

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

October 14<sup>th</sup>, 2019

**MEETING MINUTES**

**MEMBERS PRESENT:** Chairman Jerry Hieb, Managers – Scott Legge, Bret Fehr, Bruce Anderson, Daniel Buttke, Chris Gross - Moore Engineering, Sean Fredricks – Ohnstad Twichell, Commissioners - Shawn Olauson, John Froelich

Also Present: See attached List

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

Manager Anderson made the motion to approve the September 9<sup>th</sup>, 2019 minutes as printed. Seconded by Manager Legge. Motion carried, minutes approved as printed. Manager Fehr made the motion to approve the October 8<sup>th</sup>, 2019 10 Mile Lake Special Meeting minutes. Seconded by Manager Anderson. Motion carried.

**OLD BUSINESS**

**Hobart Lake:** Manager Anderson reported the drain had to be shut off on September 25<sup>th</sup>, testing results after that showed the gate could be opened again on October 6<sup>th</sup>. There is a lot of water running into the lake right now, but the drain is open, and water is running. Manager Anderson, Josh H. & Brady W. (Moore Eng.) met with Mr. Lewis to look at the base of the dam on his property, they agreed the rip rap needs altering on the bottom of it. Manager Anderson was going to contact Scott Cummings to do the work, it was mentioned to Mr. Lewis that he needs to trim the willow trees off before it starts to affect the face of the dam. The board agreed that the removal of the willow trees is Mr. Lewis' responsibility.

**Kathryn Dam:** Mr. Gross reported that the mussel relocation is postponed the dam is running to high right now, and no new date for the relocation has been decided yet it could possibly be next year. He also stated we are approved for the deviation, but it is probably going to get pushed out to November, he will continue to work with the COE on this. Mr. Gross also mentioned that he has not gotten a response from the Wadson's yet regarding their easement. Chairman Hieb and Josh H. met with Todd Tangen he had stated that he wants nothing to do with a permanent easement. Mr. Gross asked the board for direction and explained that it would be extremely expensive to modify the design of the project at this stage and does not recommend doing that. After lengthy discussion about Mr. Tangen's requests, Game & Fish easements, and the actual acreage in Mr. Tangen's easements the board is going to continue with negotiations. Chairman Hieb stated that he wants to meet with Mr. Tangen again to discuss the easement.

**Griggs-Barnes-Stutsman Joint Board:** Chairman Hieb relayed that this board will be interviewing engineering firms on Monday Oct. 28<sup>th</sup>.

**10 Mile:** Mr. Gross reported that Lake Town and Edna townships applied for an emergency drain permit, a hearing was held Oct. 8<sup>th</sup> and Emergency Drain Permit #5351 was approved. It is valid for six months unless requested to be extended, and then read through the thirteen conditions stated in the permit. Manager Legge asked what part does the WRD play in this? Mr. Fredricks explained that Lake Town and Edna operate this and need to coordinate with OSE. Eric Broten asked if the townships could have access to the WRD engineer for the emergency permit? Mr. Fredricks stated the board is a regulatory authority, if there were any complaints to the board it would be a conflict of interest having their own engineer work on this project. After lengthy discussion the board indicated the two townships should find an engineer, the WRD is using Moore Eng. to work on a long-term solution. Eric Broten asked the board if opening this drain through this emergency permit gives the SWC control to shut it down? Manager Legge stated correct. Mr. Broten explained the water is running naturally and no new construction is done and stated they should not have authority to close the drain, Mr. Fredricks explained yes, they can't close the natural flow but the SWC controls any components involved with the permit. Mr. Broten then asked they board how a downstream complaint could shut this down? Mr. Fredricks stated if you don't comply with the terms of your permit someone can file a complaint and the board can shut it down. As long as you comply with the terms of your permit you will be fine, if you get a complaint but are within the permit conditions there is nothing the WRD can do. There was lengthy discussion on how much water is coming into 10 Mile and that six months will not be enough time to get enough water off. It was also discussed how quickly engineering costs occur and how costly this is, along with who is going to pay for all of this. There was also discussion on a possible route for a permanent project and the length of time and process that goes along with that. Manager Anderson relayed to the townships a concern at Tomahawk with water going over the spillway and the Smith's road to the North, he asked to be cognizant of neighbors and stated the permanent project will have to do the same.

After all the discussion the board reiterated, they have no jurisdiction regarding the permit they suggested to the townships to get an engineer and to stay in compliance with the permit.

Manager Anderson read the email from Paul A.....

These are the latest elevations for 10 Mile. **10/06/2019** from direct observation of the Moore Engineering Elevation Marker was **1435.6 msl** and represents **17693.47**-acre feet. **An elevation increase of .7 ft** from the 9/8/2019 reading. Please note this reading was **before** the last rains and snow this week. The new reading represents **4.8 ft. INCREASE** from **11/9/2018 of 1430.8** msl, (5607-acre feet) A change in Acre Feet of **12087** from 5607 at freeze-up on 11/9/2018 or a **216% INCREASE in acre feet.** **10 Mile is now more than twice the size from freeze-up.** The NDSWC Observation Well 142-060-10CCC-2, **9/23/19** is **1437.02**

**VC Little Dam:** Mr. Gross reported this 4-year progress report will be discussed at the SWC meeting on Dec. 6<sup>th</sup>.

**Dams owned by BCWRD:** Nothing new to report from the last meeting.

**Eckelson Lake:** Manager Legge reported that water is flowing, cattails have been sprayed the broad leaf weeds did not get sprayed. It was discussed to start spraying broad leaf in the spring and continue with cattail spraying in the fall. Manager Legge also reported the county shop is getting flooded with water, the township is contacting the RR to clean out the drain so water can run into Fox Lake.

**Sanborn Lake:** Chairman Hieb reported that the Offner/Jorissen crossing has water running over it, the drain is closed until the local water moves through then the board will re-open the drain. Manager Anderson stated that the water needs to go down another foot or so, there was discussion about requesting an extension to the emergency drain permit at the next meeting. The board is still working on the ROW acquisitions, Chairman Hieb and Manager Anderson were going to talk with a few landowners again. It was mentioned that easement payments should go out when all the landowners have signed.

**Thordenskjold Drain-repairs:** Mr. Gross handed out bid estimates from Ind. Builders with culvert sizes and quantities. The board had lengthy discussion on the bid sheets, they also discussed if they should just stay with the plan to remove/replace wing walls. Manager Fehr suggested looking for more bids and doing an analysis on the culverts, Chairman Hieb suggested doing a better on-site inspection. Mr. Gross and a board member will do the on-site inspection of the condition of the culverts. Mr. Gross will give a report at the next meeting.

**Clausen Springs Dam-Inspection Report:** Mr. Gross did a site visit on the items documented in the Dam Inspection Report, he stated there are some minor repairs. The large tree that was documented has no impacts to the dam, so it does not need to be removed. He also discussed the spillway and the bottom articulated concrete block that has shifted, also the vent pipe has collapsed. Mr. Gross explained some of the recommended methods of the repair process, he is gathering more information to present at the next meeting. He mentioned to the board that these are more maintenance items and probably won't get done until next summer. Mr. Gross then reported the Dam Safety recommended updating the EAP for Clausen Springs Dam, he stated there is cost share for this. Manager Legge made the motion to have Moore Eng. apply for cost share to update the EAP. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Mr. Gross also read in the report there is cattail growth that is indicative to seepage from the dam, he asked if the board wanted quotes from geo-technical firm to do a seepage analysis? The board wanted to wait on this. Manager Anderson talked with Jamen Windish BC Weed Officer about spraying trees, he said he could spray the trees but won't be able to cut and remove them.

**NEW BUSINESS:**

**Utility Permit-Cass Co. Electric:** Manager Fehr received a call from Cass Co. Electric they are installing an underground power line in Rogers Township going under a waterway is necessary, they usually get permits to do this. Mr. Fredricks drafted a standard form that was completed by Cass Co. Electric. The board discussed the permit, it states that Cass Co. Electric will repair any damages done to the banks and if the line needed to be relocated, they will at their expense. This

is for our own records. Manager Fehr made the motion to approve the permit. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously.

**Pat Hurley – Complaint:** Mr. Hurley was present to discuss the issues stated in his complaint filed against Rosebud Township. After much discussion, Mr. Fredricks explained that culvert issues along township roads and section line issues are the responsibility of the township. He then went onto explain that the WRD has no jurisdiction regarding his complaint and can't do anything. Mr. Fredricks suggested to Mr. Hurley to contact OSE, Mr. Hurley withdrew his complaint to the WRD.

**Snag/Clear Cost Share Agreement:** The WRD received a cost share agreement from the SWC showing the states portion of this project. There was discussion if the County Commission will contribute to the local share again, the board asked Secretary Manson to send the Auditor and County Commissioners a letter along with the cost share agreement for discussion. Manager Fehr made the motion to approve the SWC Snag/Clear Cost- Share Agreement. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously.

**Bank Forward-Signature Card:** There was discussion as to who is authorized to sign for this account. After discussion Manager Fehr made the motion to appoint Chairman Hieb, Vice-Chair Anderson and Secretary Manson to be on the account. Seconded by Manager Legge. Upon roll call vote, the motion carried. Secretary Manson will get the required information to Bank Forward.

Chairman Hieb discussed the Annual WRD Conference in December, as of now all 5 board members along with Commissioner Olauson will be attending. At the November meeting the final decisions will need to be made to confirm registrations.

**Engineer Report:** Nothing new to report.

**Legal Report:** Nothing new to report.

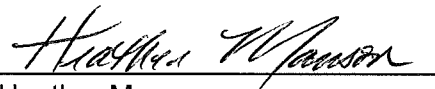
**Bills:** Manager Legge made the motion to pay bills. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously.

There being no further business to discuss, the meeting was adjourned at 11:26 a.m.

APPROVE:

  
Jerry Hieb, Chairman

ATTEST:

  
Heather Manson  
Secretary-Treasurer

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

October 14<sup>th</sup>, 2019

PLEASE SIGN IN BELOW

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Alan Olson

BC Comm.

Sheryl Smith

Rogers

John Froehle

BC Comm

Eric Broke

Darcy

David Winkler

Mike Coyt

Fargo, ND

Gale Larsson

ROGERS

Mike Clemens

Wimbledon