

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

Meeting Minutes
November 8th, 2021

MEMBERS PRESENT: Chairman Jerry Hieb, Managers – Scott Legge, Bret Fehr, Josh Hassell – Moore Engineering (via phone), Sean Fredrick – Ohnstad Twichell (via phone), Mike Opat – Houston Engineering

ABSENT: Managers – Bruce Anderson & Dan Buttke

Also Present: See attached list

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

Manager Legge motioned to approve the October 11th 2021, minutes. Seconded by Manager Fehr. Motion carried; minutes approved as printed.

OLD BUSINESS

10 Mile Lake: Josh Hassell (Moore Eng.) reported that Ohnstad Twichell has sent out all the mailing packets with the ballot information to landowners. There have been some calls coming in regarding legal descriptions, ownership changes, and other questions; Josh is working with the landowners and Ohnstad Twichell on updating ballots when landowners present deeds as evidence the ownership differs from current tax rolls. Josh reminded the Board that the landowner information was taken from most current Barnes and Stutsman County tax rolls, as required by statute. He also mentioned that the information discussed at the last Landowner Informational Meeting will be covered at the Hearing on November 30th in Dazey, along with additional discussion on ballots, the assessment process, project benefits, project components, and ROW. Sean Fredricks reported that Stutsman Co. WRD approved their Resolution to consent to the assessment process and assessments to properties in Stutsman County. Josh H. has had discussions with DOT and Barnes Co. about crossing improvements, and their statutory cost obligations, and notified the road authorities of the Hearing. Moore Engineering and Ohnstad Twichell will continue to work with the road authorities, and the Board can engage them if the project vote is successful. Josh explained that at the Hearing, Chairman Hieb can do an introduction then turn it over to Josh H. to describe the project, how the Board conducted its benefit analysis, the assessment process, and the right of way necessary for the project. Josh stressed to the Board that this Hearing is not to discuss benefits or assessments. If the vote is successful, the Board will have to conduct a second hearing solely for purposes of discussing benefits and assessments. Sean F. then reminded the Board that the deadline for ballots to be submitted is 5 p.m. on December 30th, 2021; all of that information is enclosed in the mailing packets. Richard Herby asked how many landowners are affected by this project, and Josh H. explained that 991 parcels are including in the district, including benefitting and ROW acquisition parcels. Mr. Herby asked

if this project would affect his parcels leased to G&F who have been trying to stock that area for the last 5-6 years. Josh H. explained, that IF the vote does pass this can be worked out during the permitting process, and he stated that Moore Eng. has worked closely with USFWS & NRCS in determining the final draw down elevation.

Paul A. read his 10 Mile Report on Oct. 18th the elevation of 10 Mile Lake was 1432.38, on Nov. 2nd the Spiritwood Aquifer had an elevation of 1436.4, a copy of this is on file at the WRD office.

VC Little Dam: Chairman Hieb along with Mike Opat discussed the Oct. 14th SWC meeting happenings. Mr. Opat explained that the District was awarded \$102,000 in cost share from the SWC for eligible costs in pre-construction and design of the project, once design is complete the District can apply for construction cost share dollars. An application has also been submitted to the OHF, the Technical Committee reviewed the application and wants to see a design before they consider funding. He also discussed a change in state funding, you can no longer use OHF money to cover local share to match SWC funding, you can get state funding from one of the two buckets – not necessarily both. Discussion was held on other possible funding sources and the possibility of meeting again with the City of Valley City. Chairman Hieb mentioned his initial discussion with Commissioner Carlblom regarding County participation with this project, it was agreed to approach the full Commission after meeting with the City of Valley City. Manager Legge motioned to approve the SWC cost share agreement and authorize Chairman Hieb to sign and submit. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

Legal Drain 2 – culvert update: Manager Legge reported that the culvert installation for the Diemert and Offner sites are complete, no work has started with the culverts east of the drop structures that go through the township road yet. Mike Opat will do the final walk through on the Diemert & Offner sites. Discussion was held on an intercept culvert replacement to the drain, and the Board agreed that laterals are the responsibility of the landowners. Discussion was held on who is financially responsible for the erosion repair (will not happen until next year) from the drop structures going east to where it enters the natural in sect 26 along 29th St. SE. After discussion, it was agreed that a portion of this repair will have to come from Legal Drain 2 funds since this segment acts as the project outlet. No action was taken by the Board.

Chairman Hieb reported from the Upper Sheyenne meeting the elevation of Devils Lake is 1447.14, he mentioned through discussions that the City of Devils Lake wants the water to be high for economic growth but the farmers in the area want the elevation to go down to 1446. He mentioned that Steve Krenz (USFWS) stated that he could send \$50,000 over for the VC Little Dam Project. He also discussed the dues for the Upper Sheyenne, it was reported that the WRD is current with their dues payment. Chairman Hieb briefly discussed Brown Dam.

ROW Request for Drainage (DOT) – Dan Lund: Sean Fredricks reported that the Board approved the DOT permit at the October meeting, but with the caveat that the landowner is responsible for obtaining any other permits required; a cover letter was sent to Jay Praska and Mr. Lund that outlines the landowner's obligation to obtain any other applicable permits. Mr. Praska provided an email with some background regarding this ditch block, and the water board's request from twenty years to leave that ditch block. Sean F. reiterated to the Board that the WRD does not have jurisdiction over ditch blocks of

that nature. Mr. Fredricks recommended the Board not offer any requests regarding the ditch block over which the Board has no jurisdiction, and the Board agreed.

NEW BUSINESS

Mike Opat mentioned to the Board that obtaining State cost share has been a challenge for snagging and clearing projects. During discussion the Board agreed to continue as they have in the past with a \$100,000 project, and to start where the last snag/clear project ended. Manager Fehr motioned to authorize Houston Eng. to draft and submit a cost share request to the State Water Commission for Snagging/Clearing. Seconded by Manager Legge. Upon roll call vote, the motion carried unanimously.

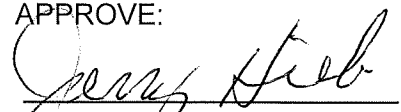
Engineer Report: Mike Opat mentioned that the agenda for the Annual Convention is out, Secretary Manson has registered everyone and reserved rooms for the Board.

Legal Report: Sean Fredricks had nothing else to report.


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 9:52 a.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary - Treasurer

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PLEASE SIGN IN BELOW

Donald Janssen
Richard Herbey