

**Barnes County Water Resource District
Po Box 306
Valley City, ND 58072
701-845-8508**

January 11th, 2021

MEETING MINUTES

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

Also Present: See attached list

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

Sean Fredricks discussed the reorganization process. Manager Legge then motioned to reappoint officers Jerry Hieb as Chair, Bruce Anderson as Vice Chair, Heather Manson as Secretary, and to keep portfolios and committee members in place. Seconded by Manager Buttke. Upon roll call vote, the motion carried unanimously. Chairman Hieb stated the Engineer Selection Process has been done during the reorganization in the past, Mr. Fredricks explained that the current contract with Moore Eng. is valid until August. The board agreed to begin the Engineer Selection process in the summer with the final decision making during the August meeting.

Manager Legge motioned to approve the December 14th, 2020 minutes. Seconded by Manager Anderson. Motion carried; minutes approved as printed.

OLD BUSINESS

Hobart Lake: Manager Anderson had nothing new to report from last meeting, the drain is still closed. The WRD received notice that MVTL was going to raise their fees slightly, the board discussed that with water quality testing needing to be done on multiple projects we may qualify for a cheaper rate.

Kathryn Dam: Manager Buttke has visited the site; he reported the dam is out and they are working on the riverbank. Mr. Gross reported that construction has started, the old dam has been removed with the wing walls still in place. He explained that Veit & Company has submitted a revised water plan, this is a better plan than what they had originally. He explained that once the revised water plan is approved things will be changing out there daily, the rock riffles should start being constructed within the next couple weeks. Mr. Gross encouraged the

board members to drive down and look for themselves. He also wanted to make sure the board was aware that Veit & Company did enter into a third-party agreement with Todd Tangen, they have an agreement to use some of Mr. Tangen's trees on his site as tow wood and then in return there is an area where they will be able to spoil unsuitable material. Mr. Gross pointed out that neither the WRD nor Moore Eng. entered into this agreement. He mentioned to the board that this looks to be a two-month construction time frame and things are scheduled to be complete the first week in May.

10 Mile Lake: Mr. Gross reported there has been continued involvement with negotiations with landowners to finalizing the alignment on the outlet. When the final alignment is selected and landowners are on board with it, a final survey of the alignment will be scheduled and that will take us into the design of the channel, spoil banks and then determine ROW needs. With one more informational meeting we can present the channel and the impacts to each specific parcel, along with a cost estimate. He then went over an outlook for the next 3-4 months. Eric Broten stated that Moore Eng. has been good to work with and connecting with landowners to keep them up to speed. He agreed that it is important to have another informational meeting and expressed his concerns about determining how people are going to be assessed and set fair assessment values. Mr. Fredricks agreed and stated that a more detailed examination of benefits will be helpful. Paul Abrahamson read his report.... The elevation for 10 Mile Lake at freeze up is 1433.14, the Spiritwood Aquifer elevation is 1438.42 which is down .02 ft.

Griggs-Barnes-Stutsman Joint WRD Report: Manager Legge reported that the vote did not go through, there is no project at this time. Another meeting is scheduled for January 25th to decide how to proceed.

VC Little Dam: Chairman Hieb met with the Valley City administrator; she had mentioned that the city would like the dam to stay as it provides back water to the Mill Dam. She requested more information to get more acclimated to the issue. Mr. Gross reported that an extension request has already been made to the SWC for the 4-year progress reports, we need to make sure we have something to look at for feasibility, Manager Anderson will be calling in for that meeting.

Eckelson Lake: Manager Legge reported it is draining. Mr. Gross explained that we have a cost share application submitted; prelim data gathered. This is on hold until the hazard mitigation plan is approved for the county, once that comes back, our application is already in, so it is a matter of processing. He then explained to the board that all work done prior to approval of cost share is all eligible. After more discussion this is the same scenario for Meadow Lake.

Sanborn Lake: Mr. Gross reported that the comment period is closed, two comments were received, one from Dept. of Health the other ND Game & Fish. The Dept. of Health stated if we have water quality issues, we must work with them, the Game & Fish stated to not drain it lower than 1427 to protect the fisher and they are also concerned with A&S Control Mr. Gross is working on what specifically will be needed for the aquatic nuisance. He stated hopefully by the next meeting there will be a draft version for us to review with conditions to discuss. He is optimistic that we might have a permit by March.

Snagging/Clearing: The board discussed continuing with this, Mr. Gross will reach out to Roger H. with Industrial Builders about getting the same crew as last time to come out and do the work, they did a great job. Commissioner Olauson stated that the City of Valley City is interested in possibly having some snagging/clearing done as well, this discussed at the Commission meeting. No one from the city has contacted the WRD yet.

NEW BUSINESS

Drain Tile Application – Mark Thomsen:

Application to Install a Subsurface Water Management System No. 2021-02 for Mark Thomsen in the Northeast Quarter of Section 28 in Hobart Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2021-02*, dated December 7, 2020, and filed December 10, 2020, for Mark Thomsen. Under the application, Applicant seeks to install a joint drain tile system with Jason Sjostrom in the Northeast Quarter of Section 28 and the Northwest Quarter of Section 27 in Hobart Township, Barnes County, North Dakota. Applicant's portion of the project will include 12 acres of tile in the Northeast Quarter of Section 28. The two systems will share a gravity outlet that will discharge via a pipeline along the north boundary of the Northwest Quarter of Section 27 and the Northeast Quarter of Section 28; the pipeline will discharge directly into Hobart Lake in the Northeast Quarter of Section 28.

Because the project will discharge directly into Hobart Lake, no THIRTY-DAY NOTICES were necessary to any downstream landowners under N.D. Cent. Code § 61-32-03.1. Hobart Lake is now a component of an assessment project so the Board can require Applicant to install erosion protection at the outlet into Hobart Lake. The Application was not clear regarding Applicant's intention to install any portion of the outlet pipeline in the south road ditch along 34th Street SE; if the project will include installation of any project component in Township right of way, the Board cannot require Applicant to obtain consent from Hobart Township. Barnes County previously enacted ordinances regarding work within County and township road right of way; Sean Fredricks will include the County's permit form with Applicant's permit materials in case the County will require Applicant to obtain a County permit.

According to records supplied by Applicant, Mark W. Thomsen and Paula D. Thomsen own the Northeast Quarter of Section 28 of Hobart Township, and Jason Sjostrom owns the Northwest Quarter of Section 27 of Hobart Township.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-02*, dated December 7, 2020, and filed December 10, 2020, for Mark Thomsen, regarding a proposed tile system in the Northeast Quarter of Section 28 in Hobart Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-02, 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 protection at the discharge into Hobart Lake.

Upon roll call vote, the motion carried unanimously. The Board cannot enforce any ordinances enacted by Barnes County or Hobart Township, but the Board will notify the County and the Township of Mr. Thomsen's permit.

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 obtain written permission from the Hobart Township Board of Township Supervisors to install, operate, and maintain buried pipe in any of its township road ditches, or to otherwise utilize any of its road right of way; and

3) 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.

Drain Tile Application – Jason Sjostrom:

Application to Install a Subsurface Water Management System No. 2021-01 for Jason Sjostrom in the Northeast Quarter of Section 28 in Hobart Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2021-01*, dated December 7, 2020, and filed December 10, 2020, for Jason Sjostrom. Under the application, Applicant seeks to install a joint drain tile system with Mark Thomson in the Northeast Quarter of Section 28 and the Northwest Quarter of Section 27 in Hobart Township, Barnes County, North Dakota. Applicant's portion of the project will include 72 acres of tile in the Northwest Quarter of Section 27. The two systems will share a gravity outlet that will discharge

via a pipeline along the north boundary of the Northwest Quarter of Section 27 and the Northeast Quarter of Section 28; the pipeline will discharge directly into Hobart Lake in the Northeast Quarter of Section 28.

Because the project will discharge directly into Hobart Lake, no THIRTY-DAY NOTICES were necessary to any downstream landowners under N.D. Cent. Code § 61-32-03.1. Hobart Lake is now a component of an assessment project so the Board can require Applicant to install erosion protection at the outlet into Hobart Lake. The Application was not clear regarding Applicant's intention to install any portion of the outlet pipeline in the south road ditch along 34th Street SE; if the project will include installation of any project component in Township right of way, the Board cannot require Applicant to obtain consent from Hobart Township. Barnes County previously enacted ordinances regarding work within County and township road right of way; Sean Fredricks will include the County's permit form with Applicant's permit materials in case the County will require Applicant to obtain a County permit.

According to records supplied by Applicant, Mark W. Thomsen and Paula D. Thomsen own the Northeast Quarter of Section 28 of Hobart Township, and Jason Sjostrom owns the Northwest Quarter of Section 27 of Hobart Township.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-01*, dated December 7, 2020, and filed December 10, 2020, for Jason Sjostrom, regarding a proposed tile system in the Northwest Quarter of Section 27 in Hobart Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-01, 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 protection at the discharge into Hobart Lake.

Upon roll call vote, the motion carried unanimously. The Board cannot enforce any ordinances enacted by Barnes County or Hobart Township, but the Board will notify the County and the Township of Mr. Sjostrom's permit.

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 obtain written permission from the Hobart Township Board of Township Supervisors to install, operate, and maintain buried pipe in any of its township road ditches, or to otherwise utilize any of its road right of way; and

3) 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.

Lowell Spitzer approached the board with an inquiry of installing a small crossing on a natural waterway (creek) in his cattle pasture, he discussed the possibility of purchasing some leftover plastic pipe that the WRD owns. Mr. Fredricks explained that the WRD does not have jurisdiction in terms of naturals, but suggested Mr. Spitzer contact OSE to discuss and see if he may need a permit. Sometimes the OSE will confirm to you whether or not your project requires a permit, then you have that for records in case of possible complaint filed against you. Mr. Gross and Mr. Fredricks then expressed to the board if they are going to be involved in any way in this, it would be wise to require confirmation from the state that this does not require a permit. After more discussion, Manager Legge motioned for Mr. Spitzer to contact the OSE and provide confirmation to the WRD and sell him 3 culverts at \$150 each. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

Engineer Report: Mr. Gross mentioned to the board the SWC 4yr reports are due for VC Little Dam and 10 Mile Lake, Manager Anderson will be on the call to discuss these. Moore Eng. is drafting letters to send to Julie Prescott, this is the first extension request for 10 Mile Lake.

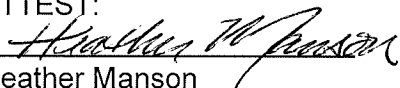
Legal Report: Mr. Fredricks discussed legislative bills coming up and stated that session is in full swing, he will keep the board posted when action is needed. He and Mr. Gross touched base on the happenings with Sargent County Legal Drain 11, encouraged board members to contact legislators to show support for the cost share extension. After more discussion Manager Legge motioned to keep Sean Fredricks on as legal for the WRD. Seconded by Manager Fehr. Upon roll call vote, the motioned carried unanimously. Manager Anderson expressed his appreciation for all his hard work.

Manager Anderson brought up water manager compensation, he asked what other board's get compensated, the WRD currently is at \$100 per meeting. Mr. Fredricks explained there is a maximum per day, he also stated that this board puts a lot of time. After more discussion, Manager Anderson motioned to raise the compensation to \$135 per meeting. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Commissioner Olauson agreed and stated that he has no problem with the raise in compensation.

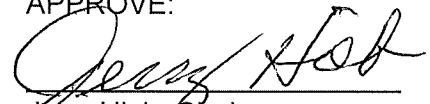
Bills: Motion to pay bills as presented by Manager Legge. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting was adjourned at 10:54 a.m.

ATTEST:


Heather Manson
Secretary - Treasurer

APPROVE:


Jerry Hieb, Chairman

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

January 11th, 2021

PLEASE SIGN IN BELOW

Lowell N Spitzer

Jason Sjostrom

Mark Thomsen

Riley Astar

Call-in.....

Shaun Alanson

Eric Borten

Victor Lovell

Paul Abrahamson

Dale Jonsson

Cindy Schwehn