

Barnes County Water Resource District
PO Box 306
Valley City, ND 58072
845-8508

Meeting Minutes
June 14th, 2021

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

Also Present: See attached list

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

Manager Anderson motioned to approve the May 10th, 2021; minutes as printed. Seconded by Manager Legge. Motion carried; minutes approved as printed.

OLD BUSINESS

Hobart Lake: Manager Anderson and Chris Gross discussed the issue with the stock dam on the Josh Johnson property, Chris Gross passed out photos of the dam prior to the repair IBI completed last year. He explained that the issue is with the rip rap downstream of the structure, the rip rap undermines where the concrete stops. Discussion was held on how often and how long the drain has been open, Chris Gross explained that it is very unlikely that water from Hobart Drain caused this damage. Sean Fredricks relayed to the board stated within the signed flowage easement agreement between the Johnson's and the WRD, that the board is only responsible for damages to the stock dam that are caused by the board, the board is not responsible for costs of general maintenance. Manager Legge stated that water from Hobart Drain could have been part of the damage, but it is most certainly not the whole cause of the damage. After more discussion, Manager Legge motioned to solicit informal bids from three contractors and to also authorize a contract with the lowest bid. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Sean Fredricks suggested with the board choosing to act on this even though it is unlikely that Hobart Drain water is responsible for this damage, the WRD has a Joint Powers Agreement with the BC Commission, the board should get in touch with the BC Commission to let them know what is happening.

Kathryn Dam: Chris Gross reported the contractor will be on site this week to wrap up what is left of the fence installation and tree planting. The contractor has not submitted a final pay application yet, he is hoping to have one for the board to review by the July meeting for approval.

10 Mile Lake: Chris Gross reported that the Stutsman Co. WRD has been given a copy of the Joint Powers Agreement, they are meeting on June 30th, it was agreed that one Manager from BC should attend that meeting. Paul Abrahamson asked if a decision has been made as to what percentage of benefit will be assessed to land that is currently under water? Chris Gross explained at this time there is no land reduction rate calculated, this decision must be made before the assessment hearing. Manager Anderson then read the elevation report submitted by Paul A. for 10 Mile Lake, a copy is on file at the WRD office.

VC Little Dam: Chris Gross reported that he has been working with SWC staff and other agencies on the submittal of the cost share application. There was discussion on submitting an application for design now, then resubmitting for construction at a later date. Some concerns were expressed regarding the local share with this project, Chris explained that the local share will be determined by the WRD and the City of VC when that time comes.

Sanborn Lake: Chris Gross reported that the revised O&M Plan has been submitted to the SWC, we have not received correspondence back yet.

Legal Drain 2 – culverts: Chris Gross explained the contractors that received the bid documents are extremely busy and requested an extension to submit. After discussion, the board agreed to extend the timeframe for the bids and will discuss at the July meeting. Discussion was held on the two culverts east of the drop structures, Chris Gross explained that after reviewing plan sets, ROW documents and easements they all indicate that the Legal Drain does have some responsibility for these culverts. Manager Legge stated he feels that Stewart Township should be involved with this project as well the two culverts go under a township road. There was discussion on the length of the pipe, Chris Gross will get in contact with George Piatz to help coordinate and provide specs for meeting sizing requirements. Manager Legge motioned to have the WRD participate in this project with a 60%-40% split with Stewart Township and recommends 60ft culverts, with Moore Eng. overseeing to ensure proper sizing requirements are met. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

Boom – VanBruggen Complaint: Sean Fredricks reported the Notice of Decision order was sent out stated that the illegal drainage must be filled in by May 31st, 2021, it has been reported that the work has not been completed. Both parties were present, they expressed their concerns. Manager Legge explained to Mr. VanBruggen that he can either fill in the illegal drain himself or the board will hire a contractor to fill it in and assess his taxes. After more discussion, Manager Legge motioned to extend the date to fill in the illegal drain to Tuesday June 22nd, 2021, by 5 p.m. and to have Moore Eng. do the inspection. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously. This will stay on the agenda for the next meeting.

Wolsky – Carpenter Complaint: Chris Gross noted at the May meeting both parties were present and were asked to submit more information on the complaint that was filed. Secretary Manson received that information on Friday June 11th, Chris will initiate the investigation and provide a report for the July meeting.

NEW BUSINESS

SWC Engineer Services Selection Process: Sean Fredricks reported that the board has received Qualification Statements from two engineering firms, today the board can authorize approval of the Second Report and schedule interviews. After discussion, Manager Legge motioned to approve the Agency Selection Committee - Second Report. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Interviews with Moore Engineering and Houston Engineering will be held on June 21st, 2021, starting at 9 a.m. in the Barnes County Highway Dept. Conference Room.

Drain Tile Application – Greg & Bruce Shanenko:

Application to Install a Subsurface Water Management System No. 2021-09 for Bruce Shanenko and Greg Shanenko in the Northwest Quarter of Section 10 and the Northeast Quarter of Section 9 in Getchell Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2021-09* dated April 30, 2021, and filed by Applicants Bruce Shanenko and Greg Shanenko on May 18, 2021. Under the Application, Applicants seek to install a 94-acre drain tile system in the Northwest Quarter of Section 10 and the Northeast Quarter of Section 9 in Getchell Township, Barnes County, North Dakota. The project will include a single gravity outlet that will discharge via an underground pipeline that will commence near the south boundary of the Northwest Quarter of Section 10; the pipeline will run south across a portion of the Northeast Quarter of the Southwest Quarter of Section 10 before daylighting and discharging into a natural watercourse.

According to the County tax roll information supplied by Applicants, Bruce and Jeanne Shanenko, as Trustees of the Bruce and Jeanne Shanenko Living Trust, own the Northwest Quarter of Section 10; and Gregory and Darlene Shanenko, as Co-Trustees of the Gregory and Darlene Shanenko Revocable Living Trust, own the Northeast Quarter of Section 9 in Getchell Township. Duane G. Borchert, as Trustee of the Duane G. Borchert Trust, owns the Southwest Quarter of Section 10, where Applicants will install the pipeline.

Manager Anderson moved, and Manager Legge seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-09*, dated April 30, 2021, for Bruce Shanenko and Greg Shanenko in the Northwest Quarter of Section 10 and the Northeast Quarter of Section 9 in Getchell Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-09, subject to the following conditions:

- 1) that Applicants install and maintain erosion protection at any and all outlets into the natural watercourse in the Southwest Quarter of Section 10;
- 2) that Applicants re-establish any areas disturbed installing or maintaining Applicants' tile system;
- 3) that Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in the Northwest Quarter of Section

10 and the Northeast Quarter of Section 9 in Getchell Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement; and

4) that Applicants must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT No. 2021-09 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the District will recommend that Applicants consider complying with the following:

1) that Applicants obtain a pipeline easement from the owner of the Southwest Quarter of Section 10 to install, construct, and maintain a buried pipeline; and

2) that Applicants 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2021-09, Applicants' downstream flow map, and the Barnes County Permit Form to the State Engineer's Office, Barnes Rural Water District, Jessica Jenrich, and Getchell Township; the Board will send the parties copies by first-class mail, attested by an affidavit of mailing, all as required under Section 61-32-03.1(6). Under the new tile law, Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Surface Drain Permit Application No. 5514 – Bruce & Connie Smith: Sean Fredricks reviewed that the State had sent out Solicitation of Views, they concluded this was not of statewide significance, now it is forwarded onto the WRD for final approval. He discussed a few of the State's recommendations for the WRD to take into consideration. The WRD should include the USFWS in discussions on the desired water elevation of the wetland being pumped, also the WRD should consider the total discharge volumes, rates, and water quality of discharge for any potential impacts. Chris Gross will prepare the 8-point analysis and have a report prepared for the July meeting. Connie Smith stated that she has had conversations with Kurt Tompkins (USFWS), she also shared her COE approval report with the board. After discussion, the board agreed to hold a Hearing during the July meeting for landowners to attend and discuss, a notice for the Hearing will be published in the Times Record.

LaMoure County Drain – Mike Vogel: Mr. Vogel approached the board about contributing bond money for a propose legal assessment drain. They are proposing a clean out of Bear Creek which starts in Rosebud Twp. sect 13 going south then over to the east eventually into Ransom County. It was figured that about 3.45 miles of this proposed drain is within Barnes County. The board agreed that the southern part of Barnes County could use some relief especially with the last round of rainfall. Discussion was held on the process the WRD follows with projects the board then agreed to not

contribute any bond money, but when the time comes, the board will consider entering into a Joint Powers Agreement.

Engineer Report: Chris Gross had nothing new to report.

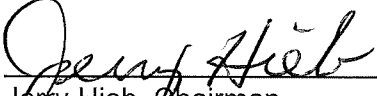
Legal Report: Sean Fredricks had nothing new to report.

Secretary Manson asked that two board members to attend the Budget meeting on June 17, 2021. Manager Legge and Manager Anderson will present.

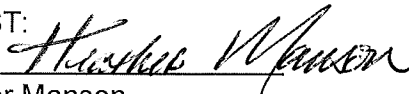
Bills: Manager Legge motioned to pay the bills as presented. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting was adjourned at 11:50 a.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson
Secretary - Treasurer

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

June 14th, 2021

PLEASE SIGN IN BELOW

Warren Vaubaygen

Donald Jorissen

Shawn Olanson

~~XXXXXXXXXX~~

Dwight + Karin Boon

Dean Carpenter

Via phone.....

Dan Butte

Mike Opat

Paul Abrahamson

Bruce + Connie Smith