

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

May 14<sup>th</sup>, 2018

### MEETING MINUTES

MEMBERS PRESENT: Chairman Jerry Hieb, Managers – Bruce Anderson, Shawn Olauson, Bret Fehr, Scott Legge, Mike Opat -Moore Engineering, Sean Fredricks -Ohnstad Twichell

Also Present: See attached List

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

Manager Olauson made a motion to approve the minutes from the April 9<sup>th</sup>, 2018 meeting. Seconded by Manager Legge. Motion carried. Minutes approved as read.

### OLD BUSINESS

**Hobart Lake:** Mr. Opat started the discussion stating that they are back out there working again. He also presented a second pay application from ESA. The pay application is for work done between Dec. 22, 2017 through May 10, 2018 and for materials on hand, then explained that if materials are acquired but not installed yet if they can prove they have them and with no liens on them - they can get paid for them under the contract. Also, Mr. Opat stated that they are carrying the liquidated damages cost over and will continue to carry that amount forward until the end of the project for the board to reconsider. Manager Fehr made the motion to pay ESA in the amount of \$ 26,099.08. Seconded by Manager Olauson. Upon roll call vote, motion carried unanimously. Beth Dooley from ESA was present, she gave a report on the work that has been started. She did state that there was 2 feet of frost still in the ground, and with the slow melt ESA is concerned with the June 15<sup>th</sup> milestone.

**Kathryn Dam:** Chairman Hieb was able to get in touch with Commissioner Matt Pedersen, and asked Mr. Opat to reach out to the SWC. He went through the history and the plan for the project, he also reviewed what our current situation was, and what our request is. The SWC is going to stay with the 75% for dam removal and 40% recreational for the cost share funding. The concern is the prioritization of the project, right now with the budget situation the recreation projects are low priority. There was discussion on how much money the board must come up with, exclusive from any other government agencies. Commissioner Froelich stated that he has talked about this before to the County Commission, at this point unless something changes they would probably

support this project. He stated the board should come up with a plan and ask the Commission for an amount, if you talk bigger numbers than \$100,000 then there will be a problem. It was suggested either way to get the cost share application in, and decide after reviewing the cost estimate again. Manager Olauson made the motion to have Barr and Moore Eng. work together to look at and update the cost estimate to make sure things have not changed, also to submit the cost share application. Seconded by Manager Legge. Upon roll call vote, motion carried unanimously.

**Griggs/Barnes Joint Board:** Manager Fehr relayed that the original plan is not going to work, and that Interstate Eng. is doing a peer review – we are waiting to hear back on that. Manager Legge reported that the original plan was voted down, and at the next meeting we need a new mission statement. Mr. Fredricks stated that if a new mission statement is not decided on the Joint Board can still exist, there is no need to meet regularly – meet when issues arise. The next Joint Board meeting is May 21<sup>st</sup>.

**10 Mile Lake:** Manager Anderson read the email from Mr. Abrahamson stating... These are the latest elevations for 10 Mile. **5/5/2018** from direct observation of Moore Engineering Elevation Marker was 1431.8 msl, an increase of 0.8 ft. No new measurements were taken at the NDSWC Observation Well 142-060-10CCC-2. That elevation taken 11/7/2017 was 1433.57 msl. Would it be helpful to report acre feet of 10 Mile besides elevation? Because it is a shallow lake, each foot rise generates larger expanse and inundation than a deeper lake. Would it be easy to determine without extensive labor/expense? I note Devils Lake is frequently reported in acre feet. There was discussion after this was read, Mr. Opat said he had some of that information calculated already and will have Mr. Hassell get that ready.

**Robert Bruns-Drain Tile Application:** Mr. Bruns had called the WRD office on 5/4/18 stating that he was withdrawing his drain tile application.

**Little Dam:** Nothing new to report with this

**Eckelson Lake:** Manager Legge and Mr. Opat did get a chance to meet. Manager Legge would like to have the cattails sprayed to get an open channel and see what flows naturally. It was asked what the original depth of the channel is, Mr. Opat has a file from '65 but those numbers are not going to tell us what is out there today. We also don't know the legitimacy of the file. There was discussion on the possibility of setting up a snagging/clearing district? Mr. Fredricks stated that if we worked with the County to develop a snag/clear district, that is a onetime thing and you cannot assess on any other similar type of projects in that district. After more discussion, Mr. Opat stated that there are a lot of things that must come into play and the board must decide how far they want to go project wise. Manager Legge made a motion to direct Mr. Opat to start the process of setting up a snagging/clearing district at Eckelson Lake. Seconded by Manager Anderson. Upon roll call vote, motion carried unanimously. Mr. Opat will have a draft of the assessment district for the June meeting, Mr. Fredricks stated to plan on having a Hearing in July, so this can be finalized by the August meeting. Mr. Fredricks also stated we need to get this on the County Commission agenda.

**Legal Drain II – Ditch Block:** Chairman Hieb relayed that we have approached the State Highway Dept. and they sent out a hydrology crew, they told us that we cannot remove the ditch

block and the idea of a culvert with a flap gate is not an option either. Manager Anderson visited the site, he and Manager Legge stated the cattails are in a lateral and not part of Legal Drain II and that could be slowing the natural flow. And beings the cattails are in the lateral Mr. Pross can clear a small channel, as it looks there is already a groove to help the water flow but it is currently filled in with years of sediment. It was stated that the purpose of the ditch block was to keep the water from Legal Drain II from flowing onto someone else's land. The ditch block in in the State Highway's Right of Way, it is out of our jurisdiction. The board asked Secretary Manson to contact the State Highway Dept. and ask for a copy of this information for our records and for Mr. Pross.

## **NEW BUSINESS**

**Budget – Sean F.:** Mr. Fredricks discussed that there was a new statute during the 2017 session that requires the county to conduct a hearing regarding the mil levies. It is an expedited process in terms of submitting your budget.

**Ken Rasmusson – Sanborn Lake concern:** Mr. Rasmusson stated that he does not want any more drainage into Sanborn Lake, it is affecting his land on the other end. He feels some water should be taken off the lake to protect landowners. There was discussion on flowage easements with the project at that time, it was stated that there are easements that have not been acquired yet. Chairman Hieb stated that the project is currently in an emergency only stage, the state is the only one who can declare a state of emergency and that is the only time the gate can be opened. It was asked what the water level is, and after more discussion it was decided that the current water level is not an emergency. Mr. Fredricks relayed that the board cannot stop people from draining into Sanborn Lake, they can however stop surface drainage of those without permits. He also stated that Mr. Rasmusson's concern is a legitimate one, we should come up with a long-term solution with this project.

Commissioner Froelich discussed at the zoning board meeting the consideration of drain tile being a utility was voted down, and the Commission voted it out. He wanted to make it clear that he is not against tiling, he is concerned for the road authority.

Chairman Hieb stated that the Red River Joint dues for 2019 are in the amount of \$ 70,837.00 and that totals to 60% of a 1.5 mil.


**Engineer Report:** Mr. Opat stated he had nothing else to report.

**Legal Report:** Mr. Fredricks stated he had nothing else to report.

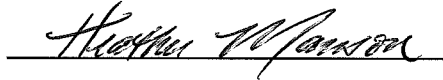
**Bills:** Manager Fehr mad a motion to pay bills with the addition of ESA pay application for Hobart. Seconded by Manager Legge. Upon roll call vote, motion carried unanimously. There was small discussion, then Manager Fehr made another motion to pay bills that were presented also. Seconded by Manager Anderson. Upon roll call vote, motion carried unanimously.

Meeting adjourned at 11:07 am.

APPROVE:

  
Jerry Hieb, Chairman

ATTEST:



Heather Manson  
Secretary-Treasurer

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

May 14<sup>th</sup>, 2018  
Meeting Attendance

PLEASE SIGN IN BELOW

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Scott Zapp  
Lloyd Seibel  
Joan Franklin  
Harold Pross  
David Winkler  
Donald Jorussen  
Bill Doley, ESA