

**Barnes County Water Resource District**

**PO Box 306**

**Valley City ND, 58072**

**#845-8508**

**Meeting Minutes**

October 14<sup>th</sup>, 2024 – 9:00 AM

MEMBERS PRESENT: Chairman - Jerry Hieb, Managers – Bret Fehr, Scott Legge, Perry Schlagel, Bruce Anderson; Mike Opat - Houston Engineering; Sean Fredricks – Ohnstad Twichell; Shawn Olauson – Barnes County Commissioner. Also present by Microsoft Teams were Jordan Prazak, engineer for Pat Hurley; and Joel Toso, engineer for Les Hansen.

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

Manager Anderson moved to approve the minutes from the September 9, 2024, meeting. Manager Legge seconded the motion. The motion carried unanimously.

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

**OLD BUSINESS**

**VC Little Dam**

Mike informed that the construction should be started this week.

**NRCS-RCPP: Ten Mile Lake**

Noting to be added at this time.

**Thordenskjold Drain**

Mike discussed the informational meeting last month in Nome. To be discussed further at future meetings.

**Clausen Springs Dam**

Installation of the trash rack still on hold. Mike discussed the dam safety evaluation to be done in the next few months.

**Sheyenne River Bank Stabilization Study**

Mike informed that a meeting will be held in the future.

### **Hansen/Hurley Complaint**

At the Board's September meeting, Mike Opat explained that he had conducted a site visit with the parties on September 5. At that visit, the parties confirmed that Mr. Hurley had adequately "closed or filled" the deepening and widening improvements he constructed to the 300-foot "Original Drain." In addition, the parties confirmed Mr. Hurley adequately "closed or filled" an additional 700 feet of the improvements downstream of the "Original Drain" that Mr. Hurley constructed in 2021. The parties reportedly agreed that, for the remaining 600 feet of drainage improvements downstream of the Original Drain, immediately upstream of County Road 38, installation of a rock grade control structure at the downstream end would be a viable option. The parties agreed the control structure would better secure that area and would prevent future washouts, as opposed to simply adding fill. At the Board's meeting on September 9, the Board concluded that the bottom profile for the area downstream of the Original Drain should at least match the grade extending from the upstream invert of the easterly 36-inch culvert at the crossing on Mr. Hurley's property to the upstream invert of the 48-inch culvert at County Road 38. The Board further concluded installation of a rock grade control structure would adequately "close or fill" that 600-foot stretch of additional improvements.

Mr. Hurley contacted Mike Opat and reported that he completed installation of the structure. Mike conducted a site visit on September 29, 2024; he measured the 48-inch culvert at County Road 38 and the top of the rock structure installed by Mr. Hurley and confirmed that the elevation of the top of the rock structure was at or above the invert of the culvert through County Road 38. Mike concluded the rock structure meets the dimensions discussed and determined at the District's meeting on September 9.

Sean Fredricks presented a draft Order for the Board's consideration. The Order provided a brief procedural history and noted that the Board issued its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER on June 10, 2024, regarding the merits of Mr. Hansen's Complaint. Fredricks served the parties with the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER and none of the parties appealed. Fredricks explained that the Order he presented today, entitled "ORDER -- REMEDIAL WORK," addressed the sufficiency of the remedial work Mr. Hurley has conducted since the Board's June 10 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER.

The proposed Order offered the following final conclusion and order:

Pat Hurley properly and adequately "closed or filled" the deepening and widening he constructed regarding the Original Drain by installing fill, as required under the District's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER dated June 10, 2024. In addition, Hurley properly and adequately "closed or filled" an additional 700 feet of drainage improvements Hurley constructed downstream of the Original Drain, also by installing fill as required under the District's Order. Finally, with regard to the remaining 600 feet of drainage improvements Hurley constructed downstream of the Original Drain, the rock grade structure installed by Hurley meets the bottom profile

approved by the District at its meeting on September 9, 2024, and otherwise adequately and sufficiently “closed or filled” the unpermitted drainage constructed by Hurley.

Manager Legge made a motion to conclude that Pat Hurley has now adequately and sufficiently “closed or filled” the unpermitted and illegal drainage he constructed and to approve the “ORDER -- REMEDIAL WORK” presented by Fredricks. Manager Schlagel seconded the motion. Upon roll call vote the motion was carried unanimously.

Fredricks will serve the parties with the Order.

#### **Svea Drain**

No action to be taken at this time.

#### **Fall Cattail Spraying**

Mike from Larson Helicopter was out and completed spraying on September 14<sup>th</sup>, 2024.

#### **Cornell 80 Project**

No action to be taken at this time.

### **NEW BUSINESS**

#### **Snagging/Clearing Cost-Share**

Mike discussed putting in a new application for cost-share with the SWC. Manager Anderson made a motion to authorize Mike and Cara to submit a new cost-share application to the North Dakota State Water Commission and to authorize Chairman Hieb to sign the cover letter. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

#### **Engineer Report**

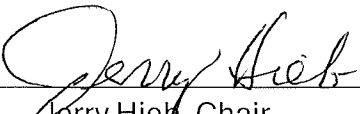
Mike reported Sanborn Lake has an elevation of 1426.21 and Hobart is at 1416.43. A discussion on having the ditch by Hobart Lakes discharge outlet to be dredged to keep the water elevation at an appropriate level and water flowing properly was had. No action was taken at this time.

#### **Legal Report**

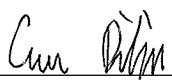
Sean had nothing more to add.

With nothing more to be discussed the meeting was adjourned at 10:05 a.m.

APPROVED:

By:   
Jerry Hieb, Chair

ATTEST:

  
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Cara Didier  
Secretary-Treasurer

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

October 14<sup>th</sup>, 2024

PLEASE SIGN IN BELOW

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Les Rensen & Roebell

Shawn Olanson

Joe Filler

BCC