

Barnes County Water Resource District

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March 14, 2016

MEETING MINUTES

MEMBERS PRESENT: Managers - Chairman Jerry Hieb, Shawn Olauson, Bret Fehr, Dale Jorissen; Mike Opat – Moore Engineering; Sean Fredricks – Ohnstad Twichell P.C. & Commissioner John Froelich.

Absent: Manager Bruce Anderson

Also Present: See Attached List

Chairman Hieb called the meeting to order at 9:00 am.

Manager Fehr made a motion to approve the February Minutes as written. Manager Olauson second. Motion approved.

OLD BUSINESS

Wittenberg/Shanenko Complaint – Sean Fredricks and Mike Opat met with Mr. Brudvik (attorney for Shawn Wittenberg) regarding this complaint, as the BCWRD had dismissed this complaint back on 11-9-2015. Mr. Wittenberg had the right to appeal that decision. Sean Fredricks suggested they come to this meeting and Mr. Wittenberg and Mr. Shanenko could possibly talk out the differences, before we go ahead with the appeal. Attorney Scott Brand (in attendance for Mr. Brudvik) came forward and handed out information and explained what they propose. Mr. Shanenko also came forward to address the district. Sean Fredricks explained that there was no evidence of a man made ditch constructed, that was the reason for dismissal of the complaint. Both parties decided to step out of the

meeting to try and work out their differences. Sean Fredricks will get notification of the outcome of the meeting.

S. Anderson-K. Harstad Complaints & M. Legge (new) Obstruction Complaint - Pipeline has not gotten a chance to go out and check their line and easement. This issue may be with the landowners and pipeline company. Discussion followed. Timing for state programs will play a role in this completion of complaints. Table for April meeting.

Snagging and Clearing – Chairman Hieb gave an update as he was around to help contractor with the project. Weather this year never really froze the river solid and so the contractor never really got as far with the project as they wanted. Discussion on how cost share works on warm years like this. Mike Opat will see what total was billed out and maybe we can use up balance of \$100,000 at cleaning bridges or other areas of the river. New Cost Share Application has to be sent in every year.

Thordenskjold Drain - We are waiting for permit, then Mr. Fredricks will make an order to add new extension. Moore Engineering will send in for permit but waiting for upstream culvert crossing information. District needs to decide if to replace with same size culvert, or if the district wants to repair wing walls only, for now, as the culvert seems in good shape. Discussion on what district would like to proceed with. For the April meeting, Moore Engineering will work with Sean Fredricks, to get a contract written up with IBI for repairing wing walls, starting with downstream walls and go as far as the money goes.

Legal Drain 2 – Don Jorissen wanted to know why gates were taken in the Legal Drain. Chairman Hieb referred to it being a request of the advisory board. The district will have Manager Anderson and Scott Legge at April meeting. Operating Manual was brought up and will be sent to all managers.

10 Mile Lake - Paul Abrahamson updated the district on 10 Mile Lake. Keith Weston and Paul are in contact with State Dept. of Health and agree that the sulfate levels from 10 Mile Lake are a concern for flow into Sheyenne River. Mike Opat handed a draft proposal for plans and proposals that had already been discussed and why we did things in the past. Mike feels to move ahead, NRCS has to set an elevation number, then we can keep moving forward. Keith Weston is going to talk to NRCS (Bismarck & Jamestown) and if it takes wetland

determinations from all landowners in area or if Paul Abrahamson could just get numbers. Water Quality is the other big concern for moving ahead. We are putting scenarios of water from Devils Lake & Hobart for flow into the Sheyenne and when we could add 10 Mile waters. There is a higher classification of water quality going into Lake Ashtabula than expected in lower Sheyenne River. Focus maybe going southern outlet through Tomahawk watershed. Funding was also discussed. BCWRD cover first step of setting elevation with NRCS and monitor water quality. With this information Paul Abrahamson can go back to landowners and talk about bonds and next step. Mike will put numbers to handout information for April meeting. Paul has been working with Mike Ell from the State Dept. of Health and Mike Hargess with the Red River Basin Authority, Environmental Specialist.

Hobart Lake – Mike Opat informed district that we are still waiting to hear from FEMA and State Emergency Services at state level.

Kathryn Dam - Mike Opat referred to his memo from Ron with Barr Engineering and water district requesting Ron to lower crest of proposal by 40" that could save about a quarter of a million dollars on the project. Mike had Barr Engineering run river profiles. Biggest change to the pool up stream at low flow would be about 3 feet and slowly tapers off till Kathryn Road where it's almost minimal flow. Discussion followed. Manager Jorissen made a motion to proceed to the next step of Kathryn Dam Project and put proposals together for cost share information. Manager Fehr second. Motion approved with a roll call vote.

Joint Griggs/Barnes WRD – Manager Fehr mentioned that the assessment process is being addressed at the next meeting and we have been in contact with Peter Wax from the State Health Dept. on the water quality for the project.

NEWS BUSINESS

Harold Pross Dam/Dike Complaint - Mr. Pross explained how in 1998 this block was put in to have water run in the other direction. Discussion followed. Previous water district had this block put in so water would not run north from Legal Drain 2. Mr. Pross will check with State Highway Dept.

Arvid Winkler & Cuba Twp. - Mr. Winkler came forward to address the managers on his questions why water district has no jurisdiction on his water

issues with Cuba Twp. Discussion followed. Current law is townships have legal jurisdiction, over culverts in township roads, except in the case where legal assessment drains are present.

West End Water Question – VC - Sean Fredricks explained that Casey Stoudt’s attorney contacted Sean on the situation of this large culvert at the west end of Valley City. BCWRD has no jurisdiction over this situation.

Jerald Orn Complaint – Manager Olauson made a motion for Moore Engineering to investigate this complaint. Manager Fehr second. Motion approved with a roll call vote.

SWC Biennium Requests – Mike Opat explained the state funding for water projects. Our project list, for the next Biennium, needs to be at the state office by April 22nd. Mike named a few projects from our previous list and wanted managers input on any other projects not on list. Mike will get paper work put together for the April meeting. Inspections of Drains/Dams was also discussed.

Dolliver Drain Tile App – Discussion if application less than 80 acres. Will contact Winters for clarity of tile application.

Bills – Bills were discussed. Manager Jorissen made a motion to approve the February bills of \$65,295.14. Manager Olauson second. Motion approved with a roll call vote.

Meeting adjourned at 11:45 am.

Respectfully submitted,



Linda McKenna

Secretary/Treasurer

Barnes County Water Resource Board