

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

**Meeting Minutes
September 13th, 2021**

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

Also Present: See attached list

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

Manager Fehr motioned to approve the August 9th, 2021 minutes with the correction discussed. Seconded by Manager Buttke. Motion carried; minutes approved with the correction stated.

Chairman Hieb discussed starting with the New Business items due to the numerous attendees regarding those items.

NEW BUSINESS

Dale Jorissen Edna Twp.: Mr. Jorissen discussed the Emergency Drain that was approved by the SWC in Edna Twp., he stated the water has stopped flowing and the Twp. is looking to possibly turn that into a Permanent Drain/Legal Drain. Sean Fredricks explained to contact the State Engineer's Office and explain the plan, you will need to fill out a Surface Drain Application. The OSE will circulate the application to receive comments from agencies involved, then the determination of it being statewide or interdistrict significance will happen. If, it is deemed interdistrict significance then the permit application will be forwarded to the WRD for final approval. If it is deemed statewide significance, that is a lengthier process. An application was emailed to Mr. Jorissen.

Mr. Jorissen mentioned that a farmer in his area had a well open up on his property, he asked who to contact to help get this filled in? Manager Anderson explained in the past he has worked the Soil Conservation Agency cost sharing Bentonite to seal the well and black fill dirt. Chairman Hieb stated with his experience, NRCS has just given him a list of companies that do this kind of work. No action was taken by the board.

Todd Wendel - Drain Tile Application:

Application to Install a Subsurface Water Management System No. 2021-10 for Todd Wendel in the North Half of Section 27 in Potter Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2021-10* filed August 3, 2021, by Applicant Todd Wendel. Under the Application, Applicant seek to install a 107-acre drain tile system in the North Half of Section 27 in Potter Township, Barnes County, North Dakota. The project will include a single gravity outlet along the north boundary of the Northeast Quarter of Section 27; the outlet will discharge directly into a natural drain that flows to the northeast, under 34th Street SE. The project will include six surface inlets with 3/8-inch coefficient.

According to the County tax roll information supplied by Applicant, Todd Wendel owns the Northwest Quarter of Section 27, and owns 120 acres in the Northeast Quarter of Section 27 where Applicant intends to install the tile system, less the East Half of the East Half.

Manager Legge moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-10*, filed August 3, 2021, regarding a proposed tile system for Todd Wendel in the North Half of Section 27 in Potter Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-10, subject to the following conditions:

- 1) that Applicant install and maintain erosion protection at any and all outlets into the natural watercourse in the Northeast Quarter of Section 27;
- 2) that Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
- 3) that Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in the North Half of Section 27 in Potter Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement; and
- 4) that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-10 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 Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend 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. Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-10, Applicant's downstream flow map, and the Barnes County Permit Form to the State Engineer's Office, Barnes Rural Water District, Jessica Jenrich, and Potter Township. Under the new tile law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Utility Permit – Cass County: Sean Fredricks explained the utility permit form that he drafted and the protective language that is stated within the form to the Board. Chris Gross relayed that he had no additional conditions to add. After discussion, Manager Fehr motioned to approve the application with

standard conditions. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously.

Aaron Larson – Ditch Cleaning Agreement: Sean Fredricks discussed the application submitted, it is a form the Board used in the past, he then discussed liability issues with this form and suggested the Board not use it anymore. The Board agreed, and briefly discussed if they have any jurisdiction with this. Sean Fredricks suggested to direct Mr. Larson to contact Weimer Twp. and email him a copy of a Surface Drain Application and explain that he may need to fill it out if he plans on doing anything more than silt removal. No action was taken by the Board.

Ken Rasmusson – ROW Request for Drainage (DOT): Mr. Rasmusson was present and explained the clean out he wants to do; he has filled out and submitted a DOT application. Sean Fredricks explained that the WRD does not have jurisdiction over ditch cleanouts, but because it is DOT they must comply with Federal Highway requirements, and one is to have the local WRD approve the application. After discussion, Manager Anderson motioned to approve the application and submit it to DOT with a cover letter. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously.

Matt & Dan Lund: Requested permission to remove a ditch block along State #32 in section 1 of Thordenskjold Twp. Sean Fredricks and the Board suggested they talk with Jay Praska then submit the DOT form for the Board to review at next month's meeting.

Les Hanson – Reclaim Gravel Pit: Mr. Hanson asked if he needs the Board's approval to fill and level off an area to reclaim a gravel pit? Sean Fredricks discussed a provision in the Administrative Code that indicates that "placement of fill" may require a surface drainage permit. He suggested Mr. Hanson contact the OSE to explain his project, they will indicate to him if he would need to fill out a surface drainage application. No action was taken by the Board.

OLD BUSINESS

Hobart Lake: Manager Anderson reported water quality testing has been done, we are waiting on results to see if we can open the drain. He presented pictures of the completed Johnson Dam repair, he said that everything looks good. Manager Legge asked moving forward if the WRD is responsible for fixing this again? Discussion was held, the Board agreed to monitor the condition of the dam with dated photos of when the gate is opened and closed, these will be kept on file at the WRD office for a baseline of degradation regarding the stock dam. Barry Borg presented the Board a letter stating not to open the valve. He explained that the coffer dam around the culvert has not been removed, there is a V cut in the southwest part of the coffer dam for water to flow. He stated this opening has silted in by wave action and has piled up cattail debris, he is concerned that if the valve is opened the suction will plug the culvert. He recommended installing a cattle panel to stop the cattail roots from plugging the culvert. Sean Fredricks suggested the Board check to see if the coffer dam is part of the permitted project before any material be moved to stay in compliance with the permit. Chris Gross will look to see if the coffer dam is a component of the permitted project. Mr. Borg also discussed a culvert within the County ROW he feels is plugged, Manager Anderson will get in contact with Kerry Johnson. No action was taken by the Board.

Kathryn Dam: Chris Gross reported that Bob K. is working on the sign installation, once that is complete that will allow the WRD to submit and receive the final cost share reimbursement from the OHF. Bob K. will let us know when that is complete.

10 Mile Lake: Chris Gross handed out a preliminary assessment benefit % map for the Board to review, there is a total of 968 ballots within the black outlined area. The Board discussed and agreed that no changes need to be made. Moore Eng. is around 95% complete on finalizing the assessment list, when that is complete it will be sent to Sean Fredricks for the legal portion, Sean Fredricks discussed the legal timeline and the statutory requirements. He explained at the October meeting the Board can approve the Resolution, then the mailings and the Publication of Hearing will be sent out. The Board discussed a date and location for the Hearing, it was decided to hold the Public Hearing on November 30th, 2021, at 10:00 a.m. located at the Dazey Community Center. Secretary Manson will contact Justin Sherlock to check on facility availability. Manager Anderson read the 10 Mile Lake report submitted by Paul A., a copy of this is on file at the WRD office.

VC Little Dam: Chris Gross reported that the cost share application was received and discussed at the Subcommittee Meeting. It will be reviewed again at the October DWR Full Commission meeting, he requested a couple Board members be present at this meeting, Chairman Hieb and Manager Anderson will be attending. There was discussion on different cost share percentages, the different agencies involved, and the need for the rock riffles to be deemed a safety measure. Chris Gross also mentioned that the OHF is a cost share participant, he is working with Andrea to make sure the OHF has all the information needed for the upcoming meeting. He will let the Board know when that is scheduled.

Sanborn Lake: The water level is continually going down with the dry weather.

Legal Drain 2 – culverts: Discussion was held on timeframes, and the Contractor's Agreement, if work was not completed by date specified. Secretary Manson explained that the bid was approved before the pipe is made, a call is into True North Steel on the status of the culverts. Secretary Manson keep everyone informed and will touch base with Wade Klubben. No action was taken by the Board.

Cattail Spraying: Secretary Manson reported that Mike Larson has been contacting landowners he plans on being in the County next week, the Board was reminded that mother nature plays a big role in this.

Aas – Maasjo Verification Report: Chris Gross handed out a profile graph and explained that the Board approved that the filling in of the area was complete in November 2020, Jeff Aas had requested an Engineer's Report of Verification. Chris Gross explained that approximately 600 feet of the channel listed in the complaint has been adequately filled in, the upstream 150 feet was not fully filled in. He stated even though the channel was not filled entirely upstream, the watershed area upstream of the unfilled area is now less than 80 acres. Therefore, a drainage permit is not required for the drainage work that was not entirely filled in. Discussion was held, Manager Legge motioned to accept the Engineer's Verification Report. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously. A copy of the report will be sent to Jeff Aas.

SWC Engineer Services Selection Process: Commissioner Olauson discussed the Resolution that was approved at the September 7th BC Commission meeting. They recommended that the WRD re-evaluate the ranking system for selection of an engineering firm, and that they implement this for the current selection process. Chairman Hieb stated that the WRD is an entity in its own, and that the Water Board Members are appointed by the BC Commission. He explained the DWR requires the WRD to go through this process every three years, he then stated that the WRD has the highest well respected legal representation in ND. Chairman Hieb discussed a history of past projects and the working relationship between the WRD and the BC Commission, he discussed County projects, Legal and Assessment Drains. He also stated that he would hate to have our County follow the path of Griggs Co. where that Commission has micromanaged and taken away the WRD's funding. He stated that he feels the WRD has followed all the rules, and that he does not think the WRD should re-vote to come up with the correct answer for the Commission. Manager Buttke stated that he did not understand a few items with the ranking, otherwise he would have scored some things differently. Manager's Anderson and Fehr both commented that they would like the projects that have been started by Moore Eng. to stay with Moore Eng. Sean Fredricks explained his discussions with the State about the prospect of the WRD retaining Moore Eng. for the 10 Mile Lake Project, the state agreed to this. After uncomfortable discussion, Chairman Hieb motioned to approve the Agency Selection Committee - Final Report with Houston Engineering, with the exception of the 10 Mile Lake Project that will continue with Moore Eng. Seconded by Manager Legge. Upon roll call vote, Manager Legge voting - yes, Manager Buttke voting – no, Manager Fehr voting – yes, Manager Anderson voting – no, Chairman Hieb voting – yes. Motion carried with the yes votes.

Engineer Report: Chris Gross had nothing else to report.

Legal Report: Sean Fredricks had nothing else to report.

Bills: Manager Legge motioned to pay the 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 11:12 a.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary - Treasurer

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

September 13th, 2021

PLEASE SIGN IN BELOW

Ken Jensen

Les Dean

Donald J. Russell

Shawn Olansen BCC

Paul R

Matt Lund

Mike Opat

Avid Winkler

Paul Abrahamson

Dale J. Janssen