

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JULY 16, 2009 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Jim Bosse, Mark Breker, Richard Engst, Dan Jacobson and Roger White. Absent none. Also present: Chad Engels, Moore Engineering, Inc.

Approve June 18, 2009 minutes as corrected. (Breker/Jacobson, unanimous) Approve June 2009 financial statement. (Jacobson/Breker, unanimous)

Approve payment of the following bills: (Jacobson/Breker, unanimous)

60998 James Bosse	Travel	81.45
60999 Mark Breker	Travel	97.20
61000 Richard Engst	Travel	90.00
61001 David Hassebroek	Dr # 11 beaver	50.00
61002 Dan Jacobson	Travel	107.10
61003 Moore Engineering	Dr 4-\$200 and WCI#1-\$10,091.25	10291.95
61004 Ohnstad Twichell Law Offices	General attorney fees	806.00
61005 Roger White	Travel	672.10
3517 Mark Breker	6 PD less 37.30 plus meal	450.20
3518 Danny Jacobson	4 PD less 25.63 plus 2 meals	309.37
3519 Sherry Hosford	Sec. salary less 20.40	246.27
3520 Richard Engst	6 PD less 37.30 plus meal	450.20
3521 Roger White	8 PD less 49.54 plus meal	597.96
3522 James Bosse	7 PD less 43.99 plus 2 meals	531.01
DD Sargent County Bank	Withholding taxes	429.39

The Board received a call from Kathy Duttonhefner, Coordinator/Biologist, North Dakota Parks and Recreation (NDPR) to discuss the Head of the Mountain Nature Preserve proposed kiosk. The kiosk has been constructed and the Board reviewed the text revisions for each of the panels. Additional text will be provided to NDPR and after the panels are completed the kiosk will be delivered for the Board to install. Discussed the fencing on the west boundary. The materials have been purchased and Bill Huckell will install but work has not begun at this time. Mark will contact Mr. Huckell and visit about a timeframe to do the work. NDPR will reimburse the Board for the materials after the fence is completed. An annual assessment was conducted at the preserve last week. Kathy reported that the county weed board will spray for noxious weeds and NDPR will pay this expense. The thistle and wormwood are down from the past and there is some leafy spurge but no increase from last year. The woodlands and prairie look good but there is heavy brome in the north end. The grasses look good and it would be tough to burn because of the woody hillside. It would also be tough to hay. Mark asked about flash grazing and Kathy will talk to other staff members about the possibility of doing grazing. Discussed installing fence on the north and east sides. Kathy indicated there may be funds in this biennium for additional fencing. The Board will discuss whether to proceed and get in touch with her. Also discussed the hunting stipulations and agreed to leave the same as last year. The Head of the Mountain Nature Preserve Lease Agreement automatically renews from year to year starting August 1, unless terminated by either party. North Dakota Parks and Recreation informed the Board that they wish to renew the lease agreement. Motion to approve the Head of the Mountain Nature Preserve Lease. (Jacobson/Engst, unanimous)

Hap McCleery, Milnor City Mayor arrived at the meeting. Chad Engels, Moore Engineering, Inc. reviewed the Drain No. 7 (aka Water Channel No. 1) road crossing improvements hydraulic analysis report which he prepared. He discussed the four crossings in Milnor City indicating that all the crossings experience significant head loss during high flow conditions. While the crossings function well for the vast majority of summer rain events and spring thaws, the City is at risk during extreme events due to the capacity of the existing drain crossings. Three improvement options were identified and analyzed in terms of hydraulic improvement and cost. These options include replacing the existing CMPA's with a single box culvert, replacing the existing CMPA's with a dual box culvert, and replacing the existing CMPA's with dual CMPA's. All three of these options significantly improve the hydraulic performance of the existing crossings. Estimated costs are \$165,000 for a single RCBC, \$165,000 for a dual RCBC and \$90,000 for a dual CMPA.

Mayor McCleery indicated that the city has a problem and he has shared the report prepared by Moore Engineering with other council members. City residents want final closure on the water problem. The Corps of Engineers built berm/dikes at the golf course, however, there is still the water channel that flows through the city and belongs to the Water Board. The cost is more than the city can afford but they can be bonded. There are several areas that require attention but the city is not in favor of spending anymore money unless the Water Board comes back with a plan. The city would meet with their residents and discuss a bond issue. They do not want a band aid, they want it fixed right. Chad informed the Board that the State Water Commission will not cost share in municipalities. There may be some mitigation through FEMA but you would have to conduct a benefit cost analysis and spend a lot of money to try to get the cost share with no guarantee that we would get the money. Chad presented a financial assessment of improvements to the drain. Tabled.

Dave Titus and Cliff from Titus Excavating, Bismarck met with the Board to review culvert projects including a site located between Section 9 and 16 in Sargent Township (replace with 2 6 foot squash pipes) between Section 26 and 35 in Sargent Township (8 foot round 60 feet long with beveled ends) and between Section 35 in Jackson and Section 2 in Southwest. Chad Engels will order the culverts. Other work that Titus Excavating will do includes replacing the tile ½ mile west of Todd Stein on Drain No. 11. On Drain No. 4 Titus will dig up the places that have collapsed and Dan will get the camera company to return and view the remainder of the drain. A Texas crossing project will be repaired; two culverts on County Road # 12 which were damaged by a county highway department track hoe will be tabled until the Board can visit with the county commission. A meeting with the county commission was scheduled for August 4th at 9:00 a.m. Drain 8 south of Rutland has several damaged pipes that will need repair. Mr. Titus will keep in touch with Board members on his current work schedule and a time line for making the above repairs.

Tom Mund, Milnor called via conference call and inquired about a meeting with Mr. Dwight Comfort, State Water Commission, regarding a complaint by Mike Bogart. None of the Board members were aware of this meeting.

The county commission informed the Board that the culvert which is located on County Road 14 and Drain No. 3 approximately 4.25 miles south of Geneseo has been inspected several times. The commission does not plan to put a new additional culvert in that location but does plan to remove the old culvert and possibly raise the grade. The existing structure was sized to the downstream flow.

Roger White reported on the annual convention held in Grand Forks July 8 and 9. The convention included legislative review on cost share, individual Water Resource Board reports on projects in their area, federal legislation, a tour of the Engelstad Arena and areas flooded in 1997. There was a session on pipeline operations, regulations and location.

The Board reviewed the 2010 budget and moved to approve \$235,500 for the General Fund and the following for the individual drains: #2-\$1,000, #4-\$2,000, #8-\$1,000, #9-\$5,000, #11-\$15,000, #12-\$5,000, Water Channel # 1-\$10,000 and Tewaukon Watershed-\$10,000. (White/Engst, unanimous)

Approve the following maintenance assessment amounts for each drain for 2009 taxes: Drain No. 2 - \$1.50; Drain No. 4 - \$1.00; Drain No. 8 - \$.50; Drain No. 9 - \$1.50; Drain No. 11 - \$1.00; Drain No. 12 - \$1.50; SC Water Channel Imp. District No. 1 - \$1.50; Tewaukon Watershed - \$1.00. (White/Engst, unanimous)

Motion to transfer \$333.00 from Drain No. 3 to General Fund and remit balance of Sargent County Drain No. 3 of \$14.54 to Richland-Sargent # 1. (Jacobson/White, unanimous)

Tom Jones, District Conservationist, NRCS, Mike Czczok, Soil Conservation, Jim Bosse, Mark Breker, Richard Engst, Dan Jacobson and Roger White, SCWRD inspected the dams and watershed areas on June 24, 2009. The **Bergh-McLaen CAT** - all structures look good. **Tewaukon - Channel Improvement No. 1** - Drain has recently been cleaned in Sec. 11 and 15. Area is stable and in good shape. **Tewaukon - Channel Improvement No. 2** - no problems are observed. **Nelson Dam** - fence was replaced last year. Good limited grazing. **Brummond-Lubke Dam** - Wormwood Sage and trees present on the embankment. Area should be sprayed to control noxious weeds and trees should be removed and controlled to avoid possible structure failure. **Frenier Dam** - good grass cover, leafy spurge is under control. **Silver Lake Recreation Development** - All facilities and structures are being well maintained, all are in good condition. **Tewaukon Channel Improvement No. 3** - No problems observed. **Wild Rice Creek - Channel 9** - Section 31 - all corner and "no cultivation" signs are in place. All legal drains were inspected and noted that several areas have damage from excessive rains and are sloughing in. These areas will be reported to FEMA.

The meeting recessed at 11:30 p.m. to Wednesday July 22 at 9:00 a.m.

The Sargent County Water Resource Board reconvened at 9:15 a.m. on Wednesday July 22 in the Conference Room, Sargent County Courthouse with the following members present: Jim Bosse, Mark Breker, Richard Engst, Dan Jacobson and Roger White. Also present was Chad Engels, Moore Engineering, Inc., Lorraine Jacobson, The Sargent County Teller and Sean Fredericks, Ohnstad Twichell Law Office via conference call. Several area landowners were also in attendance (see attached sheet)

Mr. Engels opened the meeting by explaining the assessment area and percentage of assessment based on benefit. The property located in Ransom County drains into Drain No. 7 (aka SC Water Channel # 1) but there is no Joint Board. The assessment area was established in 1980 and the technology used back then is not as good as today's technology so the Board may choose to look at the current assessment area.

Chad discussed the spring flood in Milnor, the third since 1997, and Milnor City's request to solve this flooding problem. The water breaks over the berm and

creates a flood risk and the city wants to fix it. This Board requested Moore Engineering to prepare a hydraulic study and Milnor City agreed to pay one-half of the total project. Currently both Milnor City and Gwinner City pay into this assessment district. Chad explained a joint powers agreement that could be signed between the city and this Board. The State Water Commission does not cost share on increasing the size of culverts on legal drains.

The three options discussed at the Water Board's July 16 meeting were explained to those in attendance. This project is a flood protection project and Milnor City wants something permanent and they are willing to pay one-half of the total cost.

Many questions and comments from those in attendance included: 1) Value on Gwinner City - this is controlled release from drainage ponds--there is limited impact--Jim Bosse responded that Gwinner City is able to release their sewage water into this system. 2) Does the Water Board qualify for flood mitigation? - Richard Engst replied the Board is working with FEMA and there is a Project Worksheet to repair one of the culverts but this would be an improved project. 3) Understand farmers need to improve drains to protect their investments and we are all in this situation together but Milnor City has to deal with the water. Raymond Martinson replied that there is damage downstream--many roads washed out in Hall Township and couldn't this water be stored before it gets to Milnor City. Bruce Stevens replied that he has stopped and held water back and Richard Engst also replied that he has held water. Milnor City has a definite problem.

Much concern was expressed regarding the amount that landowners are paying for the maintenance levy and not getting any benefit. The question was asked of why isn't everyone in the legal drain because they are paying. Chad Engels explained that state law mandates that the entire watershed has to pay because the water eventually ends up in the legal drain but there are options to extend the legal drain. Milnor City has indicated that they will only cost share in the box culverts. Those present asked if there could be galvanized culverts used at the crossings.

What is the process to extend the drain/lateral? Landowners would bring a petition to the Board and it would go to a vote.

Chad commented that the Board must size the culverts to the watershed. This Board does not have jurisdiction over culverts in county or township roads--only on their own right of way. State law mandates that the county and township must comply with stream crossing standards. Does the Water Board have to do this project--is Milnor City more responsible? Richard Engst responded they want the best protection for all residents and all households and make Milnor a safe place to live. When the drain was built upstream landowners were in favor of paying to let their water go. How would this affect the railroad crossing? The Water Board has legal authority to open up crossings to size and determine elevation they deem necessary with all cost to the railroad. Each flood gets worse and the existing culverts that were installed in the early 1980's are too small. The Water Board owns the facility and is responsible to maintain it. If the city wants to increase the standards it is the Water Board's prerogative. North Dakota Century Code has a law for size of township culverts and townships are held liable if they are too small but never if they are too large.

Some felt that this drain created the problem with culverts but they were installed to replace bridges. This Board must decide what they want to do--accept Milnor City's offer or fix one crossing. Do we pay for 100 year flood protection through Milnor? Chad Engels stated the Board could do a hydrology study to determine the protection. This will create downstream problems as well as upstream. Richard Engst commented that the downstream landowners do not want any help--they do not feel there is a problem and downstream is not in the assessment area. There was concern about spending all the money on this project and not leaving any for other maintenance. If we want the drain to work, we have to pay taxes. The city bond issue is not a done deal until the residents of Milnor vote on and approve--if the bond issue fails, we are back to square one. If the bond issue fails, the Water Board could fix one crossing and have that paid for by 2011. Jim Bosse suggested making a proposal to Milnor City and then it is in their court. The election process for the bond issue would take time and if it freezes up, nothing would be done this year.

Motion to accept Milnor City offer if Milnor City comes up with \$330,000, if not Water Board will replace one crossing with Water Board deciding on type of culvert. On crossings where asphalt removal and replacement is necessary, Milnor City and Sargent County would be responsible for repair. Discussion followed. Dan Jacobson does not feel 50% is enough to get four box culverts in the city; Mark Breker feels the Board should only replace one culvert but if they fix the existing site with wrinkled ten foot culverts, he is more inclined to put in the box culvert. It has been a site with problems and CMP's create issues and it definitely has to be fixed. (Engst. No one 2nd the motion. Motion failed)

Motion to install one concrete box culvert at 141st Ave with all Water Board money. Discussion followed: Chad Engels indicated the Board could bid two options with use of the crane. If Milnor City does not vote but they are willing to contribute \$6,000 do we approach them? If the Water Board approaches the city for one half

of the cost, there should be a Joint Powers Agreement in place. Dan Jacobson asked about using multi-plate and Chad responded CMPA is what they call it now and using that would be limited by top of roadway and bottom of channel. This roadway is not high enough for CMPA. (Breker/Engst. Roll Call vote. Aye - Breker, Engst, Bosse. Nay - Jacobson and White. Motion carried) Chad Engels explained the time line for this project including advertising for bids, opening bids, design and specifications will take several weeks and hope to get the crossing completed by November 1st. Question on right of way to put in a double box culvert and Chad replied that they have to rely on the city and township. There is also an option to pursue the township for 40% of the crossing but Board members did not voice being in favor of this option. Chad was authorized to coordinate the project and proceed with the advertising for bids.

Meeting adjourned at 12:50 p.m.

JAMES BOSSE - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY