

Barnes County Water Resource District

Po Box 306

Valley City, ND 58072

701-845-8508

December 14, 2020

MEETING MINUTES

MEMBERS PRESENT: Chairman Jerry Hieb, Managers – Bret Fehr, Scott Legge, Dan Buttke, Bruce Anderson (all via phone), Chris Gross & Josh Hassell - Moore Engineering (via phone), Sean Fredricks – Ohnstad Twichell (via phone), Commissioner Shawn Olauson (via phone)

Also Present: See attached list

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

Manager Legge motioned to approve the November 9, 2020 minutes with the correction discussed. Seconded by Manager Fehr. Motion carried; minutes approved with correction.

Manager Legge motioned to approve the 2021 Meeting Dates. Seconded by Manager Anderson. Motion carried; meeting dates approved as printed.

OLD BUSINESS

Hobart Lake: Manager Anderson reported the drain was closed for the year on 11-16-2020. He stated the water has come down 1.9 feet at the time of closing.

Kathryn Dam: Mr. Gross reported the final contracts were received from Veit & Company; Sean Fredricks gave his concurrence on the insurance documents. Mr. Gross discussed the pre-construction meeting he will send out that information closer to that date, he mentioned that Veit & Company does intend to move equipment prior to the Christmas holiday and may be able to get started right after the first of the year. After more discussion, Manager Legge motioned to authorize Chairman Hieb and Secretary Manson to sign the contract agreement along with the Notice to Proceed with Veit & Company. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously. Manager Anderson commented on the article about the mussel relocation in the ND Outdoors publication, it had great pictures and thanked VCSU for the good work.

10 Mile Lake: Eric Broten expressed concerns now that Silver Creek has sent out their ballots with the assessment map, and with the 10 Mile watershed map there is some overlap. Chris Gross stated that one thing to note to landowners is that Silver Creek is the first assessment district going in, so now is the best time to ensure that the boundary for that project is correct.

Sean Fredricks pointed out that if landowners in the possible overlap area have issues with the Silver Creek assessment, they need to address the G-B-S Joint Board. He went onto explain that it is not uncommon for land to be in two districts, it is good practice to make sure that landowners are not assessed more than 100%. He also stated that the 10 Mile assessment list must reflect actual benefits from the BCWRD 10 Mile project. There was lengthy discussion on Lidar and HUC, and what is usually within ballots. The board asked Secretary Manson pass along Silver Creek information Moore for overlapping review. Paul Abrahamson read his report... the latest elevation for 10 Mile Lake at freeze up is 1433.14 ft msl, the Spiritwood Aquifer is down .04 at 1438.44 ft msl.

Josh Hassell reported to the board that there have been some conversations with landowners regarding 10 Mile, and for the most part they have been positive. Mr. Hassell explained a few concerns of landowners regarding containment and outlet channels, he discussed with the board the landowners chose the blue alignment which is the cheaper option in terms of wetland mitigation and is a shorter length project that saves on construction costs as well. Mr. Hassell relayed to the board that some landowners indicated they would like some reassurances from the WRD, ideally, they would like to have something in writing, to allow the landowners at some point in time to tile into this drain. Josh explained to landowners that is a WRD decision to have that in writing, he feels this could ease some concerns. He is specifically discussing the Stowman property, which is west of City of Dazey, they asked for something in writing as this process moves forward to basically allow them to tile into the drain when the project is built. After lengthy discussion, Chairman Hieb stated instead of having individual letters for each landowner, relay that the WRD is required to function under the law and what the law states. Provide landowners with a copy of the tiling statute, that is what will need to be followed. There was positive feedback on this.

Griggs-Barnes-Stutsman Joint WRD Report: Manager Fehr reported that ballots have been sent out they are due back on Dec. 21st, that is when the canvas meeting will be held. There was some discussion on the way the ballots read regarding the assessment, some landowners brought their concerns with this to board members. Mr. Fredricks explained that the ballot language is not statutory, then went onto explained the process that WRD's go through with assessment projects.

VC Little Dam: Nothing new to report from last meeting.

Eckelson Lake: Manager Legge reported that the water is barely moving.

Sanborn Lake: Mr. Gross reported the board did issue a comment of support to the Office of State Engineer, we have not heard back on the state's ruling yet.

Thordenskjold Drain: Manager Anderson reported that Scott C. finished the cleanout, he explained in some areas quite a bit of material was taken out and in other areas there was hardly anything for material. Scott C. relayed that the worst area was by Carpenter's. Manager Buttke will look at the work completed. Manager Anderson also stated that Scott C. is going to get in touch with Moore Eng. for more specs on the repairs, he will then submit a bid for the repairs.

Kent Sortland Tile Application:

Application to Install a Subsurface Water Management System No. 2020-06 for Kent Sortland in the Northeast Quarter of Section 22 in Svea Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-06*, dated July 31, 2020, and filed October 23, 2020, for Kent Sortland. Under the application, Applicant seeks to install a 90-acre drain tile system (erroneously identified as a 75-acre system in the Application) in the Northeast Quarter of Section 22 in Svea Township, Barnes County, North Dakota. The project will include two gravity outlets; the first will be along the east boundary of the Northeast Quarter of Section 22 and will discharge into the west road ditch along County Highway 11; the discharge will flow north in the County 11 ditch until discharging into a natural watercourse known as the Svea Drain. The second outlet will be in the Northeast Quarter of the Northeast Quarter and will discharge directly into the Svea Drain.

With regard to the first outlet, the Board provided a THIRTY-DAY NOTICE to the Barnes County Highway Department, as a downstream landowner within one mile of the outlet, as required under N.D. Cent. Code § 61-32-03.1. Because the second outlet will discharge directly into the natural watercourse, no THIRTY-DAY NOTICE is necessary under N.D. Cent. Code § 61-32-03.1. The Board cannot require Applicant to install any erosion protection in Svea Drain, but will recommend that Applicant do so. The Board can, however, require Applicant to install erosion protection at the outlet into the County 11 road ditch. Barnes County previously enacted an ordinance regarding work within County highway right of way; Sean Fredricks will include the County's permit form with Mr. Sortland's permit materials, and will send a copy of the approved permit to the County.

According to records supplied by Applicant, Phil and Betty Thompson owns the Northeast Quarter of Section 22, subject to a life estate in Bertha Thompson.

Manager Anderson moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-06*, dated July 31, 2020, and filed October 23, 2020, for Kent Sortland, regarding a proposed tile system in the Northeast Quarter of Section 22 in Svea Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-06, subject to the following conditions:

- 1) that Applicant notify the Barnes County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) that Applicant install and maintain erosion protect at the outlet into the Barnes County Highway #11 road ditch.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

- 1) that Applicant notify the Barnes County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 2) that Applicant install and maintain erosion protection at the discharge into Svea Drain;
- 3) that Applicant obtain written consent from the Barnes County Highway Department to discharge into or otherwise utilize its Highway #11 road ditch; and
- 4) that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

NEW BUSINESS

Rick Albrecht-Request for Drainage on Highway ROW: Sean Fredricks explained to the board this application goes to the DOT, but the WRD has no jurisdiction. He stated that Federal Highway rules require WRD's to approve and submit a cover letter. After more discussion, Manager Legge motioned to approve the DOT permit, authorize Sean Fredricks to draft and Secretary Manson to sign the cover letter. Seconded by Manager Buttke. Upon roll call vote, the motion carried unanimously.

Snagging/Clearing: Chairman Hieb feels with the river being so low and hardly any snow these are good conditions to do this. Mr. Gross explained that the WRD still has open cost share with the SWC. After discussion, Manager Legge motioned to ask Industrial Builders to proceed under the existing contract for snagging/clearing, and to start where we left off last time. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

Chairman Hieb brought to attention that in January we go through reorganization, the engineer selection process, and legal. There was discussion on SWC cost share requirements, when the WRD last went through the engineer selection process, and board appointments. The board agreed to put all on the January agenda.

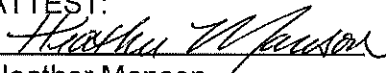
Engineer Report: Mr. Gross had nothing more to add.

Legal Report: Mr. Fredricks will be sending out emails regarding legislative issues coming up on the tile bill and legal drain capabilities.

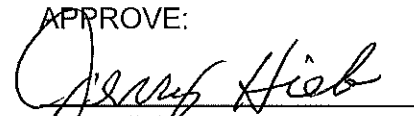
Bills: Motion to pay bills with the addition of the Thordenskjold Drain cleanout bill made by Manager Legge. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously to pay bills with the addition discussed.

With nothing further to discuss the meeting was adjourned at 11:04 a.m.

ATTEST:


Heather Manson
Secretary - Treasurer

APPROVE:


Jerry Hieb, Chairman

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

December 14th, 2020

PLEASE SIGN IN BELOW

via conference call...

Paul Abrahamson

Eric Borten

Shawn Olafson

Mike Opat

Kurt Tompkins