

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD  
HELD ON THURSDAY, JANUARY 19, 2012 AT 9:00 A.M., IN THE COMMISSIONERS ROOM,  
SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Jim Bosse, Mark Breker, Chris McFarland, Richard Engst, and Roger White.  
Absent: None. Also present: Chad Engels, Moore Engineering, Inc.; Sean Fredricks,  
Ohnstad Twichell, P.C and Al Carton, Forman.

Approve December 15, 2011 minutes and December financial statement. (White/Breker, unanimous).

Approve payment of the following bills: (Engst/McFarland, unanimous).

65419 Ryan Contracting Co.	Forman City Outlet Project # 4	285,668.05
65503 James Bosse	Travel	24.48
65504 Mark Breker	Travel	18.36
65505 Dakota Improvement Inc.	Drain 11-clean out ditch s of Stirum	150.00
65506 Richard Engst	Travel	86.70
65507 Jim Gaukler Jr.	Dr # 12 beaver control	100.00
65508 Industrial Builders Inc.	Dr # 12 FEMA project	47,950.00
65509 Chris McFarland	Travel	170.34
65510 Moore Engineering, Inc.	Dr # 4-Forman Floodwater Outlet	43,936.74
65511 ND WRD	2012 Dues	475.00
65512 ND Water Users	2012 Dues	300.00
65513 Ohnstad Twichell	Attorney fees-\$1503.92; Dr # 4-\$446.40 and \$2700.00-	
Forman Floodwater Outlet-Dr # 4		4,650.32
65515 Roger White	Travel	79.98
6650 Mark Breker	1 PD less 6.78 taxes	113.22
6651 Sherry Hosford	Salary less 17.89 taxes	298.78
6652 Richard Engst	3 PD less 20.34 taxes	339.66
6653 Roger White	3 PD less 20.34 taxes	339.66
6654 Jim Bosse	3 PD less 20.34 taxes	339.66
6655 Chris McFarland	10 PD less 126.30 taxes	1,073.70
DD Sargent County Bank	Withholding taxes	421.08

Joe Breker, Havana met with the Board to explain the road project in the SW1/4-9-129-55 LTL that will go to the lodge that he is building. He estimates that he used 1904 cubic yards of dirt from Water Resource District property to construct the road. The Board's policy is to charge \$1 per cubic yard for the dirt. Mr. Breker agreed to deposit with the Secretary a check for \$1904 plus \$500 for legal fees. Upon receipt the attorney will prepare a Quit Claim Deed from the Water Board to Joe Breker. Mr. Breker also asked questions on a proposed drainage project between himself and Delores and Jeff Breker.

Larry Albertson, Mayor, Cogswell City, Erik Gilbertson, PE, Cogswell City Engineer, Kadrmas, Lee and Jackson, Valley City and LeeAnn Even, Even Law Office, PLLC, met with the Board to discuss the proposed flood control operating plan for Cogswell City. After discussion with NRCS it was determined that channelization was not an option due to wetland and flat grades. The proposal is to dig a channel and install new culverts under the railroad tracks in the north end of the city with the water flowing south to the state highway and installing a lift station. The Emergency Operation plan is when the water levels exceed 1296.0; the city shall operate the pumps on a continuous basis to reduce the flooding around the community. Pumps shall terminate emergency status when the water levels are below 1295.0. The Seasonal Operation plan is when the water levels surrounding Cogswell are below 1296.0, the pumps shall operate only in October, to reduce impact to downstream farmland. Water levels shall be reduced to the regulation level. At no time will the water levels be pumped below the regulation elevation. No action is required when water levels are below 1294.0 and the pumps will not be operated. The estimated cost of the project is \$500,000 with a request for funding to the State Water Commission of 60%, CDBG income based grant of \$100,000 and a request for money from the State Revolving Fund of \$187,280. Once the funding issues have been resolved another meeting will be scheduled.

Mark Bopp, Mayor, Forman City and Steve McLaen and David Jacobson, Forman met with the Board to discuss a couple issues including Drain No. 4 which is completed and functioning. The city and area landowners would like to look at how to get to the rest of the water to drain from the golf course area and other portions to the west. Some of this land is owned by US Fish and Wildlife (USFW). Part of Forman City and the school playground gets flooded each year. The possibility of building a dike is also an option but USFW are not in favor of a dike. There are several other options but the question was asked if Drain No. 4 could be extended to Highway 11. According to Sean Fredricks it can be done but who would pay for the project and required easements. Would the city be willing to finance the project and involve the State Water Commission who could possibly participate at 45%?

Moneys available would be tight as the Drain No. 4 project that is scheduled this fall would use the maintenance levy for a few years.

Another issue was change orders to the Forman City Floodwater Outlet Project for regarding removal of debris that was found when they were excavating during the project. The total of Change Orders #2 and #3 were \$3,202.63 and the city is questioning whether they should be approved and paid. Chad Engels will look at the change orders for clarification. Mark also asked Chad about an area of approximately 6 blocks that were supposed to be cleaned and most of the dirt was left on site and leveled off but if it was supposed to be hauled off and no credit was given for not hauling it off. The Water Board should file a claim and then Moore Engineering will visit with the contractor. Chad will contact the contractor. Chad also gave an update on the final payment for the project.

Motion to direct Sean Fredricks, Attorney to send a letter to Paul Mathews from this Board offering to rent him the land described as right of way for laying out, construction and maintenance of a public drain described as 3.73 acres in the SW1/4-23-130-57, being more or less than 468 feet and 50 feet wide along Drain No. 11 and a strip of land containing 5.10 acres more or less also located in the SW1/4-23-130-57 that is owned by this Board according to the Ownership and Encumbrances Report received from Sargent County Abstract Company on December 22, 2011. (White/Engst, unanimous)

Authorize transfer of funds from Forman City Floodwater Outlet Project to Drain No. 4 of \$136,261.81 for expenses incurred and paid from Drain No. 4 maintenance funds. (Engst/McFarland, unanimous)

Reviewed the next phase of the Shortfoot Creek Watershed Detention Site Study. Chad Engels presented a proposal including preliminary soils analysis and hydraulic study and scope of work with an opinion of cost. The total estimated cost of this phase of the study is \$95,000 with possible funding sources from the ND State Water Commission of \$47,500; Red River Joint WRD of \$30,875 and the local share from Sargent County Word of \$16,625. Motion to authorize Moore Engineering Inc. to proceed with the next phase. (Breker/Engst, unanimous)

ND Dept. of Transportation sent a letter to the Board regarding a letter from Gwinner City dated August 10, 2011 opposing the increasing of culvert size along and under ND Highway 13. The letter informed this Board that NDDOT management has agreed to leave the drainage as it exists today. The drainage improvements recommended by NDDOT hydraulics study, estimated to cost \$230,000, are not required by state law to be constructed unless the highway is reconstructed. The proposed 2013 construction project on ND 13 from ND 1 to Gwinner is proposed to be a mill and asphalt overlay. Therefore, no additional culverts will be included in the upcoming construction project that would increase the water flow toward the city from the southwest. The existing culvert under ND 13 is in good condition and at the proper drainage elevation as originally designed according to NDDOT.

Board members reviewed Project PW's for 2011 FEMA and authorized Chairman Bosse to sign each project worksheet for Drain Nos. 4, 7, and 8.

An Obstruction to Drain Complaint was received from Bert E. Enervold for an approach that was built on the northeast corner of the NW1/4-24-132-57 without a culvert. The water is accumulating on the NE1/4 for approximately ¼ mile and flooding many acres. The construction participant is Terry Kempel, Stirum, ND. The Board directed Chad Engels and Roger White to inspect the area and prepare a recommendation for the February meeting.

Certificate of Deport No. 13893 was renewed for an additional twelve months.

Reservoir Water use surveys were reviewed and the Chairman was authorized to sign and return to the ND State Water Commission.

A situation has surfaced during quality control/review process for Project Worksheets at the FEMA Joint Field Office in Bismarck that may affect how FEMA continues to identify and write up damages to legal assessment drains. Sean Fredricks is working on a reply to this issue on behalf of several Water Boards.

Mark Breker informed Board members of some draining on Drain # 12 and right of way issues and also drainage issues from Consolidated Slough to the east.

Meeting adjourned at 12:15 p.m.

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JIM BOSSE – CHAIRMAN

ATTEST:

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SHERRY HOSFORD - SECRETARY