

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JUNE 20, 2013 AT 7:00 P.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Jim Bosse, Richard Engst and Roger Zetocha. Absent: Chris McFarland and Mark Breker. Also present: Chris Gross, Moore Engineering, Inc.; Al Carton, Forman and Sean Fredricks, Ohnstad Twichell via conference phone.

Approve May 16, 2013 minutes and May financial statement. (Engst/Zetocha, unanimous)

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

67888 James Bosse	Travel	115.83
67889 Richard Engst	Travel	146.90
67890 Moore Eng, Inc.	Shortfoot Creek-\$2,983.40; David Hassebroek Permit-\$72.50; Roger Zetocha Permit-\$72.50; Dana Banish Complaint-\$505.00 =	3,633.40
67891 Ohnstad Twichell	Shortfoot Creek-\$160.00; Dr No. 4-Hoistad Eminent Domain-\$93.64; General - \$832.00; Dana Banish Permit-\$173.68 =	1,259.32
67892 Red River Basin	2013 allocation	960.00
67893 Roger Zetocha	Travel	81.36
8433 Sherry Hosford	Salary less 24.22 taxes	292.45
8434 Richard Engst	6 PD less 57.91 taxes	662.09
8435 Jim Bosse	8 PD less 79.09 taxes	760.91
8436 Roger Zetocha	3 PD less 45.21 taxes	314.79
DD Sargent County Bank	Withholding taxes	378.16

FRENIER DAM: Ohnstad Twichell Office provided paper work for a bond issue for temporary financing for the Frenier Dam Improvement Project. Member Engst introduced a resolution and moved for its adoption authorizing the Issuance of \$220,000 Certificate of Indebtedness Series 2013 Bonds. Dougherty & Company LLC will be conducting the sale of the bonds at a rate of 0.60%; Brian Neugebauer, bond counsel from Ohnstad Twichell, provided a legal opinion in which he confirmed the bonds are tax-exempt. The motion for the adoption of the resolution was duly seconded by Member Zetocha and upon roll call vote, the following voted in favor thereof: Engst, Zetocha and Bosse. The following were absent and not voting: Breker and McFarland whereupon the resolution was declared duly passed and adopted. A complete copy of the Resolution is on file in the Office of the Sargent County Water Board Secretary in the Frenier Dam Improvement Project of 2013.

Chris Gross updated the Board on the Frenier Improvement project and stated that the contractor is moving material now and work is progressing nicely. A map of the as-built plans was viewed. At the Special Meeting on June 13, plans were discussed to repair the drawdown structure with a stainless steel control valve. The Board authorized Change Order No. 1 for an increase of \$13,173 to the project with Comstock Construction completing the repairs to the existing 8 inch drawdown pipe that is currently inoperable.

MILNOR DRAIN NO. 7: Discussion followed on the paving portion along 5th Avenue in Milnor City of the Hazard Mitigation Project that was not completed last year. Chris Gross and Sean Fredricks confirmed the three parties (SCWRD, Sargent County, and City of Milnor) agreed to evenly split all remaining project costs, including all paving. Chris Gross has prepared a change order for \$2,500 for mobilization for Johnson Excavation to move his equipment back to Milnor to complete this project and Moore Engineering, Inc. recommends that the Board approve Change Order No. 4 for \$2,500. Motion to approve the change order. (Engst/Zetocha, unanimous)

GARY BOHNENSTINGL DRAINAGE COMPLAINT: Jim Bosse reported that he had met with Tom Jones, NRCS and viewed maps and there did not appear to be any new drainage on these maps. Sean Fredricks explained that if there is no evidence of new ditching constructed, and there is no evidence of any deepening or widening of existing ditches, the Board would have to dismiss the Complaint. The Board will investigate the sight of this complaint while on Annual Dam inspection and visually inspect.

ANNUAL DAM INSPECTION: The date of the inspection was set for Wednesday, June 26 at 8:00 a.m.

DUNBAR TOWNSHIP CULVERT REPLACEMENT: Dennis Brezicka, Chairman, Dunbar Township met with the Board to request cost share of replacing a 48 inch culvert in the NE1/4-4-131-55. Said 48 inch culvert is rusted out and needs replacing. The policy of this Board is any reconstruction or replacing of existing culverts must have a hydraulic study to conform to the Stream Crossing Standards. Mr. Brezicka will converse with other township board members and decide how the township will proceed.

JOHN QUANDT: Mr. Quandt met with the Board regarding the drain permits the Board approved in June of 2012, along with various conditions, including conditions that the Quandt's obtain easements from various landowners. The Quandt's were proceeding with easement acquisition but one landowner refused to sign an easement. Mr. Quandt would like to amend his plan, and proposed an option where the Quandt's would capture the drain run-off with horizontal wells and to retain the water on Quandt property (as opposed to flowing over downstream properties). The horizontal wells proposed would be underground 25' deep and would run 1000' in length each. These wells would pull the water out of the aquifer in the soil and would allow the Quandt's to re-use it through irrigation, thus allowing holding capacity for the drain tile. The Quandt's would seek permission to construct diking that will also hold some quantities. John indicated they could hold and re-use more of the water from the tile than what flows from their property. Board members, the engineer and attorney discussed this proposal to decide whether an amended permit would be acceptable or the Quandt's apply for a new permit. Sean Fredricks and Chris Gross asked Mr. Quandt to submit maps of the proposed project for their review prior to the July 18 meeting. If the proposed revision would eliminate the need for any downstream easements, the Board may be more inclined to approve an amendment as opposed to requiring a new permit. Mr. Quandt indicated he would submit maps of the proposed project.

JAMES AND SCOTT MAHRER: The Mahrer's filed a drainage complaint against Loren Ellefson regarding allegations of drainage in the NE1/4 and NW1/4-7-131-54. The construction of the drain was completed in the fall of 2012 and the Mahrer's allege that the drainage area is more than 80 acres and that Mr. Ellefson did not obtain a drainage permit. They contend the drainage floods and otherwise adversely impacts their land in Section 18-131-54. The Board and Chris Gross will inspect this drain and will invite Mr. Ellefson to the July meeting to discuss his project.

DENNIS AND CASEY DECKER: The Decker's expressed a concern about the culvert under ND Highway 13 on the west edge of Gwinner. NDDOT is currently doing a project from Gwinner to ND 1. The Board was involved a few years ago in requesting that this culvert be investigated and lowered to eliminate water from backing up to the south. The Board reviewed a letter from Bob Walton, NDDOT Fargo District Engineer, to the Board dated December 27, 2011; NDDOT stated that the existing culvert under ND 13 is in good condition and at the proper drainage elevation as originally designed and would not be changed. The Board suggested to the Decker's that they contact Mr. Walton and discuss their concerns with him. The Board explained that, generally, they do not have any jurisdiction over culverts through NDDOT right of way (unless the culvert is along the course of or introduces water into a legal assessment drain).

RAY ZAJAC: Mr. Zajac reviewed two projects with Board members. One is located in the W1/2 of SW1/4-25-132-53 that he would like to clean out the existing watercourse. The Board informed Mr. Zajac that if he is only removing sediment and cattails no drainage permit is necessary but if he deepens or widens any existing ditch or watercourse a permit is required by law. This water also flows into the Wild Rice River and might require a Corps of Engineer permit. Mr. Zajac obtained Drain Application forms to prepare and send to the State Water Commission. Mr. Zajac also described a project in the W1/2-12-132-53 which flows into Tri-County Drain. He will contact the Secretary for that Board to get required paperwork.

BRUCE SPEICH: Mr. Speich submitted a written request for cost-share for a 36 inch culvert under County Road # 14 one-half mile east of DeLamere and for another culvert under the Red River Valley and Western Railroad track one-half mile east of DeLamere just north of the culvert under County Road # 14. He presented a Hydraulic Study completed by Interstate Engineering. The Board reviewed their Culvert Policy and the policy states that this Board will participate in cost share of culverts 36 inches and larger after a hydraulic study has been completed, but only culverts through township roadways.

ROGER JOHNSON AND JEROME JOHNSON: The Johnson Brothers filed a Drainage Complaint against Gordon Paul Anderson and Anderson Seed Farms, Inc. in the SE1/4 and SW1/4-2-132-56. The construction date of the tile drain was 2011 and the Johnson's feel the drainage is excessive and all the springs that feed into their area does not allow the water to drain off their land. Maps were provided with wetland determination identifiers. Mr. Gordon Paul Anderson previously applied to this Board for a permit and it was approved with the condition that he obtain flowage easements from the Johnsons. However, the law later changed and because Mr. Anderson was only tiling 52 acres, he submitted written notice of his intention to proceed with the project without a permit and without an easement; Mr. Anderson ultimately constructed the project. Attorney Fredricks and Engineer Gross will view the file from Mr. Anderson and report back to the Board in July to determine if a violation has occurred (if the drainage is, in fact, less than 80 acres) or if this complaint should be dismissed.

Meeting adjourned at 9:50 a.m.

APPROVED:

JAMES BOSSE – ACTING CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY