

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON MONDAY, JULY 21, 2014 AT 9:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Luke Siemieniewski, Jim Bosse, Chris McFarland, Roger Zetocha and Richard Engst. Absent: None. Also present: Matt Seufert, NRCS, Forman; Attorney Sean Fredricks, and Chris Gross, Engineer.

Approve the June 19, 25, and July 2, 2014 minutes as corrected and June financial statement. (Engst/Zetocha, unanimous)

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

69818	James Bosse	Travel	239.68
69819	Richard Engst	Travel	636.54
69820	Moore Eng., Inc.	Dr # 8-\$47.50; Drain # 11-\$5986.50; Dr # 12-\$47.50; Tewaukon Watershed-\$385.00; Mahrer/Ellefson-\$144.50; Douglas Harris-\$72.25; Loren David-\$466.75; Forman Golf Course-\$457.00 =	Total = 7607.00
69821	Ohnstad Twichell	General-\$863.60; EB Farms Project #3 - \$198.60, Forman Golf Course - \$722.00, Dr # 7-\$153.00 =	Total \$1937.20
69822	Red River Basin Commission	2014 Allocation	960.00
69823	Lucas Siemieniewski	Travel	49.28
69824	Roger Zetocha	Travel	51.52
9786	Sherry Hosford	Salary less 24.22 taxes	292.45
9787	Richard Engst	8 PD plus meals less 105.78 taxes	881.22
9788	James Bosse	11 PD less 168.56 taxes	1151.44
9789	Chris McFarland	2 PD less 18.36 taxes	221.64
9790	Roger Zetocha	6 PD less 113.33 taxes	606.67
9791	Lucas Siemieniewski	2 PD less 18.36 taxes	221.64
DD	Sargent County Bank	Withholding taxes	742.69

HARVEY BERGSTROM: Cayuga met with the Board to discuss a water problem Ransom Township between Section 35 and 36. The Board suggested that Mr. Bergstrom apply for a Surface Drain permit and paper work was given to him.

DONALD DATHE: Mr. Dathe is considering a tile project in N1/2 of NE1/4 and SE1/4 of NE1/4-20 of Marboe Township. Subsurface application papers were given to Mr. Dathe to complete and return to this Board. Mr. Dathe indicated the project will discharge directly into a natural watercourse; if that is the case, the project would not require a 30-day Notice under North Dakota law. Chris and Sean will review a completed permit application once submitted by Mr. Dathe, and the Board will review at their August meeting.

DRAIN NO. 11: Chris Gross updated the Board on Drain No. 11 analysis in that it is still too wet and too much water to proceed with the Hydrologic and Hydraulic study. Also discussed survey regarding Paul Mathew's litigation and the Board instructed Attorney Fredricks to contact the court to request another extension or suggest that the Board is willing to have a contractor block a culvert or otherwise restrict flow long enough to dry things up to allow Moore Engineering to conduct the survey. Jim Bosse and Roger Zetocha inspected other areas of the drain and observed blockage in the drain. Dakota Improvement has been hired to begin cleaning the drain at the outlet and proceed northerly.

GWINNER DAM: The Board inspected this dam in June and reported some leakage on the south bank. The Board is still trying to determine who is responsible for this dam and Attorney Fredricks agreed to do some record search along with Engineer Gross to determine the purpose and who is responsible for this dam. The Heritage Fund, according to Roger Zetocha, may be a resource to contact regarding monies for repairs to this dam.

NELSON DAM AND BRUMMOND –LUBKE DAM: NRCS had informed the Board in May that they would assist with engineering on these two dam repair projects but in a follow-up email from Tom Jones, District Conservationist, it now appears that due to some workload and staffing issues, NRCS cannot provide assistance in a timely enough manner to allow this work to be accomplished yet this year. Mr. Jones recommended that the Board authorize Moore Engineering, Inc. to begin working up a design for these necessary repairs. Chris Gross received from the Water Board file the original as built plans for both dams. He will contact Tom Jones to discuss the repair that the NRCS is recommending and will prepare cost estimates for the board to review at the next meeting.

DRAIN NO. 7 CROSSING IMPROVEMENTS: The box culverts are being made, a Preconstruction Conference will be scheduled, and beginning date is tentatively August 1 with one month total construction time. Merrill Decker, Milnor City Council member met with the Board to ask for partial cost-share of the

\$7,000 amount that the City of Milnor agreed to pay to install a 4 foot extension to each run of box culvert at the Main Street crossing to accommodate a future city sidewalk. The Board previously agreed to approve the 4 foot extension as part of the Board's project, but only after receiving a written request from the City and upon written confirmation the City would pay the full cost up to \$7,000. The Board previously tabled the City's request for cost-share. Discussion followed and Board members did not feel that this cost would be beneficial to all taxpayers in the assessment district and instead moved to allow Milnor City to make 5 annual payments to the Water Board for the \$7,000 cost, said amount to be added to the annual amount due from the city in the assessment district levy. (Engst/Bosse, unanimous)

MARK AND PAT O'BRIEN: The O'Brien's were present to discuss a drainage project in the North-Half of Section 22 of Tewaukon Township. Attorney Fredricks and Engineer Gross reviewed the plan and informed the O'Brien's they will need a Subsurface Permit and paper work was given to them to complete and return to this Board. Sean Fredricks will proceed with the 30 day notice to downstream landowners and upon receipt of the application and fee, the Board will review and act on this application.

DRAIN NO. 8: Chris Gross presented to the Board a map outlining the existing assessment district and the watershed area for Drain No. 8, which is located south of Rutland. Project estimates are approximately \$507,000, with \$157,000 from the State Water Commission, \$9,500 from the county and \$340,000 from the Water Board. Discussion followed on the size of the assessment district and lack of local funding for a project of this cost. The Board agreed to invite the county commissioners, Rutland City Council and representatives from the Prindiville Family, who own a farm on the east side of the drain, to the August 21 meeting to discuss work on this drain.

HEAD OF THE MOUNTAIN NATURE PRESERVE: Discussion followed on approval of the lease agreement with ND Parks and Recreation (NDPR) on the Head of the Mountain Nature Preserve. According to Sean Fredricks, under both the North Dakota Administrative Code and the Articles of Dedication, grazing of animals is not generally permitted on Nature preserves. Board members were concerned about the suggestion from NDPR for a controlled burn and suggested that Sean send a letter to NDPR addressing their concerns and the liability of NDPR for a controlled burn. Motion to approve the Head of the Mountain Nature Preserve Lease and authorize the Chairman to sign as per the terms of the contract from year to year for successive terms of five years, commencing on the 1st day of July of the following year, unless earlier terminated. (Zetocha/Siemieniewski, unanimous)

TEXAS CROSSING IN MARBOE TOWNSHIP: Duayne Baldwin has contacted Board members regarding removal and abandonment of the crossing located between Sections 8/17 in Marboe Township. The Secretary was instructed to invite Mr. Baldwin and the Marboe Township Officers to the August meeting to discuss the crossing and related section line issues.

2015 BUDGET: The Board reviewed the 2015 budget and moved to approve \$292,950 for the General Fund and the following for the individual drains: #2-\$1,000, #4-\$64,000, #8-\$10,000, #9-\$1,000, #11-\$100,000, #12-\$1,000, Water Channel # 1 aka Drain # 7-\$104,500 and Tewaukon Watershed-\$100,000. (Engst/Bosse, unanimous)

2015 MAINTENANCE LEVIES: Approve the following maintenance assessment amounts for each drain for 2014 taxes: Drain No. 2 - \$1.00; Drain No. 4 - \$2.00; Drain No. 8 - \$2.00; Drain No. 9 - \$2.00; Drain No. 11 - \$2.00; Drain No. 12 - \$2.00; SC Water Channel Imp. District No. 1 - \$2.00; Tewaukon Watershed - \$2.00. (Bosse/Engst, unanimous)

MILNOR DRAIN OPERATIONS AND MAINTENANCE PLAN ON STORM LAKE: Richard Engst read Board minutes from May 2007 regarding a policy with Milnor City and this Board on maintenance of the Storm Lake outlet. This Board agreed at that time to cost share 50/50 of any maintenance because it would be a benefit to the Drain No. 7 assessment area. Richard also indicated that there are 3 Russian olive trees that are proving a hazard along Drain No. 7 in Milnor. Doug and Janelle Ruby are the owners of the property and before any maintenance or removal of these trees can occur, the Ruby's must be contacted. The Board authorized Richard to get approval from the Ruby's and contact a tree service to remove these trees.

Meeting adjourned at 1:00 p.m.

CHRIS MCFARLAND – CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY