

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD
HELD ON THURSDAY, JULY 21, 2011 AT 7:00 P.M. IN THE COMMISSIONERS ROOM,
SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Roger White, Richard Engst and Chris McFarland. Absent: Jim Bosse. Also present: Sean Fredricks, Attorney, Onstad, Twichell; Chad Engels and Mike Opat, Moore Engineering, Inc.; Bruce Speich, Milnor; Colin Stockstad, Milnor; Tom Jones, NRCS; Al Carton, Rust Farms, Cogswell.

The Board placed a conference call to Kathy Duttonhefner, Coordinator/Biologist, North Dakota Parks and Recreation (NDPR) to discuss the Head of the Mountain Nature Preserve lease. Items discussed included: Resource Management Activities for July 2011-June 2012- noxious weeds and invasive species control; wildlife management; resource inventories, monitoring and assessments; enforcement; prescribed burning; fencing; information and education; and annual renewal of lease agreement. 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 renew the lease. (White/Engst, unanimous)

Approve June 16, 2011 minutes and June financial statement. (/Breker/Engst, unanimous)

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

64611 James Bosse	Travel	128.01
64612 Mark Breker	Travel	258.57
64613 Richard Engst	Travel	170.85
64614 David Hoffer	Beaver control-SCWC#1	150.00
64615 John Hoffer	Beaver control-SCWC#1	100.00
64616 Chris McFarland	Travel	64.26
64617 Ohnstad, Twichell, P.C.	General	397.00
64618 Red River Basin Commission	2011 Allocation	960.00
64619 Roger White	Travel	17.34
64620 Dennis Wipf	Beaver Control-SCWC#1	50.00
6039 Sherry Hosford	Sec. salary less 17.89 taxes	298.78
DD Sargent County Bank	Withholding taxes	44.01

Motion to instruct Sean Fredricks, Attorney to send a bill to Paul Mathews for \$50 per acre for the land that he has planted that is owned by the Water Board. Said land is located in the SW1/4-23-130-57. (Engst/White, unanimous)

Mr. Tom Jones, DC NRCS presented the CPA O & M Inspection Annual Report. The inspection was held on June 30, 2011 with the following attending: Tom Jones, DC; Richard Engst, Mark Breker, Chris McFarland, Jim Bosse, Roberto Luciano, SC; and Ed Kraft, SC. No structural or safety issues were identified. The only issues involved sedimentation and tree removal. 1) The **Bergh-McLaen CAT** – all structures look good. **Tewaukon – Channel Improvement No. 1** – Some minor sedimentation beginning to show up. Area is stable and in good shape. **Tewaukon – Channel Improvement No. 2** – no problems are observed. **Nelson Dam** – Good limited grazing. A discussion with the board on how to manage access by cattle to the downstream area of the dam around the outlet pipe, but no structural issues. **Brummond-Lubke Dam** – Trees present on the embankment. Trees should be removed and controlled to avoid possible long-term structure failure. Mr. Jones recommends that the trees be cut down and the stumps treated. **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.

Jason Asche and Troy Jacobson, Supervisors, Whitestone Hill Township; Ron Bergeman, Mike Mullenkamp, Randall Greenley and Darrell Olson, Bale Township, Ransom County; and Chris Mathias, Vivian Township met with the Board to discuss a culvert situation between Sections 1 and 12 of Vivian Township, which is creating problems for both Whitestone Hill and Bale Township roads. Vivian Township installed a 54” x 46’ culvert at this location and requested cost share from the Water Board. Previously a 24” and 36” culvert were installed at the site and the hydraulic study prepared by Interstate Engineering recommended a new structure of a 54” nominal diameter. According to Jason Asche, Whitestone Hill has 24” and 36” culverts in their roadway and they are receiving 55% more water through the new culvert. Pictures were shared of the site with the new 54” installed and the water over the road. Roger White commented as a member of the Vivian Township Board that he

would not have been in favor of installing the 54" culvert if he had known that it was going to increase the flow. Roger understood from the engineer that it would only increase the flow 15% instead of 55%. It was suggested that a 48" culvert go in the middle of the field but permission would be necessary from the landowner. The Water Board has no jurisdiction over this issue and it was suggested that the two townships get a hydraulic study and see what would be recommended. According to both townships they have their hydraulic studies but the study does not look downstream at what is necessary for the amount of water that is upstream. According to Roger White, FEMA required the hydraulic study and now they refuse to pay for the culvert. Jason Asche requests Vivian Township to resolve this issue. Sean Fredricks stated there is some statutory obligation to notify the downstream townships. Suggested that all three townships get together with Damon DeVillers, P.E., Interstate Engineering, Inc., who prepared the hydraulic study for Vivian Township to try to resolve this problem. The request for cost share for the Vivian Township culvert will be put on hold until this meeting is held.

Roger White left the meeting at this time.

Approximately thirty people arrived at the meeting to discuss the options for Drain No. 4 through Forman City. A copy of the attendees is attached to these minutes. Chad Engels and Mike Opat, Moore Engineering, Inc. explained the proposed project to include looking at replacing the existing tile with larger culverts. A handout showed the drawdown time for the west lake outlet from 1351.8 to 1345.5 and cost estimates. The drawdown time is from 23 days to 8 days and the cost estimates are from \$760,000 to \$1,500,000. There are five options and five phases to each option. This would include a 14'-15' open ditch. Funding could be from the ND State Water Commission at 45% of the construction cost and 60% for flood control. The railroad and county commission would also be responsible for a portion of the funding. Discussion followed on time restraints for SWC funding and the bidding process. The process may be delayed due to the late request. Others in attendance indicated they are concerned about the downstream road crossing and excessive water that will flow onto the landowners. The Water Board has no authority to mandate slowing water down from upstream. Control gates, retention dams and other improvements were also suggested. Board members instructed the engineers to look at what the impact would be downstream and requested the City of Forman to research what funds they may have available for this project and schedule a special meeting on July 26, 2011 at 9:00 a.m.

Miles Johnson and Roger Asche, Gwinner met with the Board to inquire whether a permit would be necessary to drain water that is threatening a sewer system in the SE1/4-1-131-56. Sean Fredricks suggested applying for an Emergency Drain permit from the ND SWC to install plastic pipe to remove the surface water.

DuWayne Bosse, Britton, SD met with the Board to talk about the water coming in from SD into Drain 9 just north of the state line in Brampton Township-Section 36. Mr. Bosse owns a private ditch that comes off Drain 9 and winds down through the 4 quarters of land that he owns by the curve and Newark Lake in Section 36. The Marshall County, South Dakota commissioners see this as a private ditch and once the water is in ND it isn't their problem anymore. He has permission to clean out the ditch to help move the water along quicker. The private ditch has a spur that moves water off the curve from Newark Lake. Mr. Bosse would think if he can set up something to move more water off of that curve at Newark Lake which would make the ditch deeper. The Board suggested that Mr. Bosse submit an Application to Drain to the State Water Commission for their approval and back to this Board for consideration and address any conditions. The form was given to Mr. Bosse for his completion and submission to the state.

Drainage Complaints were received from Wendell and Linda Schutt, Milnor and James Mahrer, Forman regarding Emeric and Calvin Erickson on SE1/4-2-131-55. The Board requested Chad Engels, Moore Engineering, Inc. to investigate.

Motion to authorize Chad Engels to conduct a survey, prepare preliminary plans and cost estimate for reconstruction of Drain No. 8, located south of Rutland City. (Breker/Engst, unanimous)

Board members received letters from Jack Lalor, Refuge Officer, Tewaukon National Wildlife Refuge concerning a number of health and safety requests from Road Supervisor Sparky Engquist for the temporary drainage of easement wetlands to help with flooded roads upstream of Buffalo Lake. Several permits have been issued for temporary drainage of easement wetlands. Other letters were included in the packet regarding other ditches dug and drainage permits. All letters are filed in the Tewaukon Refuge file.

Meeting adjourned to Tuesday July 26, 2011 at 9:00 a.m.

CHRIS MCFARLAND – VICE-CHAIRMAN

ATTEST:

SHERRY HOSFORD -SECRETARY