

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, APRIL 21, 2016 AT 7:00 P.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Luke Siemieniewski, Todd Stein, Roger Zetocha, Korey Martinson and Richard Engst. Absent: None. Also present: Board Attorney Sean Fredricks (via conference call); Chris Gross, Board Engineer; Don and Will Rust, Cogswell; Scott Mahrer, Forman; Gene and Cari Wefel, Wahpeton.

Approve the March 17, 2016 minutes and March financial statement. (Engst/Zetocha, unanimous)

Motion to approve payment of the following bills: (Engst/Martinson, unanimous)

73051	James Bosse	Beaver removal – Dr # 11	50.00
73052	Dickey Co WRD	Adm. Fees for Dickey/Sargent meetings	632.40
73053	Richard Engst	Travel	122.04
73054	City of Forman	Land purchase-Dr # 4	2400.00
73055	Korey Martinson	Travel	27.00
73056	Moore Eng., Inc.	Engineering general fees - \$529.50; Dr # 11-\$929.50; Jackson Township/Quandt Brothers complaint - \$240.00; Gwinner Dam - \$427.00; Brummond-Lubke Dam EAP-\$674.75; Nelson Dam EAP-\$684.50; Dr # 8-\$357.00; Dr # 7 improvements-\$4628.50 =	
		TOTAL	8,470.75
73057	Ohnstad Twichell	General - \$1013.00; Jackson Township/Quandt - \$369.50; Ed Erickson permit-\$162.00; Dr # 8-\$1395.97; Dr # 11-Paul Mathews r-o-w - \$578.00 =	TOTAL 3518.47
73058	Quill.com	Ink cartridge	119.99
73059	Lucas Siemieniewski	Travel	68.04
73060	Roger Zetocha	Travel	54.00
12060	Sherry Hosford	Salary less taxes	494.75
DD	Sargent County Bank	Withholding Taxes	665.75

DON AND WILL RUST PROJECT: The Rusts were present at the meeting to discuss a project that they are proposing in the NW1/4-35-130-57 (Sargent Township). The footprint of the tile project will be less than 80 acres but they would like permission to install a single gravity subsurface/tile drain outlet to discharge into Drain No. 11. The Board reminded the Rusts that a tile project of 80 acres or more requires a permit. The Board reminded had no objection to the Rusts utilizing Drain 11 as an outlet, but indicated they would require the Rusts to execute a Utility Permit for that use. Manager Engst moved to approve a Utility Permit to the Rusts to install a single gravity subsurface/tile drain outlet into Drain No. 11 to conform to the provisions shown on the permit. Second by Manager Stein. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 11: A discussion was held on a culvert that goes under Co. Road # 4 between Section 1-2-11-12-129-57 (Brampton Township). Could the board consider placing another culvert under the roadway so the water that is to the south of the existing culvert can flow directly through the county road instead of going back to the north and then through the roadway? Engineer Gross said that the Upper Wild Rice River Watershed Study is a tool for the board to use to review and make these types of decisions once a project is brought forward.

GWINNER DAM: Roger Zetocha will make contact with the Peterson's. Chris Gross explained the proposed project to Manager Stein to bring him up to speed on what is going on.

GARY THORNBERG: Mr. Thornberg asked board members if he is required to apply for a permit to drain 20 acres in the S1/2-13-129-55 (Weber Township). No permit is needed if the drainage area draining into the drainage improvements is less than 80 acres; the Board indicated Mr. Thornberg should apply for a surface permit if the watershed area is close to 80 acres. The water will drain into County Highway No. 10 and a form was given to Mr. Thornberg to complete and file with the county commission for their review and consideration.

DRAIN NO. 8: Engineer Gross provided a summary of the vote on the project. There were 28 possible ballots and 24 were returned (85.71% of the total possible ballots). Total ballots for the project-1 (4.17%) and total against the project 23-(95.83%). Total votes received \$392,297.99 - \$100,000 for the project (25.49%) and votes against the project \$292,297.99 (74.51%). Manager Zetocha introduced the Resolution Regarding Assessment District Vote on Drain 8 Improvement Project No. 2016-01 and moved its adoption. The motion for the adoption of the resolution was duly seconded by Manager Martinson. Upon roll call vote, the motion carried unanimously. A copy of the Resolution and Certificate of Secretary is a part of the permanent record.

DRAIN NO. 7: Chris Gross informed board members that the paper work has been submitted to the State Engineer's Office for the Application for Surface Drain including the preliminary plans for the channel improvements to Drain No. 7. Sean Fredricks prepared a Resolution of Necessity regarding said project. Motion to approve the resolution of necessity by Manager Engst with a second by Manager Stein. Upon roll call vote, the motion carried unanimously. A copy of the resolution is attached. Glen Koeppel, Milnor arrived at the meeting to ask about this project and had questions on dirt and berm placement. Chris Gross explained that

some of his ideas/requests may be incorporated into the design but must wait until the board hears from the Office of the State Engineer on cost share approval before moving forward. Randy Gibbon, who owns land in Section 5 also spoke to Manager Engst about connecting a stock pond to the drain. Possibly put a pipe from the drain to the stock pond was a suggestion. Richard has talked to all adjacent landowners and they are willing to sign easements as long as they understand the project. Dakota Valley Electric Co-op plans to relocate some of their lines and Richard will talk to them to get their project done before the Drain 7 project begins. Chris Gross would like to stake the area prior to the utility relocation.

DRAIN NO. 8: Rodney Erickson, Rutland City Councilman arrived at the meeting and discussion followed on what can be done with Drain No. 8 now that the vote failed. Rodney informed the board that the public wants to be more involved and have more input into any future work on said drain. Board members felt that Rutland citizens should come to this board with their ideas and suggestions. Rodney suggested that tree removal and cleaning out/maintenance of culverts within the city would be a starting point. The board would want a licensed and bonded contractor to give a lump sum cost for any work on the drain. Rodney agreed to take these suggestions back to the city council to see if they want to proceed with a project.

DUNBAR TOWNSHIP – CULVERT COST-SHARE: Dennis Miller, Supervisor of the Dunbar Township Board; Tom Jones, NRCS; Sparky Engquist and Jay Enderson met with the water board regarding the Dale Asche waterway project. Culvert cost share had been requested by Dunbar Township in August 21, 2014 for one 36"x40' culvert to be installed between Section 7 and 8 of said township. At the March 17, 2016 meeting Mr. Blake Johnson, Agricultural Engineer, NRCS was present and informed the board that some changes had occurred to the plans. The NRCS plan is requesting two 48" culverts and one 24" culvert but the township has concerns about installing a 48" and that the roadway would need to be raised about one foot. The township would like to see three 36" culverts in the roadway. Mr. Johnson felt that based on the 250 cfs that the three 36" culverts would work. At that meeting the board approved to cost share up to three 36" culverts contingent upon an acceptable hydraulic report from NRCS. After reworking the calculations, NRCS informed the board that they would still require the culverts that they originally had in the drawings which were the 2 x 48" and 1 x 24". However; now there are a couple other options that will work as well. The options are to go with either 4 x 36" or 3 x 42" by 60 foot long. According to NRCS, these two additional options will also handle the required design flow. Dunbar Township is asking for cost share on four (4) 36" x 60' culverts. Motion by Manager Zetocha that due to the report revision since the March meeting and amount of culverts necessary for this project to move forward to provide cost share for 1/3 of the 4 36" x 60' round culverts. Mr. Engquist indicated that he would be beveling the ends of the culverts. Manager Engst seconded the motion. Upon roll call vote, the motion carried unanimously.

UPPER WILD RICE RIVER WATERSHED STUDY: Chris Gross presented to board members the final signed copy of the study for Drain No. 11. Included in the study were the following: 1. Background; 2. Data and Resources; 3. Hydrologic Model Development; 4. Hydraulic Model Development; and 5. Conclusion. This study will provide the tool necessary for board members to use in proceeding with reconstruction of the drain. A lengthy discussion followed with how to begin this process. Any work will be done in phases and starting at the south end. Chris Gross suggested that board members think about how they want to break up into phases and possibility a conference call in early May to give some direction on how the board wants to proceed. Motion by Manager Zetocha to authorize Moore Engineering, Inc. to develop an Engineer's Report for a project that would fit within a 5-6 year maintenance bond, prepare a cost share request and drain application to the State Engineer and hold a special meeting in early May to authorize submittal of these requests to the ND SWC. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

BRUMMOND-LUBKE AND NELSON DAM EMERGENCY ACTION PLAN: Chris Gross presented copies of the Emergency Action Plans (EAPs) as completed for each dam. He will distribute copies to other eight emergency services contacts as shown in each plan and request their signatures upon receipt. Next, Chris would like to schedule a meeting with these contacts to review the role play for each agency.

SHORTFOOT CREEK WATERSHED PLANNING PROJECT/NRCS: Chris Gross provided a Notice of Grant and Agreement Award for approval and signature by the chairman. Motion by Manager Engst and second by Manager Zetocha to authorize the Chairman to sign the NRCS Cooperative Agreement with all attachments for the Shortfoot Creek Watershed Planning project. NRCS award amount is \$500,000 and the effective dates of the project are April 25, 2016 through March 31, 2019. Upon roll call vote, the motion carried unanimously. The Project Planning Team has been selected and meetings will commence in June 2016.

STORM LAKE OUTLET PROJECT: Chris Gross reviewed maps with board members on the findings for developing a federal maintenance district for purposes of improving, maintaining, and operating the Storm Lake Outlet Project. The City of Milnor is the biggest benefactor; the project provides retention benefits to the City. The Board inquired into whether or not the project provides benefit both upstream and downstream. Chris Gross does not feel that anyone upstream benefits from Storm Lake. Sean explained Drain 7 is a separate project and the benefit analysis is completely different for drains; he advised against attempting to consolidate Drain 7 and Storm Lake project or attempting to include the assessments for both into a single assessment district. There are other considerations in this area and before additional work commences on this project,

board members decided to meet with the Milnor City Council at their May meeting to get their comments and input on benefitted areas. Chris Gross, Manager Engst and Manager Martinson agreed to attend the next council meeting. The Board could create a federal maintenance district to generate maintenance funds, and could proceed with creation of the maintenance district by conducting a hearing, then by two-thirds votes from both the water board and county commission.

DRAIN NO. 11: Chris Gross informed the board that he had reviewed data from August 2000 presented to him by the Sargent County Highway Dept. regarding the box culvert under Co. Road No. 4 between Sections 1 and 2 of Brampton Township. According to Engineer Gross, he did not receive any design data for installation of the box culvert, rather only shop drawings of the culvert. In June 2000, the water board approved placement of a 10' x 6' box culvert utilizing county forces to do the installation and most recently it was pointed out that the box culvert was installed one foot too high. Chris suggested getting additional information from the county engineer (Interstate Engineering, Inc.) or waiting until any work ensues on the Drain No. 11 project.

TOM JONES, NRCS: Tom Jones presented a letter to the board from Mary Podoll, State Conservationist informing them that due to limited staffing resources and the fact that the 50-year Operation and Maintenance Agreement for the planning phases of the planning and installation of the Bergh-McLaen CAT, Tewaukon Channel Improvement Nos. 1, 2, and 3, Frenier Dam, Nelson Dam, Brummond-Lubke Dam and Silver Lake Recreation Development will end in 2016 and NRCS will not be able to assist this board with regularly scheduled inspections of these projects beyond the 2016 spring inspection. According to Tom Jones, NRCS staff will accompany the board this year but not in the future. He encouraged the board to invite the board's engineer to accompany them this year to become familiar with all of the dams and assist in future inspections. Mr. Jones also informed the board that the Wild Rice Soil Conservation has hired four youth this year to assist with removal of small trees, cleaning up drains and repairing fence along the dams.

SILVER LAKE DAM EMBANKMENT SEEPAGE INVESTIGATION: Chris Gross reported that he has read the report and reviewed the recommendations from the State Water Commission. Engineer Gross stated that the Board submitted a 2017-2019 biennium planning form to the ND SWC to get on their priority funding list. The Board will need to consider at a later date in any work should be done on the dam. The board agreed that copies of the report should be shared with the county commission and the commissioners should be invited to a future meeting to discuss the report.

RS # 1: Board members reviewed bills presented by the RS # 1 secretary for payment. Authorize payment of the bill for \$2,974.14 to Interstate Engineering, Inc. for services from March 22 to April 9, 2016; M & M Contractors LLC for removal of beaver dams and mud from box culvert in railroad crossing and channel for \$3570.00; TruNorth Steel – 18" culvert-\$370.60; and \$1351.00 to Heartland Agency for General Liability Insurance.

Scott Mahrer inquired about water drainage in Shuman Township, namely Ed Erickson, Jr. According to information received by Luke Siemieniowski, Mr. Erickson is withdrawing his application. Secretary Hosford contacted Mr. Erickson for his decision in writing, but to date, no letter has been received.

DICKEY-SARGENT PROJECT: Board members had viewed the work on the project and according to Chris Gross the work is 15% completed. The contractor will be moving to the south lateral and start the pumping station in May.

Meeting adjourned at 12:00 midnight. Board members agreed to change the May meeting to begin at 8:00 a.m. and adjourn at noon.

LUCAS SIEMIENIEWSKI – CHAIRMAN

ATTEST:

SHERRY HOSFORD – SECRETARY-TREASURER