

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

Meeting Minutes

February 14, 2022 - 9:00 a.m.

MEMBERS PRESENT: Chairman Jerry Hieb, Managers Bruce Anderson, Dan Buttke, Scott Legge, and Bret Fehr; Sean Fredricks, Ohnstad Twichell (via WebEx); Mike Opat, Houston Engineering (via WebEx); and Barnes County Commissioner Shawn Olauson (via WebEx).

Chairman Hieb called the meeting to order at approximately 9:02 a.m.

Manager Fehr moved to approve the minutes from the Board's meeting on January 10, 2022, as presented. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously.

VC Little Dam

Manager Anderson and Mike Opat have been in conversation with the Barnes County Commission and the City of Valley City regarding project options. The Barnes County Commission has agreed to provide cost-share for a project up to a maximum of \$340K, and the City of Valley City has agreed to take over operation and maintenance of the final project once complete. Sean Fredricks prepared a draft agreement with these concepts, and Sean provided the draft to the County and to the City for review. Sean explained the draft Joint Powers Agreement. The three parties would have to agree on a project option before executing the agreement; the agreement contemplates a proposed "project" as an exhibit to the agreement, with specific project components identifies, so the parties will have to agree to what the "project" will entail before entering into this Joint Powers Agreement. Under the agreement, the three parties would have to agree on a final project design; the Barnes County WRD would design and construct the project; the WRD would act as project sponsor in terms of applying for and administering cost-share from the State Water Commission and any other entities; the County would contribute up to \$340K of the local share of project costs; and following construction, the City would take over all obligations regarding the Dam or the project, including operation and maintenance obligations. Further, the agreement contemplates the necessity for the WRD to issue interim financing bonds since the State Water Commission will only provide cost-share upon proof of costs actually incurred.

Sean asked what party would be responsible for costs above \$340K if the local share exceed that amount. The current estimate for the project is \$1.2M. The SWC will provide 75% cost-share of eligible items, previously estimated at \$860K. There may still be other opportunities for additional cost-share, from the U.S. Fish & Wildlife Service, and potentially through federal Covid relief and infrastructure funds. However, in the event actual costs exceed the estimate, and in the event the local share exceeds \$340K, the agreement should identify cost obligations. The consensus among the Board was the County and the City should negotiate who will pay any additional local costs beyond \$340K.

Mike explained the City previously indicated interest in Option 3, that would include additional project feathers like an observation deck; however, more recently, the City has indicated the City is not interested

in providing cost-share for the project. If the City is not willing to pay for the costs of those additional project components for Option 3, that parties are likely left with Option 2 as the most likely option. Again, the parties will have to ultimately agree to a final project option prior to executing the Joint Powers Agreement.

Sean Fredricks will modify the draft agreement and provide it to the parties. No action necessary today. The Board will await comments from the County and the City.

Fingal Dam

The Fingal Wildlife Club previously contacted the Board about potential maintenance and/or improvements to the Fingal Dam. Mike contacted the Department of Water Resources and DWR confirmed the Board does *not* own the Dam. Mike asked DWR if the Board could act as local sponsor for SWC funding for improvements to the Dam; DWR indicated that is a possibility, but the SWC would determine that type of request on a case-by-case basis, and the purpose of the Dam would weigh heavily in the SWC's decision (i.e., recreation, flood protection, etc.). Manager Buttke will speak to the Fingal Wildlife Club to see if they want the Board to pursue state cost-share from the SWC.

Snagging and Clearing

While ice conditions were not previously favorable for snagging and clearing operations, more recently ice conditions have improved. Mike reported that IBI is preparing to proceed.

NRCS-RCPP Program

The NRCS has indicated they have funding available, most likely for smaller-scale projects. Mike spoke with NRCS about the prospect of utilizing dollars for the Meadow Lake project or the Eckelson Lake project. NRCS would consider both projects but would like to engage the Board first to discuss. NRCS representatives will likely attend the Board's March meeting in person to discuss further.

2023-2025 Water Development Plan

DWR indicated they are accepting project lists for their Water Development Plan for the next biennium. If a project is not included in the Plan, the SWC will not consider the project for funding for the first six months of the biennium. Project lists are due in April. The Board indicated both Meadow Lake and Eckelson should remain on the list. The Board discussed Ten Mile and indicated that, even though the vote failed regarding the more comprehensive flood protection project, if flooding occurs in the area, landowners may want the Board to pursue a smaller drainage project. The Board agreed Ten Mile should remain on the list. Mike will work with Heather to put together a draft list for the Board's consideration at the Board's March meeting.

Engineer Report

Mike noted Manager Anderson reached out to Dan Jacobson, Chair of the Sheyenne River Joint Water Resource District (the Lower Sheyenne board), to request a meeting of the Board to discuss the prospect of pursuing Sheyenne River bank stabilization funding, similar to the Upper Sheyenne Joint WRD's proposal under the State's cost-share pilot program. Keith Weston is taking over as the Southeast Cass WRD's representative to the Sheyenne River Joint WRD, and Carol Harbeke Lewis, Secretary-Treasurer for the Sheyenne River Joint WRD, will contact members of the joint board to organize a meeting.

With regard to the Clausen Springs Dam, DWR reached out to inform the Board that the State will be rating the Dams around the state and indicated Clausen Springs will have a "poor" rating on the State's list primarily due to seepage issues. Mike indicated the only way to address, and improve, the Dam's

rating is to engage a geotechnical engineer to analyze the seepage and to identify possible solutions, and for the Board to proceed with a project to repair the seepage. The Board agreed Mike should engage a geotechnical engineer to discuss the possible costs of proceeding with an investigation and analysis of repair options. Manager Fehr also recommended including Clausen Springs on the Board's project list for DWR's Water Development Plan. Mike will work with Heather to update the EAP for the Clausen Springs Dam.

Legal Report

SMF reported on the Legislative Drainage Committee meeting last week, including the Committee's consideration of a cost-benefit framework for drain assessments, similar to the SWC's cost-benefit analysis for cost-share applications. The ND WRD Association opposes the cost-benefit concept for legal assessment drains for many reasons, including the proposal's failure to recognize enhanced property values as a result of legal drains, the costs and time required for WRDs to complete that type of analysis, the preference for local WRDs to conduct their own benefit analysis, and the fact that WRDs would be the only entities in the state that would have to apply a rigid state-mandated framework to local projects (other public entities in the state do not have similar cost-benefit obligations). No action required of the Board at this point, but if the Drainage Committee adopts a draft bill that contains a cost-benefit framework that would discourage drainage projects, WRDs will have to oppose those types of bills during the next Legislative session. Sean will keep the Board informed of the Drainage Committee's decisions.

Bills

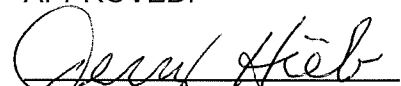
Manager Legge moved to approve the bills as presented. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

Other Business

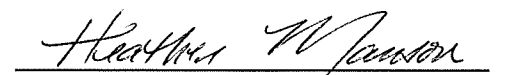
Bruce indicated Paul Abrahamson submitted a letter to the Board regarding Ten Mile, to express thanks for the Board's work on the Ten Mile project. Paul also submitted a letter to Josh Hassell to thank Moore for their work on the project.

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

APPROVED:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary-Treasurer