

**Barnes County Water Resource District**

*PO Box 306*

*Valley City, ND 58072*

701-845-8508

October 13, 2014

**MEETING MINUTES**

PRESENT MEMBERS: Chairman - Jerry Hieb; Manager Bruce Anderson; Manager Shawn Olauson; Manager Bret Fehr; Manager Dale Jorissen; Sean Fredricks – Ohnstad Twichell, Mike Opat – Moore Engineering and Joshua Hassell – Moore Engineering

Also Present: See Attached List

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

Manager Jorissen made a motion to approve the September BCWRD Minutes with corrections. Manager Anderson seconded motion. Motion approved.

Manager Anderson made a motion to approve the Griggs/Barnes County Joint Meeting Minutes held on September 29, 2014. Manager Olauson seconded motion. Motion approved.

**OLD BUSINESS:**

**Red River Joint Board** - Manager Anderson updated district of what was discussed at RRJB meeting. Discussed diversion project and other projects that are coming up.

**BNSF Surface Application** - Sean Fredricks addressed issues to this permit application and what conditions the district wants on the permit. Discussion on permit and complaints followed.

Manager Anderson made the motion to approve the Permit Application for BNSF with the standard conditions and prepare a letter requesting culvert installation that would resolve the complaint issues. Manager Olauson seconded motion. Motion approved with a unanimous roll call vote.

**VC Little Dam** - Mike Opat explained about the incident that his survey crew had while surveying the dam. Surveying Crew had secured their boat with ropes on the shore line, about 20 feet downstream of the dam, as per their safety protocols . Boat was pulled back by the current and got caught up in the rolling effect of the dam and capsized the boat but the crew had their lifejackets on and were able to pull themselves to shore with the attached ropes. Boat was caught up against the dam for hours until they were able to get boat out of the water. Equipment was lost, but no one was hurt in the incident. Proves the dangerous rolling effect these dams have. Mike found out later, that the dam at Ashtabula was lowering their water level so river was running faster. All data collected was lost to the river. Will try again later and possibly get Kathryn Dam information at the same trip.

**Maple River Project** – Mike Opat updated district that they are wrapping up right of way for project. Hope to get bids out in December so the contractor could get project started in the spring.

**Thordenskjold Drain** – Joshua Hassell - Moore Engineering, updated district that the right of way is still waiting on one parcel of land that belongs to the City of Nome and that is from some old highway plans, as the county recorder does not have any other information on file. No other information at this time.

**Sanborn Lake** – Manager Fehr reported that the Barnes County Commission is not going to proceed getting easements for this project.

Manger Anderson reported that he met with Brian Strom and Walt Jorissen on 10-12-14 regarding the completion of this project. Manager Anderson also tried to get hold of Anderson Excavating that was hired to complete the agreement with Walt Jorissen for the Sanborn project, no contact could be made. Manager Anderson asked Scott Cummings to meet him at Jorissen's, to see if he could

finish what needed to be done. Scott agreed to come and finish this project for district. Manager Anderson said that Scott has already finished project and did a nice job. Scott also took a look at Marlers stock pond, another project Anderson Excavating started but broke down. Scott agreed to finish that project also. He finished that last week and did a great job again. Manager Anderson showed the managers pictures of finished project. Manager Anderson will call Brian Strom to go out and look at the finished project.

**10-Mile Lake** - Paul Abrahamson requested that the gage that is going to be installed should be visible from the road on the south side of the lake, in about 5 feet of water for measuring and at least 6 feet above the water for measuring high water times. Flow gage was also mentioned to be placed by the 3 large culverts. NO information from the State on our applications for Rural Flood Control and Project Planning Form. Mike Opat's Engineering crew is planning to get gage set in on south side of lake, maybe tomorrow (10-14-14), now that they have their boat back, also to protect the gage we will attach a plastic jug to gage, so if it tips over during the winter, we can set up again . Flow gage is a new idea Mike hadn't heard of, but thinks that maybe gages or bench marks on both sides of the culverts would be enough to get flow readings. Discussion followed. Paul also mentioned the trickle effect that was brought up at the special meeting. Discussion also followed. NRCS has to get their work done so we can move forward on project. Keith Weston also has some contacts to make and talk with Paul about.

**Hobart Lake** – Sean Fredricks reported the Joint Powers Agreement has been given to the County Commission for their approval. Sean also explained about project expenses. Barnes County Commission has the project expenses and the RRJB will take care of the permitting expenses. We are waiting to make sure the BC Commission will approve the expense portion of the project. Sean and Mike are working on the permitting part and will be setting up a conference call with the RRJB Executive Committee and BC Water Resource District, to set up a joint resolution. Barnes County Commission should reimburse any expenses the water district has paid so far, as they are not setting up an assessment district and handling all expenses through the county. FEMA has allowed \$15,000 for the

permitting process. Mike explained about the State Wide Significance Permit and that we submitted the permit application in the winter of 2012. One of the State's criteria, at that time, for state wide significance was because Hobart Lake was considered a meandered lake. Mike recently checked with the State and the meandered lake criteria no longer exists and we should submit a new permit application to the State so they could review it again to keep the project moving forward. We are on a deadline with FEMA and Mike explained that the permitting process was to be done end of 2014, but we can request an extension, with project completion done by end of 2016.

**Kathryn Dam** - Mike Opat finally heard from the state on cost share. No work is to be done till cost share is approved. Barr and Moore Engineering will be trying to get surveying done and a model made up, within the next couple of months. We have the State Water Commission cost share and the USFW \$15,000 for this phase of the study. We are hoping to funnel some through the Upper Sheyenne or other group to get local share. Chairman Hieb will talk with the new land owner on the west side of the Kathryn Dam about this project.

**Griggs/Barnes WRD** – Dale and Bret had gone to Griggs WRD meeting in Cooperstown, representing our district. Discussion on the metal plate and culverts in the roadway. Discussion also of making this area a legal drain. NRCS has no elevation information that districts could use for this area. Klubben Excavating had done some backhoe work back in 2000. Manager Fehr brought out a map for managers to look at for the Silver Creek area and discussion about taking a foot off Rose Slough for anticipation of the spring runoff and maybe from that point we could do some kind of retention area. Special assessment district was also discussed. Cleanout of Silt and cattails was brought up and mention of a maintenance district was discussed but to do this we need a vote. Apply for state permit was brought up but usually an assessment district is needed. Manager Anderson made a motion, for two managers from each district (Erik, Lee, Bret and Dale), investigate and get costs and time frame for a clean out job. Then get back to BC Water District after the Griggs County WRD meeting on 10/22/2014. Manager Olauson seconded motion. Motion approved with a roll call vote. Committee was formed for this project, so all meetings must have notices posted.

**Buchholz/Nelson** - Duane Magnuson addressed the district and brought a google map on a tablet to show/discuss with the managers. He also had elevation numbers he received from the State Water Commission on the area in question. Discussion on what happened back in the 1987/88. Milo Buchholz says he has more water on his land this year than last year, maybe clean out should be done. Mary Nelson addressed managers, regarding this area and that the water is running through coulee into a natural drain. North Dakota Supreme Court told the Nelsons they did not have to clean, as it is a natural waterway. The Slough is under USFW as of now. Manager Anderson had Scott Cummings do cleaning last year for Thordenskjold Drain and this area was cleaned. Sean Fredricks informed everyone BCWRD does not have any jurisdiction as it is a natural water course and if Mr. Buchholz is not happy with the court rulings he will have to take his complaint back to the courts and also US Fish & Wildlife Services..

Arvid Winkler addressed the district with information that the Soil Conservation District, when it was located in the office on south central avenue, Arvid saw field survey books on Cuba Drain #3, went up into SW ¼ of sec 34 in Cuba Twp. (this drain was never constructed.) This is the area we are talking about and that survey should have elevation numbers. These survey books are said to be at the Jamestown office.

**Budget** – Chairman Hieb went over the budget for 2015 with the Managers. BC Commissioners have lowered our 4 mills by 1 mill for the next budget year. Discussed the projects that we will possibly have for next year.

## **NEW BUSINESS**

**Sheyenne River Snagging/Clearing** – Manager Anderson has been approached about snagging/clearing south of Valley City. Water district could create a Snagging/Clearing District, this does not require a vote, just requires a publication and public hearing with the county commission. County Commission and Water District would have to approve. Cost of \$.50 per acre on the benefiting property in the districts and assess up to \$100,000. There is also a cost share on tree

removal is available. Discussion followed. Water district should plan a joint meeting, in December, with county commission to discuss setting up a snagging/clearing district. Mike Opat to look into a benefit district. Mike Opat will also talk to contractors (Cass County) to look at the Sheyenne River south of Valley City, from where the old railroad bridge at Kathryn use to be, north and how much can they clean for \$100,000. Jerry will talk to a couple of county commissioners of this idea.

**SWC-Cost Share** – Sean Fredricks explained that the state amended their cost share policies. Requirement of all districts to go through a bidding process for engineering firm for projects, once every three years. Manager Olauson made a motion for BCWRD appoint itself as a Committee for the engineering selecting process, and authorize Sean Fredricks to advertise for the bidding of these projects. Bret Fehr seconded. Motion approved with a roll call vote.

**Stensland Application** - Bank Restoration. WRD can make comment on this application, but the district does not approve or disapprove. Manager Fehr made a motion for Linda is to send a copy to the BC Floodplain coordinator for their information and also Linda should shoot an email to the state telling them BCWRD has no comment on this application but we send a copy to the Floodplain coordinator of Barnes County. Manager Jorissen seconded. Motion approved with a roll call vote.

**Legal Drain #2** - Manager Anderson reported that Scott Cummings will do some cleaning in this drain from where we put in the culverts back to the NW. Authorized him to do \$20,000.00 in cleaning and landowners are happy to get this cleaning done.

**Drain Tiles** - Manager Anderson brought into the district two subsurface drain tile applications, for his property, both under 80 acres. They will be draining into his own slough. This is information for the water district to have on file.

**LeRoy Triebold** - Informed managers in regards to budget dollars, our district cut amounted to \$ 51,233. Last year's budget \$260,963. This year's new budget amount will be \$209,730 (3 mills). (Mills are worth more than last year.)

LeRoy is also concerned about storm water holding ponds on new building projects in Valley City. They are just mosquito habitats. EPA require these ponds for run off on all new building projects. BCWRD has no jurisdiction over these ponds.

**Arvid Winkler** - addressed the district and wanted to know what the district is to do with this note, not a document, from the Sheriff regarding a safety issue with a slope in a township road in Cuba Township. Water district does not have any jurisdiction over this issue. Linda will return this note to Sheriff with this same information.

**Bret Fehr** - addressed the district with a concern from Gary Jorissen regarding a road in Uxbridge Twp. sec 26 where a fence line (qtr. line) had been silted in and caused ponding on one side. Gary would like to know if he could clean out. (Land between Jerry Anderson and Jim Slag.) Bret will talk with Gary and maybe work this out between landowners involved.

**BILLS** - Several new bills were handed in and added to September bill total. Discussion followed. Manager Olauson made a motion to approve the bills in the amount of \$17,772.55. Manager Jorissen seconded. Motion approved with a roll call vote.

Manager Olauson made a motion to adjourn. Manager Fehr seconded. Adjourn at 12:05 pm.

Respectfully submitted,

Linda McKenna  
Secretary  
B C Water Resource Board