

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

April 10, 2017

MEETING MINUTES

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

Also Present: See Attached List

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

Manager Olauson made a motion to approve the minutes for March 13, 2017. Manager Bret Fehr second motion. Minutes approved.

OLD BUSINESS

Kathryn Dam: Chairman Hieb gave some background about the project. He spoke with Ron Koth with Barr Engineering about the possibility of talking to the State Water Commission (SWC) about additional cost-share and what the cost would be. Mike Opat also spoke with Ron Koth and they discussed way to support the Board's request for additional funding. At this point in time the SWC would fund 75% of the cost of removing the dam, but costs associated with installing the Board's preferred rock arch rapids alternative would be considered "recreational" and the SWC would only fund those costs at around 40%. Mike and Ron suggested documenting the non-recreational benefits of the rock arch rapids, such as how structures and upstream areas along the river could be affected if they take the dam out. Mike suggested that the board put together a memo to the SWC to support the Board's request for reconsideration of the cost-share and to also submit an application for funding through the Outdoor Heritage Fund to get more funding from them. The deadline for the Outdoor Heritage Fun application is May 1, 2017. Manager Anderson made a motion to have Moore Engineering prepare an application for cost-share from the Outdoor Heritage Fund, second by Manager Olauson. Upon roll call vote the motion carried unanimously.

Hobart Lake: Chairman Hieb received a call from Jason Sjostrom and he stated he signed his easements and he will provide abstracts. There are six parcels owned by two or three different landowners that they are still waiting on to sign and Sean's office is still working through some

issues with the elevators. It doesn't sound like there will be any issues with getting the remaining signatures. There is an issue where the pipe will go through some CRP so it just needs to get approved from the NRCS to either temporarily disturb the CRP for the project to go through and reseed it, or buy out $\frac{3}{4}$ of an acre. The project will remain on hold until all the signatures come in; next month the Board should be able to advertise for bids. Barry Borg was in to get some verification on the project as to where exactly different culverts will be located. Mike and the board explained where the culverts will be located and that the water elevation is going to be lowered to 1414.0 feet.

Legal Drain II - Hwy 1 ditch block: Last month, Neil Amann requested that the Board look at the gate; he has been in contact with Brady Woodard and they are coordinating so they can jointly examine the gate. Harold Pross had consented to installation of a block and Klubben said he would put it in. Also, there was discussion about having Sanborn Fire Department come in with their truck to flush the silt out of the culverts in the drain. Manager Anderson said he will contact Shawn Anderson from the advisory board for Stewart Drain to see what they would like to be done. Commissioner Froelich mentioned a jetting company from Fargo that was used to clean the Eckelson pipe. Manager Anderson will find out from Kerry Johnson who the company was and will also contact Klubben about coming in and cleaning out the drain.

Snagging and Clearing: Chairman Hieb spent most of a day with Jamie Smith and went over the accounts and found the Board has not been reimbursed by Barnes County for various costs over the past few years. The reason for this is the last secretary paid the bills but didn't submit anything to the county so the county could reimburse the WRD. At the last county commission meeting it was approved to reimburse the 2015-2016 Snagging & Clearing of a total of \$51,000. There was also a suggestion that when there is an agreement like this between the county and the WRD, the parties should enter in to a written joint powers agreement.

Griggs/Barnes Joint: Manager Fehr state there was nothing new to discuss.

Manager Jorissen had a question regarding water that is backing up onto Brad Belmore's land and up onto fish & wildlife property. All the water is coming from west around Fox Lake and is affecting township roads too. The board previously dismissed the the obstruction complaints. The matter is now a private issue between the landowners, US Fish & Wildlife, and the pipeline company. This is not a legal drain or other facility owned or operated by the WRD so the Board does not have jurisdiction. Also, since it is affecting township roads, the townships may be able to arrive at a mutually-acceptable resolution with USF&W. The contact for fish and wildlife would be Kurt Tompkins.

NEW BUISINESS

New Secretary: Chairman Hieb previously asked Managers Fehr & Olauson to go through the interview process for a new secretary with Jamie Smith and Kerry Johnson. The Board hired Heather Manson and she will be starting April 17th. The board welcomes her and Jerry mentioned she like the 6th person of the board & he wants to make sure she keeps up with

everything and works with the board as a team. Jamie has gone through everything from the last secretaries and everything should be ready for Heather when she starts.

The board also discussed the possibility of compensating Jamie for her extra work from the time the last secretary left until the new one starts. Sean stated that it would need to be added to her check from the county, as opposed to a direct check from the WRD, to ensure compliance with applicable law and to avoid any tax issues for Jamie. Commissioner Froelich will bring this to the next commission meeting.

Brad Noeske Tile App: Sean's office sent out 30-day notices as required under NDCC 61-32-03.1. The board can't approve the permit until after the 30 day period expires. Mike provided maps to show the boards where this project will be. Noeske will need to make sure he has the surrounding neighbors' signatures. Brad was present to show where project will be & discussed the project with the board.

John Triebold: John was present and explained that there is a construction company that wants to rent 10 acres and wanted Mr. Triebold to have the board look over the permits again to make sure he agrees with the concept of relocation of a drain and culvert. Sean and Mike told Mr. Triebold he needs to do a surface permit before he can do any of that work, and that needs to be sent to the State Engineer's Office. He did send in a surface permit for another project and is waiting to hear back from that; Sean indicated he should submit an additional application for the drain/culvert relocation project.

Engineers Report: Mike indicated the Board could approve Arlen Bonde's tile permit application.

Application to Install a Subsurface Drain for Arlen Bonde in the South Half of Section 35 and the Southeast Quarter of the Northeast Quarter of Section 35 in Spring Creek Township

The Board reviewed *Application to Install a Subsurface Drain* dated April 3, 2017, for Arlen Bonde. 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 of Section 35, the Southeast Quarter of the Northeast Quarter of Section 35, and the Southeast Quarter of the Southwest Quarter of Section 35 in Spring Creek Township, Barnes County, North Dakota. The project will include a single pump outlet that will discharge directly into a natural watercourse near the southeast corner of Section 35.

Mike Opat reviewed the application and indicated the project will discharge directly into a natural watercourse; 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, Arlen and Michelle Bonde own the Southeast Quarter of Section 35, the Southeast Quarter of the Northeast Quarter of Section 35, and the Southeast Quarter of the Southwest Quarter of Section 35.

Manager Fehr moved, and Manager Anderson seconded the motion, to approve *Application to Install a Subsurface Drain* dated April 3, 2017, for Arlen Bonde in the Southeast Quarter of Section 35, the Southeast Quarter of the Northeast Quarter of Section 35, and the Southeast Quarter of the Southwest Quarter of Section 35 in Spring Creek Township, all 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 provide and maintain adequate erosion protection at any and all outlets into the natural watercourse in the southeast corner of Section 35 of Spring Creek Township;
- 3) That Applicant notify the Barnes County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) 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;
- 5) 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
- 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.

Upon roll call vote, the motion carried unanimously.

Legal Report: Sean provided an update on legislative matters, including the current status of the tile permitting bill.

Commissioner Froelich asked if he could get a print out of all of the cost-share the Red River Joint Board has provided for Barnes County projects in the past, as well as a summary of projects RRJWRD is involved in currently. Sean state he would get that for John.

Paul Abraham emailed before the meeting and stated he could not attend but said that as of April 9th the water elevation on 10 mile lake is at 1432.0 feet msl & that all of the ice is not melted. It has gone up from the December level of 1431.5.

Bills: RRJWRD dues total is \$172,577.00 a motion by Manager Anderson to pay the full amount so that everything is current, seconded by Manager Jorissen. Upon roll call vote the motion carried unanimously.

The name on the Thordenskjold account has not been changed, and Commissioner Froelich said he would work on that. Manager Anderson made a motion to approve the other bills, seconded by Manager Fehr. Upon roll call vote the motion carried unanimously.

Meeting adjourned at 11:10 A.M.

Respectfully submitted,

Jessica Jenrich

Acting Secretary/Treasurer
Barnes County Water Resource Board

Barnes County Water Resource District
PO Box 306
Valley City, ND. 58072

April 10, 2017
Meeting Attendance

PLEASE SIGN IN BELOW

Joan Frueh
David Winkler
Barry Borg
John Treboka
Dan Mutschke
Brad Wolf