

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

Meeting Minutes
January 8, 2024 – 9:00 a.m.

MEMBERS PRESENT: Chairman Jerry Hieb, Managers – Bret Fehr, Scott Legge, Mike Opat – Houston Engineering, Sean Fredricks – Ohnstad Twichell (via WebEx), Shawn Olauson – Barnes County Commissioner

ABSENT: Manager Bruce Anderson

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

Manager Legge moved to approve the minutes from the December 11, 2023 meeting. Manager Fehr seconded the motion. Upon voice vote, the motion carried unanimously.

Sean Fredricks briefly discussed the reorganization process. Manager Fehr moved to reappoint officers Jerry Hieb as Chair, Bruce Anderson as Vice Chair, Heather Manson as Secretary-Treasurer, and to keep portfolios and joint board members in place. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously. The Board discussed the appointment of legal and engineer, Sean proposed a \$10 across the board rate increase, Mike explained his rate increase is similar. Manager Legge moved to appoint Sean Fredricks as legal counsel and Mike Opat as engineer for the District. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

OLD BUSINESS

VC Little Dam

Mike reported the SWC approved cost share for construction at their December meeting, Sean has reviewed the terms in the agreement, the Board can approve and sign. Mike proposed to advertise for bids in February and then have bid opening a week before the Board's March meeting. The Board could potentially award a construction contract at the March 11th regular meeting. Mike mentioned he is looking at doing alternate bids, one with a completion date in late 2024, and one in 2025. The Board can then review the bids for each and decide how to proceed. Mike will work on advertising.

Mike then explained that Bob K. is working on MOUs with multiple parties for the water trail. Mike reminded the Board that the District already has a JPA with the City of VC and the County and the Board does not have O&M obligations as a result. After more discussion Manager Legge moved to approve and authorize Chairman Hieb to sign the cost share agreement with the SWC. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

NRCS-RCPP: Ten Mile Lake

Mike reported pending safe ice conditions the HEI crew is hoping to get out on the ice this week to collect the depth measurements in the basin, he will keep in touch with Christi Fischer (NRCS).

Thordenskjold Drain

The reassessment hearing is scheduled for February 12th at 10:00 am during the WRD regular meeting. Sean's office has sent out the mailings and arranged for the various publications. Mike will have a map available for those in attendance and Mike will present a slide presentation as well.

Clausen Springs Dam

Mike reported the void has been fixed. The Board has not received the official dam inspection report from the state after a year. The Board approved the revised quote from TradeMark Tooling with the trash rack repair, they are making a three-piece structure that will be easier to transport onsite. Mike mentioned at this point it didn't sound like they are going to try to install the structure over the ice, they will more than likely wait for spring runoff to work its way through the dam, then get out there for installation.

Hansen/Hurley Complaint

Discussion was tabled until the February meeting, this will be moved up on the February agenda.

Surface Drain Permit Appl. No. 6221 – Pat Hurley Drain

Discussion was tabled until the February meeting, this will be moved up on the February agenda.

Sean gave an update on the recent Supreme Court decision on the Sargent County Drain 11 project. The opinion was in an eminent domain suit but the outcome will impact how WRDs fund and finance existing drain reconstruction/improvement projects. In the past, WRDs utilized funds on-hand in a drain assessment fund and State Water Commission cost-share dollars, then borrowed ahead six years against the maximum annual levy. However, in this decision, the Supreme Court ruled that WRDs must count the current drain funds on-hand against the six-year borrowing capacity. There was discussion on how this will affect smaller projects.

Snagging/Clearing 2023-24

Mike reported the Board's contract is in place with IBI, but no work has begun yet due to unfavorable ice conditions.

NEW BUSINESS

Manager Per Diem

Sean explained the Legislature previously approved a bill that permits Water Manager per diems to match legislative per diems and, with that in mind, the Board could go up to that max amount if they're inclined. The current max is \$205. After discussion, Manager Fehr moved to increase the manager per diem to \$200 starting today. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously.

Legal Drain 2 – Annual Meeting

The Legal Drain 2 "Advisory Committee" was present. Scott Legge moved to approve the Advisory Committee's 2023 minutes with Kevin Harstad seconding. Upon roll call vote, the motion carried unanimously. Scott Legge moved to appoint Shawn Anderson as Advisory Chair with Kevin Harstad seconding motion carried. Kevin Harstad moved to approve the 2023 financial report as presented with Scott Legge seconding. Upon roll call vote, the motion carried unanimously. Discussion was held on the maintenance plan, Shawn A. mentioned the 42-inch culverts by Dan Wieland's have rusted through, these were replaced in 2014, it was agreed to keep an eye on them. Those in attendance agreed when doing snow removal, we need to go farther north in sect 29 to the curve in ND#1, it takes longer for snow to melt in this area. It was also agreed with the funds limited balance right now that snow removal takes priority this year, cattails were sprayed in 2023.

Mike Opat and Sean Fredricks, WRD Engineer and legal, explained that the WRD Board thought it would be best moving forward to bring everyone in during a regular meeting so everyone can hear the same message and make decisions accordingly. The Advisory Committee is a committee of the WRD and is therefore subject to North Dakota's open meetings/open record laws and requirements. The Advisory Board can continue to offer recommendations to the WRD, but only the WRD can approve expenditures and make project decisions for the legal drain.

Mike O. gave a history on the temporary repair project and discussed the large project. He discussed repair options, the permitting process, possible cost share eligibility from the state, construction quotes, the max bond capacity, finances, and the rock pile that is stocked onsite. Mike mentioned he had followed up with Dr. Pool with the DWR and surprisingly it looks promising that a project could qualify for 45% cost share from the state. That Board could proceed with that type of project after the bond is paid in full. It was noted again that moving forward the Advisory meetings will be held in February during the WRD regular meetings.

Katie Schmidt, bond counsel at Ohnstad Twichell, has negotiated a Drain 2 bond issue with Dacotah Bank in the amount of \$100,000 at an interest rate of 4.5%. Sean provided the Resolution Authorizing the bond issue. After discussion Manager Legge moved to approve the Resolution. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

Engineer Report

Mike reported the lakes are frozen over no elevation readings, he also mentioned there is no movement forward yet with the Maple River project.

Legal Report

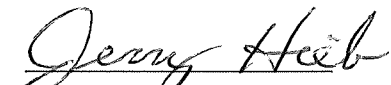
Sean had nothing new to report.

Bills

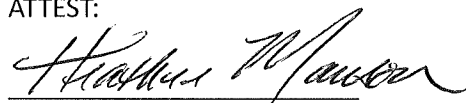
Manager Legge moved to pay bills as presented. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting adjourned at 10:52 a.m.

APPROVED:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary-Treasurer

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

January 8th, 2024

PLEASE SIGN IN BELOW

Shawn Olanson

BCC

Donald Jorissen

Les Rasmussen

Tom Shuck