

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

May 16th, 2022

**Stewart-Anderson Drain #2
Special Meeting Minutes**

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

Chairman Hieb called the meeting to order at 3:34 p.m.

Manager Legge reported Klubben Excavating removed two culverts east of the Stewart-Anderson Drain #2 drop structures. Manager Legge talked with Mr. Klubben and he acknowledged he did not contact the Township or the Water Resource District before commencing this work, and that no one gave Klubben Excavating permission to begin work. Manager Legge has been in contact with the Township, and the Township wants new culverts installed immediately.

The Board previously entered into an agreement with Klubben Excavating regarding culvert replacements at the Offner and Diemert sites within Legal Drain 2, and the parties later entered into an amendment to that agreement following Klubben's failure to complete compaction testing for those installations. The culverts at issue in this situation are east of the Drain #2 drop structures and were not included in Board's contract with Klubben.

The minutes from 2021 and 2022 indicate the Board agreed to provide 60% cost-share for these two culvert replacements, for the Township, since they are technically within the Drain 2 right of way. However, Klubben Excavating is doing this particular work for the Township; Klubben Excavating's work for these two culverts is not included in the Board's contract with Klubben.

Manager Legge discussed the importance of compaction for these culverts, and the Board agreed. The Board's understanding when the Board approved cost-share to the Township for these culvert replacements was that the Township would require Mr. Klubben to meet the WRD's compaction standards. After more discussion the Board agreed that, because this is a Township project, the Township has contractual authority over Klubben Excavating for this project and the Township should ultimately decide whether or not to require Klubben Excavating to meet those compaction standards.


The Board directed Sean Fredricks should draft a summary of this meeting's discussion for Manager Legge to pass along to the Stewart Township Officers.

Meeting adjourned at 4:07 p.m.

APPROVED:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary-Treasurer