

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

December 11<sup>th</sup>, 2017

## MEETING MINUTES

MEMBERS PRESENT: Chairman Jerry Hieb, Managers - Shaun Olauson, Bruce Anderson, Mike Opat-Moore Engineering, Sean Fredricks-Ohnstad Twichell (via telephone)

ABSENT: Manager Bret Fehr, Manager Dale Jorissen

Also Present: See attached List

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

Manager Olauson made motion to approve the minutes from November 13<sup>th</sup>, 2017 meeting. Seconded by Manager Anderson. Motion carried, minutes approved.

## OLD BUSINESS

**Hobart Lake:** Chairman Hieb turned it over to Mr. Opat for an update on the project. He stated that the two RR borings were completed this weekend, at this point the contractor is beyond the completion date that was agreed on in the first Change Order. Mr. Opat suggested that the board have Mr. Fredricks submit a claim to reserve rights to liquidated damages under the contract. Manager Anderson made a motion to have Mr. Fredricks draft a letter to reserve the boards rights to assess liquidated damages for failure to meet the Milestone deadline. Seconded by Manager Olauson. Upon roll call vote motion carried unanimously. Mr. Opat discussed that schedule wise the contractor made the decision to stop the installation of the underground pipe due to the freezing conditions a few weeks ago. They will continue with dirt work as long as they can, and will finish the pipe installation in the spring. Work has been done with the contractor to get paperwork done and submittals approved, Mr. Opat stated the contractor just got ahead of themselves. Commissioner Froelich asked how much pipe is installed? Mr. Opat believes there is about one mile of pipe in the whole project, and the contractor has roughly 1/3 of it installed. Manager Anderson asked if the contractor has submitted a pay request? Mr. Opat stated that as of today there has been nothing submitted, there will probably be something by the January meeting. Mr. Fredricks stated that he has sent a Liquidated Damages Claim to the contractor,

that was on Nov. 16<sup>th</sup>, 2017 he will email the board another copy of the letter. There has been no response from the contractor about the Claim.

**Kathryn Dam-update:** Chairman Hieb and Manager Anderson did not get a chance to talk with Matt Pedersen, the board asked Secretary Manson to invite him to the January 2018 meeting.

**Legal Drain II – Ditch Block:** Chairman Hieb had called and stopped in a couple times to discuss this issue with Mr. Praska, he was not available for discussion. Still pending, Chairman Hieb stated to keep this on the agenda.

**Griggs/Barnes Joint Board:** Manager Olauson stated there was no meeting last month for Griggs Co. to re-structure their board. Chairman Hieb explained the Griggs members had resigned and the commission appointed two new members. There was some discussion on if the new members understand the legalities that must be followed with water. Mr. Mutschler brought up to the board that Manager Olauson & Jorissen were wondering why no one has been coming to any of these meetings, they think the project is dead. At the last Joint Board meeting, there were Griggs Co. people there, no one from Barnes Co. Chairman Hieb stated there isn't much life in the project, Manager Olauson agreed. Mr. Mutschler also stated that when the Joint Board submitted the 404 applications, why didn't they submit Monte Roses wetland determination? Chairman Hieb relayed this discussion goes to the actual Joint Board. Mr. Mutschler replied he wants this board to see what is going on. He also stated that it is a big fine to not be straight up with the COE, from what I am hearing a \$70,000 fine. Mr. Fredricks stated this board is not dealing with this project. Mr. Mutschler replied he wants this board to be aware of it. Chairman Hieb stated the Joint Board functions themselves as we (BCWRD) do, and the project has no life. I think what Griggs does will determine what will happen with the Joint Board. Manager Olauson stated hopefully we will have a meeting on Monday the 18<sup>th</sup>.

**Snagging/Clearing:** The board wants to discuss this project and the importance of it with Matt Pedersen at the next meeting.

**10 Mile Lake:** Received an email from Paul Abrahamson stating these are the latest elevations for 10 Mile:

12/10/2017 from direct observation of Moore Engineering Elevation Marker at freeze-up was 1431.00 msl

11/07/2017 from the NDSWC Observation Well 142-060-10CCC-2 elevation was 1433.57 msl

## **NEW BUSINESS:**

**Todd Wendel-Drain Tile Application:** Chairman Hieb explained there are new rules and more information required with the applications. Mr. Fredricks requested a more detailed map that indicates a downstream discharge and a tile flow map, along with detailing the outlets. There was some discussion on these items, Mr. Wendel was present to answer questions. Mr. Opat stated that this does not flow into natural waterway, so 30-day notices sent to downstream landowners to the north is required. When Mr. Wendel provides the maps, Secretary Manson will forward them to Mr. Opat and Mr. Fredricks so notices can be sent out.

**Arlen Bonde-Drain Tile Application:** This is another incomplete application, Secretary Manson called Mr. Bonde and informed him that he needed to provide copies of deeds and a mailing address. This is not complete until the information requested is provided.

There was discussion of putting together a “example” application with maps and copies of deeds for informational purposes for the WRD office. This way if the applicant has any questions there will be a reference there to help them get the information required. There was also discussion on if the board can put a date to which applications will be accepted before putting them on the agenda for a meeting, Mr. Fredricks stated the board cannot implement a policy – but Secretary Manson can state that we need reasonable time to look over the applications for approval. The WRD wants a reasonable amount of time for everyone to look over the applications, they discussed having them handed in the Tues. or Wed. before the meeting.

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

**Legal Report:** Mr. Fredricks has emailed his presentation to the board that he presented at the Water Convention, he suggested sending out a memo to township officers with information about jurisdiction of culverts. The board likes this idea, Mr. Fredricks will revise memo for Barnes County and Secretary Manson will have copies done for the spring township officer’s meeting.

Commissioner Froelich asked Mr. Fredricks what is the latest rulings from the legislature on drain tile discharging into county or township roads? Mr. Fredricks stated that we cannot require written permission from the county, if the outlet is actually in the ditch then we can require installation of erosion protection – if it is 3 feet outside the ditch we can’t. Unfortunately, we are limited in what we can do to protect county and township roads and ditches.

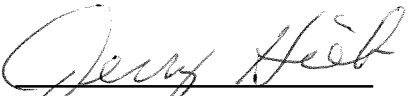
There was also discussion if any information has been received on the Colville matter, it was stated nothing has been heard.

Commissioner Froelich asked Secretary Manson to forward *approved & signed* copy of the meeting minutes to the Auditor from now on. There was discussion if the minutes are being posted on the County website and it was stated that yes, they are.


**Bills:** Chairman Hieb discussed a bill regarding a review of Defective Notice of Work. It was discussed that Mr. Opat and Mr. Fredricks want to make sure the correct language is stated in these notices, and this is a service they both are providing to the board. After discussion Chairman Hieb agreed. Manager Olauson made a motion to pay bills as presented. Seconded by Manager Anderson. Upon roll call vote motion carried unanimously. Chairman Hieb relayed that he wants to make sure the Upper Sheyenne dues bill for the amount of \$2,622.12 gets paid with this bill run.

Meeting adjourned at 10:20 am.

APPROVE:

  
Jerry Hieb, Chairman

ATTEST:

  
Heather Manson  
Secretary-Treasurer

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

December 11<sup>th</sup>, 2017  
Meeting Attendance

PLEASE SIGN IN BELOW

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Donald Jorssen

Avoid Winkler

Joel Fradette

EQ Thom

Ann Marie Thom

Harold Pross

~~Don A. [unclear]~~

Todd Wansel