

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

November 13th, 2017

MEETING MINUTES

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

Also Present: See attached List

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

Manager Anderson made motion to approve the minutes from October 9th, 2017 meeting. Seconded by Manager Olauson. Motion carried, minutes approved.

Manager Fehr made a motion to approve the Special Meeting minutes regarding Hobart Lake Outlet Project October 18th, 2017 and November 1st, 2017. Seconded by Manager Olauson. Motion carried, minutes approved.

OLD BUSINESS

Hobart Lake: Mr. Opat stated that work is being done on the project site, progress is being made. With Change Order 1 the completion dates were adjusted, the RR borings and starting of the pipe installation was supposed to be done by Nov. 15th. One of the RR borings got started late last week - they are through the first one and starting the second boring today. Mr. Opat wanted to make the board aware that they (ESA) did proceed with that without submitting the proper documentation-indicating that the products, methods and installers meet the requirements outlined in the Contract Documents. These are things that Moore Eng. has been asking for months, and reminding them that it is needed before they can start. The contractor (ESA) has been informed verbally that they are proceeding at their own risk and if the submittals are not approved, it is their responsibility to correct any and all work that is not accepted. They (ESA) responded by saying they know they haven't gotten it done but they will take that risk that it's going to be correct – and they want to meet the first deadline in Change Order 1. Moore Eng. sent ESA a Notice of Defective Work, which is the process stated in the contract. Mr. Opat continued by explaining that we already notified ESA they weren't supposed to start, we deemed it defective so when we receive and review everything and it is good we will deem it not defective.

If it is defective, then ESA must pull it out and fix it on their dime. Moore Eng. will review the work being done.

Discussion that the boring at Columbia Grain is in, boring at Gavilon Grain started today and the contractor stated the boring of the County road will also be completed. Mr. Opat said we have a tolerance of an inch plus or minus in there with the bore to make sure we got it on grade, and with those rocks in there they had some issues doing the second boring and it's one of the reasons they backed out and moved over a bit. Moore Eng. surveyors are out there checking to see how close they got it and then we will make some decisions. As long as it is tilting in the right direction we should be good, they also have around 800 feet of pipe installed at this point.

Mr. Opat will keep us informed via email on the progress. There was discussion on the dates for FEMA funding extensions. Manager Fehr made a motion to request an extension from FEMA, Mr. Opat stated that Josh Hassell will take care of that paperwork. Seconded by Manager Anderson. Upon roll call vote motion carried unanimously.

Commissioner Froelich stated that an operation manual was forwarded to him, he asked if there has been a change in cfs in the plans? There was some discussion on how the size of the pipe has changed and the amount of water that can be moved, Mr. Opat stated he will check on this and get back to Commissioner Froelich. Chairman Hieb received a letter from Mr. Lewis, he is concerned that the change in the description of the channel on his property is not in his abstract. He requested a signed description by the BCWRD be in his documents. Mr. Fredricks stated that abstracts are not changed until after the closing. Manager Anderson stated that he was under the assumption that the WRD agreed to update the abstracts, the WRD is paying for all the closing costs now. Mr. Fredricks went through the whole process with the board, he stated that the abstracts will not be updated until after the final closing. He stated that we normally do not update them, if someone wants their abstract updated after we close it is typically up to them – the WRD and public get no value out of updating the abstracts. It was stated that if the board decides to pay for the updated abstracts after closing, the money would have to come from the county there is no allocation from the state or FEMA with this cost. There are two new easements regarding the project the board reviewed them. Manager Fehr made a motion to have Chairman Hieb sign and approve both flowage easements. Seconded by Manager Olauson. Upon roll call vote motion carried unanimously.

Mr. Fredricks gave an update with the Colville matter. Mr. Colville brought a motion to dismiss the eminent domain action from WRD, and made a requirement to do meets and bounds on his property. Mr. Fredricks stated he has not received an order from the judge yet, once he has any information he will relay it to the board.

Kathryn Dam-update: Chairman Hieb and Manager Anderson will talk with Matt Pedersen at the Water User's Convention about this project. Also, it was mentioned to invite him to a BCWRD meeting to see what we do.

Legal Drain II – Ditch Block: Lath and reflectors are staked where the ditch block is located. There was discussion on past years how the ditch block was taken out, then put back in. It was also stated that the ditch block has no purpose unless there would be a downpour of rain, or a high spring thaw. Manager Jorissen and Chairman Hieb will go and get a real measurement of the ditch block, there was discussion about taking Mr. Praska to the sight to get his thoughts/determination on this issue.

Griggs/Barnes Joint Board: Manager Fehr stated there is not much new to report with this project. The Griggs County WRD members have all resigned, their commission is working on appointing a new WRD board. There was some discussion on dissolving the Joint Board and walking away from the project. Manager Fehr stated he wanted to see how the reassigning of new members goes for Griggs County, and see what goes on from there. Manager Fehr stated he would be cancelling the Nov. 20th meeting to give Griggs County more time to find new members, he asked Secretary Manson to notify every one of the cancellation. Manager Jorissen stated he wants the BCWRD to stop paying our ½ of the bills that come forward, until something tangible is done with this project.

Hwy 32 Drainage-John Triebold: Mr. Fredricks and Secretary Manson have provided Matt Lindsay information regarding this, it is now being worked on by the state. Still pending.

10 Mile Lake: Received an email from Paul Abrahamson stating the new readings are:
10/10/17 from the NDSWC Observation Well 142-060-10CCC-2 elevation was 1433.62 msl
11/6/2017 from direct observation of Moore Engineering Elevation Marker at freeze-up was 1431.00 msl

NEW BUSINESS:

Snagging/Clearing: Mr. Opat stated to the board that there will be no funding from SWC with this, it all must come from local funds. It is ideal weather to continue snag/clear, Commissioner Froelich was asked his opinion on this - he stated the county would possibly kick in for the Kathryn Dam Project, it would be a tough sell to get money from the county for snag/clear with no help from the SWC. There was discussion on possibly doing an assessment district, the Commission said no to this in the past. Manager Jorissen suggested taking Mr. Pedersen out and showing him all the work that has done with snag/clear, then discussing the importance of keeping up with this. Mr. Opat stated if we (WRD) chose to move forward without state funding, this could hurt in the future when you argue that you need these funds. Board agreed with Mr. Opat and tabled this until next meeting.

Upper Sheyenne Dues: Chairman Hieb went over the handout that was presented. There was discussion on paying the dues all at once, or payment of \$2,622.12 once a year for four years. Manager Jorissen made a motion to pay the one year dues for the Upper Sheyenne. Seconded by Manager Olauson. Upon roll call vote motion carried unanimously.

ND Water User's Assoc. Convention: There was discussion on who will be attending the Water User's Convention. Mr. Fredricks is on the panel presenting on the updates to the Water Managers Handbook. They will be discussing drainage, dikes, assessments, complaints, and tiling this class will count towards education credits. All the board members will be attending, Secretary Manson will attend the Water Managers Handbook class. The board directed Secretary Manson to register them, and book hotel rooms.

It was brought up that Managers Fehr and Olauson, also Chairman Hieb's terms are up the end of December, Commissioner Froelich stated that he would hope all of them choose to stay on if reappointed.

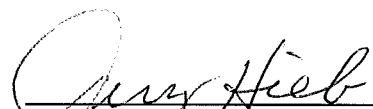
Engineer Report: Mr. Opat had nothing new to report.

Legal Report: Mr. Fredricks relayed to the board the Water Topics and SWC met, there was discussion on how valuable WRD are and a letter was sent out on the importance of cost share with projects. He also stated how the RRJB has been very active on WRD behalf about cost share.

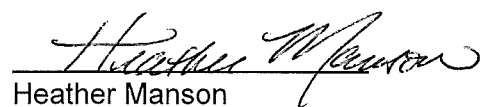
Bills: There was discussion on the bill that was submitted this morning by Klubben Exc. Manager Olauson made a motion to pay bills with the addition of Klubben Exc. bill. Seconded by Manager Jorissen. Upon roll call vote motion carried unanimously.

Meeting adjourned at 11:00 am.

APPROVE:


Jerry Hieb/Chairman

ATTEST:


Heather Manson
Secretary-Treasurer

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

November 13th, 2017
Meeting Attendance

PLEASE SIGN IN BELOW

Donald Jorissen
Joan Franklin
Harold Gross
KURT TOMPKINS
Arvid Winkler