

WARD COUNTY WATER RESOURCE BOARD
MINUTES
May 13, 2024

Chairman Tom Klein called the meeting to order at 9:01 a.m. Water Resource Board members present were Dale Dohms, Loren Johnson, Travis Zabloutney and Jason Zimmerman. Others present: Water Resource Board Secretary/Treasurer Sarah Walker, Water Resource Board Attorney Bryan Van Grinsven, Water Resource Board Engineer Dennis Reep and Karli Frohling from HDR via WebEx.

Agenda: Zimmerman moved and Dohms seconded to approve the agenda. Motion passed 5-0.

Previous Minutes: Dohms made a motion to approve the April 8, 2024, minutes. Johnson seconded the motion. Motion passed 5-0.

Bills/Statement of Accounts: Zimmerman moved and Dohms seconded the motion to approve the Bills/Statement of Accounts as presented. Motion passed 5-0.

First Larson (West) Sanitary Sewer Project: Zabloutney moved to deposit \$158,600.00 (the annual debt service on the Water Resource Board's bond/loan) and request NDPFA permission to apply the remaining funds in the Water Resource Board project account (less the maintenance allowance) to bond/loan principal. Zimmerman seconded. Motion passed 5-0.

Board Compensation Policy: Zimmerman moved that the Water Resource Board adopt a policy requiring payment of meeting stipends to Water Resource Board members to be closed out by the end of the fiscal year. Seconded by Dohms. Motion passed 5-0.

Discretionary Expense Approval Authority of Chairman: Zimmerman moved that the Water Resource Board adopt a policy authorizing the Board Chair to approve invoices up to \$25,000.00 for unanticipated expenses, with the expenditures to be disclosed at the next regular Water Resource Board meeting. Dohms seconded the motion. Motion passed 5-0.

2023 Audit: Walker met with Bethany from BradyMartz in anticipation of the upcoming audit. The audit is scheduled for June 10.

Engineer's Comments: The following plat and variance applications were presented to the board.

- Eslinger – Rice Lake
- Niess - Willis
- Pearson – Rice Lake
- Granzow - McKinley
- Spiros – Rice Lake

HDR Engineering recommended that applications be returned without objection but with the following recommendations: (1) a storm water management plan may be required if the subject property is the subject of a special use permit application, and (2) no development should obstruct any watercourse or divert surface water flows. The Rice Lake applications should also include a recommendation that properties adjacent to the Lake should meet Ward County minimum elevation guidelines to account for the natural overflow elevation of Rice Lake and for wave run-up. The Niess application should also include the recommendation that the County consider whether to request a stormwater management plan since, if it were located in the extra-territorial zoning authority of the City of Minot, a SWMP would be required.

Johnson moved and Zimmerman seconded the motion to accept and adopt HDR's recommendations. Motion passed 5-0. The board requested HDR to contact Ward County to clarify the permit requirement identified on their Building Inspection Checklist.

Low Head Dams: Frohling reported that the geotechnical analyses report is complete and QC has been finished. HDR is performing no-rise hydraulic analysis for permitting purposes and updating 60% design plans per QC comments. Zimmerman moved and Johnson seconded a motion to authorize the Board Chair to sign construction applications as they are completed. Motion passed 5-0.

Burlington Dam #3: Zimmerman moved that Frohling present the draft Term Sheet to the golf course for review. Dohms seconded. Motion passed 5-0.

Low Head Dam Responsible Parties: A letter was received from ND Water regarding responsibility for four low head dams (Big Roosevelt Dam, Oak Park Dam, Ramstad Dam, and Souris Court Dam) that are currently being monitored by the City of Minot. Johnson moved and Zimmerman seconded that Reep request a letter from the City of Minot confirming that it has accepted responsibility for maintenance and operation of these dams. Motion passed 5-0.

16th Street Reconstruction: The Board received correspondence regarding the 16th Street reconstruction project. The document will be received and filed.

Souris River Joint Board Application to Construct or Modify a Dike (Permit No. 2730): Johnson moved that the Board draft a response noting that the Water Resource Board has reviewed the application and recommends no changes, conditions or modifications; Dohms seconded the motion. Motion passed 5-0.

2nd Larson – 30th Detention Structure: Walker reported that letters have been sent to owners to confirm or provide phone numbers in the event of an emergency. Ward County Emergency Management will set up an alert system to be administered by their office or the Ward County sheriff.

The structure was inspected by HDR Engineering on April 8, 2024, as directed by the board with a recommendation that certain items be addressed as part of a regular maintenance and monitoring plan. One of the recommendations is that a fence should be installed around the principal spillway inlet and outlet structure for increased safety. Zablotney moved and Dohms seconded that HDR Engineering contact the road authority, as well as develop a recommendation for fencing and report at the June meeting.

Drainage Complaint DC19-002: HDR Engineering surveyed the property and it does not appear that the block has been restored. In fact, the elevations are generally two feet lower than survey shots taken in 2019. Reep will contact Mikkelsen for permission to obtain NRCS documentation of block restoration. Zablotney moved and Zimmerman seconded that the Water Resource Board Attorney notify Mikkelsen's attorney of HDR Engineering's findings.

Drainage Complaint DC24-001: Delos Haugen filed a drainage complaint alleging improper drainage by Mikkelsen LLLP in Township 154, Range 84, Section 32: W½NW¼ that adversely affects his property in Township 154, Range 84, Section 32: NE¼. Walker to send a letter to Mikkelsen and his attorney regarding the complaint and copy Haugen. The matter will be considered at the June meeting.

Melius-Ehr Status Report: The Water Resource Board reviewed the landowners' response to the Water Resource Board's last offer. Zabloutney moved and Johnson seconded that the Board conduct an executive session under N.D.C.C. §44-04-17.1, §44-04-19.1 and §44-04-19.2 to consult with the Water Resource Board's attorney and discuss negotiation strategy regarding the Melius-Ehr property. Motion passed unanimously. The Executive Session began at 10:58 a.m. and ended at 11:40 a.m.

Zimmerman moved and Johnson seconded the motion that HDR Engineering begin a task order to develop preliminary project plans for review by the Board at the June meeting.

Public Access on Flood Control Levees for Fishing: Zabloutney was approached by a party that was escorted off private land while fishing. The Board was advised by the Water Resource Board Attorney that, although the Water Resource Board may have an easement for construction and maintenance of a flood control levee on private property, that does not make the property open and accessible to the public for recreational or other purposes and the private property owner may exclude members of the public attempting to use the property for other purposes.

Receive and File:

- Little Roosevelt Dam Sovereign and Construction Permits
- ND Water Policy Update

Park District Memorandum of Understanding: The Water Resource Board Attorney informed the Board that the Ward County Park District proposed an amendment to the MOU that would make the indemnification provision mutual. Zimmerman moved and Dohms moved to accept the Park District's changes. Motion passed 5-0.

The meeting was adjourned at 11:59 a.m. The next regular meeting will be Monday, June 10, 2024, at 9:00 a.m.

Bills Approved and Paid:

#8219 DL Barkie	27500.00
#8220 HDR Engineering	56461.52
#8221 Tom Klein	1541.20
#8222 Travis Zabloutney	534.70
#8223 Sarah Walker	2821.96
#8224 Ward County Park Board	18300.00
#8225 McGee Law Firm	3611.25
#8226 First Larson Sanitary Sewer District	3173.92
NDPERS March/April	438.16
IRS-941	982.04
USPS	138.35
SRT	4.02
Xcel	50.25
Ottertail	44.54
Verendrye	81.00
	\$115,682.914

Submitted by:

Date Approved: _____

Secretary/Treasurer

Chairman

DRAFT