

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

September 11th, 2017

MEETING MINUTES

MEMBERS PRESENT: Managers- Bret Fehr, Shaun Olauson, Dale Jorissen, Bruce Anderson, Chairman Jerry Hieb, Mike Opat-Moore Engineering, Sean Fredricks-Ohnstad Twichell

Also Present: See attached List

Chairman Hieb called the meeting to order at 9:02am.

Manager Anderson made motion to approve the minutes from August 14th, 2017 meeting. Manager Olauson seconded the motion. Motion carried, minutes approved.

Manager Anderson made motion to approve the minutes from August 31st, 2017 meeting. Manager Olauson seconded the motion. Motion carried, minutes approved.

OLD BUSINESS

Hobart Lake: Mr. Fredricks explained the draft ORDER APPROVING APPLICATION FOR SURFACE DRAIN NO. 5003. By approving the Order, the Board will approve the Application No. 5003; the exhibits to the Order will include the full record from the Statewide Significance proceedings. Mr. Opat prepared draft responses to the 8-point questionnaire required for surface permits. Manager Anderson made motion to approve the ORDER APPROVING APPLICATION FOR SURFACE DRAIN NO. 5003 and to approve Mr. Opat's draft 8-point responses. Manager Fehr seconded the motion. Upon roll call vote, motion carried unanimously. Mr. Opat discussed that the contractor is ready to go once we issue the notice to proceed, that will be done when the permit comes back approved. He did explain there may be some issues with getting all the pipe and resin delivered due to the hurricane in TX. Mr. Opat will keep us informed, he and Mr. Hassell also reached out to FEMA to keep them informed. Discussion on Act of God clause within the contract, and FEMA may be able to give us an extension due to things being out of our control.

Kathryn Dam-update: Mr. Opat explained the OHF granted us \$159,505.00 for this project, Mr. Fredricks has looked over the contract beings this is funding we have not dealt with before. A revised request had been sent in to the SWC, they are considering our plans recreational which right now is a low priority with less funding. And there is a chance of not getting the 40% until the end of the biennium which is in 2019. There was discussion on different ways to fund the project,

what the timeframe of construction would be and if the County Commission would be willing to help. Commissioner Froelich stated that if we are looking at only \$100,000 he will bring it up at the next Commission meeting for discussion. There was also discussion on waiting with the project. The board asked Mr. Opat and Secretary Manson to talk with Karlene Fine, let her know about our current situation and to get more information from her as to what our options are with this process. Chairman Hieb and Manager Anderson are going to visit with Matt Pederson (SWC) about this also.

Legal Drain II – Ditch Block: Chairman Hieb is still working with Mr. Praska on this.

Edna Township-Water Issues: Mr. Koebernick asked board if there was any progress with the RR, or if the weeds were getting sprayed and if the culvert will be lowered with his ongoing water issue? Manager Jorissen stated that the township board wants to know where the water will go if they lower the culvert? Discussion on landowners, also on getting information from Amanda and discussion on making sure it is understood that with the water there is not going to be a flood of water just surface water. Manager Jorissen is going to talk with another township officer to get together with Mr. Koebernick and Mr. Jewett, to get the culvert lowered on the townships end. And then deal with what comes after that. It was asked to keep this on the agenda.

Griggs/Barnes Joint Board: Manager Fehr stated that nothing new has been done since our last meeting and we have also postponed a meeting, so there will be a Joint Board meeting following the BCWRD meeting this morning. Mr. Kale VanBruggen attorney for David Mutschler, which is one of the two cases appealing to courts for the challenging of the establishment of this drain. He approached the board with documentation stating that the court case is now on hold, Tom Moe has told the court we can't really have this court hearing until we know if wetland mitigation is required. He stated one of the issues in that case, is that the Joint Board didn't provide any damages as part of its total dollar value. So, the question is if there has to be wetland mitigation is there even enough budget for this project in order for them to pay those damages or pay for the mitigation for it to go forward? And Mr. Moe has told the court if we have to do mitigation, there's no point in having this hearing because we can't afford to build the project and make it go forward. So, one of the things we are going to ask is some questions of the Joint Board today is from January until now the reports have been that the Joint Board has been waiting for information from the Corps, when in actuality the Corps has been waiting on information from the Joint Board. Mr. VanBruggen handed out an email from Toni Erhardt from the Corps of Engineers stating this, he also stated that there is no ground making on this project just spinning wheels. He then handed out documentation from NRCS, and letters from NRCS sent to himself and Tom Moe. He provided BCWRD with lengthy documentation, and stated he is asking the Joint Board today why are they continuing to spend money on this project if your attorney said it can't go forward if there are damages and the agency has already told you there are damages, why spend money trying to get a Corps permit when regardless of that outcome you would have an issue with NRCS? Mr. VanBruggen is staying for the Joint Board meeting that follows.

Hwy 32 Drainage-John Triebold: Still pending.

10 Mile Lake: Received an email from Paul Abrahamson during the meeting stating the elevation of 10 Mile as of 9/11 was 1431.0 msl.

Water issue Eckelson- Schwehr/Legge: Mr. Legge was present and stated that talking with some landowners, they are considering the possibility of a legal drain. There was lengthy discussion, and it was stated by the board that if a legal drain is the route to take the board wants it to be landowner driven. Discussion on what the cost from landowners would be, maintenance, expectations, and possible easement district, or acquiring right of way. Mr. Fredricks discussed two different options of going about this. Mr. Legge stated the landowners discussed they want the least expensive way to keep things open, Manager Jorissen replied to have Mr. Legge talk with *all landowners* then come back for more discussion. Mr. Legge stated there is no hurry and this can be discussed this coming winter. It was stated to keep this on the agenda.

John Svenningsen: Mr. Svenningsen could not be present, the board has not heard back from him.

Neil Amann: Mr. Amann was present, at the last meeting the board agreed to do a level of spoil piles as a onetime deal. There was lengthy discussion on the estimates submitted for the work Mr. Amann has asked to be done. Questions asked were who is paying for this, and does it fall within the legal drain, or is it township responsibility. After more discussion, Manager Jorissen made a motion to put in the texas crossing along with an agreement with Mr. Amann that this is a onetime expense and that Mr. Amann maintains the crossing. Along with a project expense cap of \$3,000. Seconded by Manager Fehr. Upon roll call vote, motion carried unanimously. Mr. Fredricks will draw up the agreement for the board and Mr. Amann to look over and sign.

NEW BUSINESS

David Roberg: Mr. Roberg came forward and explained to the board that he owns land in Hemen township, his neighbor has about a ½ mile of cattails in section 34 that is blocking water flow in the natural drain and water is backing up on his property. There was discussion on who owns/rents the land, and would they spray the cattails, can a letter be sent from the board to have them sprayed. Mr. Fredricks reminded that the board does not have jurisdiction to force a landowner to clean out cattails. The board suggested to have Mr. Roberg talk with the landowner or renter, and to keep us informed on this situation.

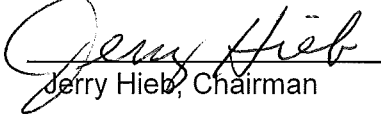
Engineer Report: Mr. Opat relayed to the board that FEMA is updating flood maps of rural areas. He will keep us posted on this.

Legal Report: Mr. Fredricks had nothing else to report.

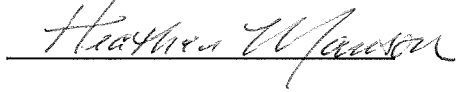
Bills: Manager Oluson made a motion to pay bills as presented. Seconded by Manager Fehr. Upon roll call vote, motion carried unanimously.

Meeting adjourned at 10:53 A.M.

APPROVE:


Jerry Hieb, Chairman

ATTEST:



Heather Manson
Secretary-Treasurer

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

Monday September 11th, 2017 10:00 A.M.

Meeting Attendance

PLEASE SIGN BELOW

BJ KRATZ

Mild. Am

David Winkler

Kate Van Bruggen

[Signature]

Scott Egg

Kurt Tompkins

Lee Grossman

Jim Ritzlaff