

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

**Meeting Minutes
October 11th, 2021**

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

Also Present: See attached list

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

Manager Legge motioned to approve the September 13th 2021, minutes. Seconded by Manager Buttke. Motion carried; minutes approved as printed.

OLD BUSINESS

Hobart Lake: Manager Anderson reported that Chad Kjelland has completed the cleanout of the cattail root balls that were plugging the culvert. He was also able to dig a two-foot trench through the remnants of the existing coffer dam to improve flow through the culvert when opened. Due to poor water quality test results Manager Anderson closed the drain, with the recent rain received he will work with MVTL. He explained that with the dry weather this summer a lot of progress has been made with evaporation of water.

10 Mile Lake: Sean Fredricks discussed with the Board his email regarding the Ten Mile Lake Project draft documents and the assessment district process. He explained the Resolution of Necessity which officially commences the assessment process and identifies the “Project” and map that is the subject of the vote. After discussion Manager Fehr motioned to approve the Resolution of Necessity. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously. Sean Fredricks then explained the Resolution Approving Engineer’s Report this resolution approves the engineer’s cost estimate and officially sets the local share of the project costs and sets the amount of the assessment vote at \$3,407,710.47. After discussion Manager Legge motioned to approve the Resolution Approving Engineer’s Report. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Sean F. then explained the Resolution Determining Benefitted Property and Setting Hearing which approves the preliminary assessment list and sets the hearing for the project for November 30, 2021, at 10:00 a.m., at the Dazey Community Center. The Board has discussed benefits and the proposed assessment lists at previous meetings over the last few months and the Board is comfortable the list accurately represents the benefits of the project to properties in the watershed. Manager Legge motioned to approve the Resolution Determining Benefitted Property and Setting Hearing. Seconded by Manager Buttke. Upon roll call vote, the motion carried unanimously. Lastly, Sean F. explained the Declaration of Official Intent;

in the event the assessment vote is successful, the WRD will issue bonds to finance the project, backed by the assessments, in which the landowners will be paid back their up-front money with the bond. This document allows the Board to pay itself back for these development costs with bond proceeds. After more discussion Manager Fehr motioned to authorize Secretary Manson to sign the Declaration of Official Intent. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously. Sean Fredricks explained that his office is working with Moore Eng. to prepare the required mailings and publications, and he provided timeline summary of the assessment process. Discussion was held on the cost estimate of the project and the local share, currently the local share is just over \$3.4 million. The assessment list identifies the properties and entities that will benefit from the project, their respective benefit percentages, and their proposed assessments. Eric Broten expressed concerns that the Edna Twp. Surface Drain application will create confusion with landowners when it comes to voting. Chris Gross suggested that, at the Nov. 30th Hearing in Dazey, the Board should explain the Township's project is a separate surface drainage project, is not related to the 10 Mile Lake Project, and will not impact the project. The Board agreed that this should be discussed at the Hearing.

VC Little Dam: Chairman Hieb reported on his discussion with Mayor Carlsrud, he stated the City wants to continue working together. Chairman Hieb is convinced that the Little Dam should be the City's responsibility. Chris Gross reminded the Board that the WRD is the designated owner of the dam under North Dakota law and the primary project sponsor with a cost share application submitted to the state prepared by Moore Eng., he asked for the Board's direction if Moore Eng. should stand with the presenters at the State Water Commission meeting on Oct. 14th in Bismarck? Chairman Hieb then discussed a cheaper option to this project. Mike Opat mentioned that up until recently the dam wasn't included in the City's flood protection plan, there have been discussions of possible minor modifications needing to be done to the dam. After more discussion, it was agreed that Chairman Hieb and Manager Anderson will join the State Water Commission meeting virtually with Mike Opat to present.

Legal Drain 2 – culvert update: Secretary Manson talked with the contractor; all three sets of culverts have been delivered on site. The contractor has a few loose ends to tie up and is planning on starting work this week.

Manager Legge mentioned that there is some erosion along 29th St. S.E. where rip rap needs to be placed along the road. Discussion was held on if Legal Drain 2 is responsible for 60% of that cost. Manager Legge stated this will not happen until next year, he has not discussed this with Stewart Twp. yet. No action was taken by the Board at this time.

Engineering Selection – Transition: Chairman Hieb began discussion with stating that everyone has agreed to have Moore Eng. continue work on the 10 Mile Lake Project, he stated in his opinion he feels the other projects are easy for Houston Eng. to take over. Chris Gross discussed the letter submitted to the WRD by Moore Engineering on Sept. 24th, explaining that Moore Eng. has several on-going proposed projects with the District that are currently in different stages of development. The letter read that Moore Eng. feels the best and smoothest transition would be to allow them to finish these on-going projects, with Houston Engineering begin working on day-to-day items along with permits and drainage complaints. The proposed projects mentioned in the letter are Meadow Lake High Water Outlet, Eckelson Lake High Water Outlet, VC Little Dam Improvements, and Ten Mile Lake High Water Outlet. Chris stated that Moore Eng. understands that if the assessment district votes were to fail on the high-water outlet projects, that Moore Eng.'s involvement would end.

Mike Opat with Houston Eng. then discussed Houston's Master Services Agreement submitted for review and consideration, along with the General Task Order No.1 that lists rates, terms, and conditions for the Board to consider. After discussion, Manager Legge motioned to approve the Master Services Agreement

with Houston Engineering and Task Order No. 1 for Houston. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

NEW BUSINESS

ROW Request for Drainage (DOT) – Dan Lund: Sean Fredricks explained that the WRD does not have jurisdiction over these NDDOT highway ditch cleanout requests; however, NDDOT must comply with Federal Highway requirements, and one of those requirements is to have the local WRD approve these applications. Sean has a cover letter he recommends WRDs to provide to NDDOT along with signed and approved NDDOT forms that explain that the WRD lacks jurisdiction but approved to comply with NDDOT rules, but that also indicates the applicant should obtain any permits from the WRD that might be required under North Dakota law, such as a surface drainage permit or a dam/dike permit. After discussion Manager Fehr motioned to approve the application and submit it to NDDOT with a cover letter. Seconded by Manager Buttke. Upon roll call vote, the motion carried unanimously.

Engineer Report: Mike Opat mentioned meeting with Manager Anderson to go over how the water quality testing for Hobart Lake operates and visiting with Secretary Manson on the day-to-day things to see if there is anything that needed changing. He also explained that Houston Eng. is assisting the USFWS with survey work regarding a potential project at Tomahawk Dam, he stated this is interesting because the water from Edna Twp.'s surface drain application will be heading that direction as well. He will keep the Board posted with this. Mike also discussed ARPA funding then explained the WRD submitted the Planning Projects listed on the Biennium Report with the State.

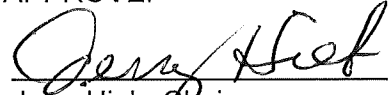
Legal Report: Sean Fredricks discussed recent ARPA funding requests submitted by North Dakota Water; under this proposal NDDOT could administer funds for legal drain and road crossing within County or township road ditches. Another request submitted by the Red River Joint WRD is a watershed pilot project where funds could go through the RRJWRD to administer cost share for drainage and other water conveyance projects in the eastern part of the State.

Chairman Hieb discussed the Annual Conference in December; it was agreed that all Managers and Secretary Manson will attend. Secretary Manson will get everyone registered and confirm hotel accommodations.

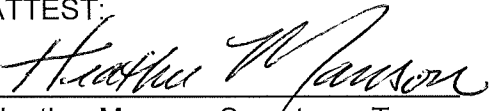
Bills: Manager Legge motioned to pay the bills as presented. Seconded by Manager Anderson. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting was adjourned at 10:35 a.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary - Treasurer

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

October 11th, 2021

PLEASE SIGN IN BELOW

Mike Opat
Paul Abrahamson

Houston Engineering

Eric Br...

Matt Lund
Darrin Lund