

**Barnes County Water Resource District**

**PO Box 306**

**Valley City, ND 58072**

**#845-8508**

**Meeting Minutes**

November 18<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.

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

Manager Legge moved to approve the minutes from the October 14<sup>th</sup>, 2024, meeting. Manager Anderson seconded the motion. The motion carried unanimously.

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

**OLD BUSINESS**

Manager Legge discussed Legal Drain 2. Landowners in the Drain 2 watershed have requested that the Board conduct a drain clean out to remove sediment building in section 35 of Anderson Township. Manager Legge moved to approve an agreement with Klubben Excavating Inc., to clean that portion of the drain in section 35 of Anderson Township, not to exceed \$7,000. Manager Anderson seconded the motion. Upon roll call vote, the motion carried unanimously. Sean Fredricks provided the Board with the agreement. Manager Legge will obtain a signature from Mr. Klubben and will return the signature page to Secretary-Treasurer Didier.

**VC Little Dam**

Mike reported the contractor started in mid-October and reached substantial completion on November 8. Sean served the contractor with a “Claim” to preserve the Board’s rights to assess liquidated damages regarding the contractor’s failure to meet the November 1

substantial completion deadline. There is some paving remaining the contractor will have to complete in the spring; the Board can hold retainage over the winter.

Mike presented a Pay Application for work through November 1 in the amount of \$282,559.39. Mike noted none of the work under this Pay Application was late. The Board can address liquidated damages at the Board's December meeting and will likely have an additional pay application from the contractor to consider. The Board can make a decision on LDs at that meeting. Manager Fehr moved to pay the Application for Payment. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously.

### **NRCS-RCPP: Ten Mile Lake**

Mike informed the board that this project is on stand still until the landowners from the area have come to a decision on how they would like to proceed.

### **Thordenskjold Drain**

The board decided they would like to get more information and input from the landowners to proceed. A public meeting was discussed to be held soon. More information to be released in December regarding the meeting.

### **Clausen Springs Dam**

Mike stated that he reached out to Trademark and they informed Mike that their design needs updating to fit. Trademark said that in the next couple weeks the trash rack should be installed. With the Little Dam project now substantially complete and on budget, the Board now has sufficient local funding to proceed with the dam safety analysis on Clausen Springs Dam. Mike will bring more information for the board to approve next meeting.

### **Sheyenne River Bank Stabilization Study**

Mike indicated the Sheyenne River Joint WRD meeting that will be held during the annual Water Convention in December. Manager Fehr will fill in for Manager Andersons as the Barnes County WRD representative and voting member at the joint board meeting.

### **Sheyenne River Snagging and Clearing**

Mike indicated he could work with Industrial Builders once again this year to proceed with Sheyenne River snagging and clearing. Manager Fehr moved to approve an agreement with Industrial Builders to conduct snagging and clearing operations, not to exceed \$95,000. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously. Sean Fredricks provided the Board with the agreement.

**Hansen/Hurley Complaint**

Fredricks noted the Board issued an Order at the Board's meeting on October 14, 2024, in which the Board concluded the rock structure installed by Mr. Hurley was sufficient for purposes of complying with the Board's directive to "close or fill" the 2021 drainage, as required under the drainage complaint statute. Fredricks explained the various appeal statutes.

Hurley indicated that, in the future, he would not conduct any maintenance that exceeds the seven-foot top width and the 14-inch bottom width along the course of the "original drain."

**Svea Drain**

No update at this time.

**Cornell 80 Project**

The landowners are still considering project options. No action to be taken at this time.

**Snagging/Clearing Cost-Share**

Mike and Cara worked on putting together the cost-share agreement to the State Water Commission. Manager Legge moved to hire Industrial Builders, Inc. to complete this project. Manager Fehr seconded the motion. The motion carried unanimously.

Manager Anderson brought up Hobart and having ditch cleaning done.

**NEW BUSINESS****Engineer Report**

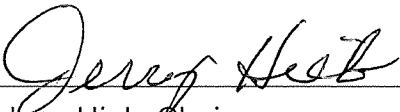
Mike had nothing more to add.

**Legal Report**

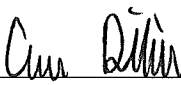
Sean updated the board on a recent Supreme Court decisions regarding assessments for public entities. He will keep the Board apprised of developments regarding benefit determinations.

With nothing more to be discussed the meeting was adjourned at 10:44 a.m.

APPROVED:

By:   
Jerry Hieb, Chair

ATTEST:

  
Cara Didier  
Secretary-Treasurer

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

November 18<sup>th</sup>, 2024

PLEASE SIGN IN BELOW

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*Shawn O'Harne*

*BCC*

