

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

March 8th, 2021

MEETING MINUTES

MEMBERS PRESENT: Chairman Jerry Hieb, Managers – Bret Fehr, Scott Legge, Bruce Anderson, Chris Gross - Moore Engineering, Sean Fredricks – Ohnstad Twichell (via phone), Barnes County Commissioner Shawn Olauson (via phone)

ABSENT: Manager Dan Buttke

Also Present: See attached list

Chairman Hieb called the meeting to order at 9:01 a.m.

Manager Legge motioned to approve the February 8th, 2021 minutes. Seconded by Manager Anderson. Motion carried; minutes approved as printed.

OLD BUSINESS

Kathryn Dam: Chris Gross discussed the final walk through of the project that was done last week and handed out a photo of the riffle looking upstream, everyone agreed the project looks good. He also submitted a Certificate of Substantial Completion that explained the punchlist items that Veit will come back to complete later this spring. He also submitted the Contractor's Pay Application No. 2 with the recommended amount of \$409,583.53 he explained the unit price worksheet and the pay application to the board. After discussion Manager Legge motioned to approve the Certificate of Substantial Completion. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Also, Manager Legge motioned to approve Pay Application No. 2 from Veit in the amount of \$409,583.53. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Mr. Gross also mentioned that the tax anticipation bond payment is due April 15th, 2021 to Starion Bank, there was discussion on the total cost share reimbursements requests from different agencies and the timeline as to when the reimbursements should be received. Chairman Hieb stated that there is \$33,000 from the Upper Sheyenne that is going to be coming yet, after more discussion Manager Anderson motioned to pay the Tax Anticipation Bond of 2021 in the amount of \$784,036.25, and to use money from the Bank Forward account to pay the local share. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously.

10 Mile Lake: Chris Gross handed out a very preliminary draft assessment map of what this potential assessment district could look like. He discussed the items listed on the map, the proposed channel, top tier benefitted areas and lower benefitted areas, he also explained Stutsman Co. contributories and the SW areas in Wimbledon that need additional landowner conversation. Discussion was held on possible benefits in Stutsman Co. Mr. Fredricks explained to the board, that if they decide to assess and if there are any benefits from Stutsman Co., we must assess the landowners and enter into a Joint Powers Agreement, but only if there are benefits. Discussion was held about a township indirect assessment, this is a direct assessment to the township for benefits of roadways, this is a township decision that gets voted on. The question is will townships be willing to participate in an indirect assessment. Chairman Hieb stressed that he wants the landowners to stay involved, he suggested relaying today's discussion to landowners at the next informational meeting. The next informational landowner meeting will be held on Tuesday March 30th 9:00 am at the Dazey Community Center, advertisement and meeting notices will be sent out. Manager Anderson read the 10 Mile Lake report sent in by Paul A., a copy is on file at the WRD office.

VC Little Dam: Chairman Hieb has talked with the City Administrator; the City of VC is very interested in what was done at the Kathryn Dam Project. Chris Gross mentioned that they have reviewed the report from four years ago and want to discuss options.

Sanborn Lake: Chris Gross reported that the OSE has received comments back regarding the permanent permit application. The ND Game & Fish would like the elevation to stay at 1427 but had originally indicated through conversation that they were ok with 1426. The board must respond back with alternative options/suggestions if we do not the state will deem this not of statewide significance place conditions and we operate it as uncontrolled. The board discussed moving forward and requesting a lower elevation of 1426. Discussion was held on the installation and placement of the pipe; they also discussed the Agreement with the RR. Manager Legge and Manager Anderson both stated that it is almost impossible to keep this at 1427. After more discussion, the board agreed to respond back to the OSE to see if we can get this permitted to 1426 without statewide significance. And once it is permitted, the board can either continue to operate it as is or look at a small construction project to put a control at that elevation to eliminate the need for as much onsite control from Managers. Manager Anderson explained that you need to run across $\frac{3}{4}$ mile of seeded ground and hope for forgiveness from the two landowners. He stated at some point landowners are not going to be happy with the traffic through their land.

Snagging/Clearing: Chairman Hieb reported that IBI completed work on Thursday, area landowners are very happy with the job and the progress that was made. Chris Gross suggested waiting on applying for this now, he stated the economic model is not in set up well for snag/clear right now we can submit at a later date.

Chris Gross mentioned that the LaMoure County WRD will be holding a meeting on March 26th to discuss the LaMoure Drainage Project. They are looking to do a clean out with a possible assessment district, there is an assessment portion that might reach the southern portion of Barnes County. He explained that if there is a determined benefit in Barnes Co. the LaMoure

Co. WRD will be at some point approaching the board with a possible Joint Powers Agreement. He is keeping the board in the loop.

NEW BUSINESS

James Wieland Tile Application:

Application to Install a Subsurface Water Management System No. 2021-03 for Wieland Investments, LLLP, in Section 33 in Green Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2021-03*, filed February 5, 2021, for Wieland Investments, LLLP. Under the application, Applicant seeks to install a 370-acre drain tile system in Section 33 in Green Township, Barnes County, North Dakota. The project will include a single gravity outlet that will discharge into a natural watercourse near the southeast corner of Section 33; the watercourse flows to the southeast, and discharges into a slough in Section 3 of Nelson Township.

Because the project will discharge directly into a natural watercourse, no THIRTY-DAY NOTICES were necessary to any downstream landowners under N.D. Cent. Code § 61-32-03.1. Further, because the project will discharge into a natural watercourse, the Board cannot require Applicant to obtain consent from downstream landowners as a condition to the permit, nor can the Board require Applicant to install erosion protection at the outlet into the natural watercourse. However, the Board will recommend that Applicant install and maintain erosion protection, to protect the natural watercourse and to protect downstream landowners.

According to records supplied by Applicant, James S. Wieland owns all of Section 33 of Green Township.

Manager Fehr moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-03*, filed February 5, 2021, for Wieland Investments, LLLP, regarding a proposed tile system in Section 33 in Green Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-03, subject to the following condition:

that Applicant notify the Barnes County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets.

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 the natural watercourse in Section 33; 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.

Legal Drain 2: Manager Anderson and Manager Legge gave a report from the Legal Drain 2 Advisory Meeting. It was voted on to replace 2 culverts' by Offner's that run from sect 27 to sect 33, these are 42" culverts within the channel of the drain at that meeting. There is a lateral that comes from Offner's yard going east through the road going into the drain, there is question if this is part of the drain? After discussion it was decided to stay with the laterals being the responsibility of the landowner. There was some discussion that sometimes the lateral culvert that enters the drain lies within the 66 ft. Chris Gross explained that some water boards take on the responsibility of these intercept pipes, Manager Legge stated in his opinion he feels that lateral pipes and intercept pipes should be treated equally and be the responsibility of the landowners. The board decided to keep this on the agenda for more discussion.

Eric Broten discussed an issue with a plugged culvert in Edna Twp. sect 26. There was cleaning done to get the water off the twp. road that leads into that section, then it stops right at the RR, there is a culvert running through the RR it is completely plugged by a muskrat hut. He provided pictures for the board; he has not been able to contact anyone from the RR to get the culvert cleaned out. He asked if he should file a complaint against the RR, Mr. Fredricks explained that this is not a complaint type situation and that the WRD has no complaint jurisdiction over this. Chris Gross suggested Midwest Pest Control they handle issues like this, Kurt Tompkins stated that he had some numbers for CP that he would share with Eric. Chairman Hieb got John Paulson's number with USDA.

Jason Sjostrom Tile Application:

Application to Install a Subsurface Water Management System No. 2021-04 for Jason Sjostrom in the Northeast Quarter of Section 27 in Hobart Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2021-04*, dated February 28, 2021, and filed March 5, 2021, for Jason Sjostrom. Under the application, Applicant seeks to install a 45-acre drain tile system in the Northeast Quarter of Section 27 in Hobart Township, Barnes County, North Dakota. The project will include a single gravity outlet that will discharge via an

underground pipeline that will run north across a portion of the Southeast Quarter of Section 22 of Hobart Township; the pipeline will daylight and discharge directly into Hobart Lake.

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. By law, the Board cannot require Applicant to obtain a pipeline easement from the owners of the Southeast Quarter of Section 22, but the Board will recommend that Applicant obtain an easement. Further, if the project will include installation of any project component, including buried pipeline, in Township right of way, the Board cannot require Applicant to obtain consent from Hobart Township, but will recommend that Applicant obtain the Township's consent. 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, Jason and Hilary Sjostrom own the Northeast Quarter of Section 27 of Hobart Township. With regard to the property where Applicant intends to install the underground pipeline, Barry and Cheryl Borg own the Southeast Quarter of Section 22.

Manager Legge moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-04*, dated February 28, 2021, and filed March 5, 2021, for Jason Sjostrom, regarding a proposed tile system in the Northeast Quarter of Section 27 in Hobart Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2021-04, 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.

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 a pipeline easement to install and maintain underground pipeline across and through the Southeast Quarter of Section 22 of Hobart Township;

3) that Applicant obtain consent from Hobart Township to install and maintain underground pipeline across and through any of the Township's road right of way; 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.

Dwight Boom Complaint: Dwight Boom filed a complaint on Friday March 5th, 2021. The board discussed the previous complaint filed back in 2011. Manager Anderson motioned to have Chris Gross investigate and report at the next meeting. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously.

Manager Anderson had asked if there was any chance of opening Hobart Drain. Chairman Hieb stated that there is not enough run off right now, and we should wait for notification from Peter Wax. Manager Legge suggested doing a water quality test to see where we are at with water quality now, then see if we can operate the drain.

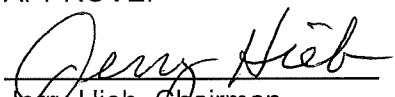
Engineer Report: Chris Gross had nothing else to report.

Legal Report: Mr. Fredricks reported that there are Senate Hearings going on this week, there is positive development on SB2208 and if there are any action items he will let us know. He discussed the handout for the BCTOA meeting on culvert jurisdiction.

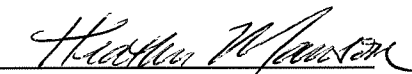
Bills: Manager Legge motioned to pay bills as presented. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting was adjourned at 12:10 p.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson
Secretary - Treasurer

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

March 8th, 2021

PLEASE SIGN IN BELOW

Donald Jorissen

Via phone.....

Paul Abrahamson
Josh Hassell - Moore Eng.
Eric Borton
Dale Jonsson
Mike Opat
Kurt Tompkins