health Coordinator and our Concerned Citizen Group. Keith Weston has hydrate studies, but has not been able to get anything done with study do to other commitments. Hope is, that will get done before inner agency meeting. Paul showed some aerial photos of 10 Mile Lake. Discussion followed.

Kathryn Dam – Mike Opat had no new information on this project. Still waiting to hear from State on cost share.

Hobart Lake – Mike Opat updated water district on the commission sponsored Hobart Lake Project. County Commission decided on a 24 inch gated culvert size for the project. Sean handed out a draft of the pipeline and flowage easements

information. Discussion followed. Sean will draft a Joint Powers Agreement between the BC Commission and the BCWRD to set up general obligations and responsibilities. Discussion of assessment district followed.

BCWRD will get draft and easement language out to landowners for this project so they have project information in hand. Manager Anderson will take care of getting this information out.

VC Dams – Jerry Hieb expressed a real concern about the roller affect at the Little Dam, which is under BCWRD responsibility. Discussion followed. Mike Opat will take a look at what the district could do regarding this matter.

NEW BUSINESS

Heinze Dam - Tony Heinze addressed the district. Tony handed out maps regarding property he just acquired. 1966 this dam was built by Soil Conservation Cost Share. SE overflow corner of dam is in bad shape and culvert is in bad shape. SW spillway is also in bad shape. Dam will take out a township road if it fails. NRCS and ND Game & Fish suggested that Tony bring concern to a water district meeting. Tony would like to work on the dam and would like to know if that can be done. BCWRD, by state law, is responsible for this dam. State Water Commission does have some cost share funding at 65% and RRJB would have 65% funds of that balance and BCWRD would have balance of cost. (Purposed policies could make it 75% from State, just not sure when that would go into effect.) Manager Fehr made a motion to have Mike Opat evaluate the dam and we will discuss at August meeting. Shawn Olauson seconded. Motion approved after a roll call vote.

I-94 Culverts – Richard Stringer addressed the district with information on the 4 new 5 foot culverts that the State Highway Dept. is planning to install through I-94 and a frontage road in Oriska Twp - Sec 22 and Sec 27. This will adversely affect township roads. Discussion followed. It was suggested that maybe talking

to State Highway Dept. in Bismarck about putting in some downstream culverts to help prevent damaging township roads.

Monte Peterson – Drain Tile Application

Application to Install a Subsurface Drain for Monte Peterson in the Northwest Quarter of Section 20 in Nelson Township

The Board reviewed *Application to Install a Subsurface Drain* dated July 14, 2014, for Monte Peterson; Mr. Peterson was present and indicated Eldon Maasjo neglected to obtain an easement from Mr. Peterson regarding Mr. Maasjo's tile project. 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 Northwest Quarter of Section 20 in Nelson Township, Barnes County, North Dakota. The project will include a single gravity outlet that will utilize buried pipe installed by Mr. Eldon Maasjo in the north portion of Section 20 under Mr. Maasjo's project; the Board approved a tile permit for Mr. Maasjo's project in April of 2012. The buried pipe will run southeast through a portion of the Northwest Quarter of Section 20 until it daylights and discharges into a natural watercourse in the Northwest Quarter.

Mike Opat reviewed the application and indicated the project will discharge directly into a natural watercourse, utilizing the shared buried pipe previously installed by Mr. Maasjo; Mike recommended that the Board require Applicant to install and maintain erosion protection in the natural watercourse. Because the proposed project will discharge directly into a natural watercourse, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Barnes County Recorder's Office, the Monte A. Peterson Revocable Living Trust and the Penny M. Peterson Revocable Living Trust own the North Half of Section 20 in Nelson Township.

Manager Anderson moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Drain* dated July 14, 2014, for Monte Peterson in the Northwest Quarter of Section 20 in Nelson Township, subject to the following conditions:

- 1) That Applicant and Eldon Maasjo enter into a written agreement under which Mr. Maasjo consents to Applicant's use of the buried pipeline in the Northwest Quarter of Section 20 in Nelson Township for purposes of Applicant's outlet, the same buried pipeline that will act as the outlet for Eldon Maasjo's tile project under APPLICATION TO INSTALL A SUBSURFACE DRAIN dated March 8, 2012, approved by the Barnes County Water Resource District on April 9, 2012 (the Barnes County Water Resource District strongly recommends Applicant and Mr. Maasjo include the written agreement within the easement Mr. Maasjo must obtain from Applicant as a condition to his tile permit);

2) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;

3) That Applicant provide and maintain adequate erosion protection at any and all outlets into the natural watercourse in the Northwest Quarter of Section 20 that will serve as the outlet for Applicant's tile project;

4) That Applicant notify the Barnes County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;

5) 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; and

6) 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.

Manager Anderson made a motion to accept Drain Tile Application from Monte Peterson with conditions. Manager Fehr second motion. Upon roll call vote, the motion carried unanimously.

Dwight Grotberg Info - Manager Fehr and Kerry Johnson, Superintendent of Barnes County Highway Dept., addressed the district regarding BNSF railroad putting in a new line for Spiritwood plant, half mile east of Stutsman/Barnes line in Eckelson Twp. The Railroad doesn't think they need a culvert in the new spur because there is not one now, but landowners Dwight Grotberg and Joe Peske, believe there is one because the water does seem to drain away. Sean Fredricks stated that he received a Surface permit from the State Commission for our district to act upon. Kurt Tompkins, US Fish & Wildlife stated that he has wetland protection at the spur area also and nothing has come through his office for a permit. This matter will be tabled till August meeting so we can get more information.

Erosion Problem – Superintendent Johnson addressed the district regarding erosion problems down on County Road 21S (Kathryn Road) right of way and

Virgil Kratz's ditch. Lori Frank, Soil Conservation Officer, has grant money to help cover 60% of any erosion repair. Kerry has a couple other area's (King School Bridge and Peterson Bridge) that are having some erosion problems also. Kerry would like to know if BCWRD would like to cost share these projects. Discussion followed.

Manager Anderson made a motion to approve 50% of the balance up to \$2,000.00 to help Kerry Johnson, BCHD, with the erosion projects in Marsh Twp. Manager Fehr seconded motion. Motion approved with a unanimous roll call vote.

Griggs/Barnes County WRD

Representative of Griggs County Water District showed our managers a map of Silver Creek and Rose Slough and the maintenance drain they are working on. Representatives would like to have a meeting with 2 managers from each district and maybe Pierce twp officer. Discussion followed. Amanda Brandt and Kurt Tompkins also came up for this discussion. Thursday this week (7-17-14) a couple from each county will meet and look over Silver Creek project.

Bills – Manager Olauson made a motion to approve the bills for June in the amount of \$17,605.70. Manager Anderson second motion. Motion approved with a unanimous roll call vote.

Allan Marler - Manager Anderson visited with Mr. Marler who would like to move his dugout (stock pond) that keeps filling in with silt, and dig out another area further downstream, and this dugout would be spring filled. Discussion followed. Manager Anderson said that water district ruined his first dugout, so we should build a new one as a replacement. Manager Olauson made a motion for BCWRD to build a new dugout (stock pond) for Allan Marler, to replace the dugout (stock pond) that silted in from the Sanborn Lake project, Up to \$5,000.00. Manager Anderson seconded motion. Motion approved with a unanimous roll call vote.

Keith Colville addressed the managers regarding the ditch block that Kerry Johnson, BCHD, took out to take pressure off the road. Discussion if cattails were cleaned out in ditches, if it would help with the water draining better. Manager Anderson will stop and talk with Darren Bjornson, elevator manager, regarding the ditch block removal and water draining. Manager Anderson will contact Mike Opat with this information.

Adjourn - Manager Olauson made a motion to adjourn with a second from Manager Fehr. Motion approved at 1:40 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda McKenna".

Linda McKenna

Secretary /Treasurer

Barnes County Water Resource District