

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JULY 21, 2016 AT 8:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Luke Siemieniewski, Roger Zetocha, Todd Stein, and Richard Engst. Absent: Korey Martinson. Also present: Sean Fredricks, Board Attorney; Chris Gross, Board Engineer; and Scott and James Mahrer.

Approve the June 16, 2016 minutes and June financial statement. Manager Engst moved to approve. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Transfer \$35,000.00 from the Water Board General fund to the Shortfoot Creek fund as the 2016 allocation. Manager Stein moved to approve. Manager Engst seconded the motion. Upon roll call vote, the motion carried unanimously.

Transfer \$16,210.00 from Drain No. 9 to the Water Board General fund and \$13,300.00 from Drain No. 12 to the Water Board General fund. Manager Engst moved to approve. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Engst moved to approve payment of the following bills. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

73495	James Bosse	Dr 11 beaver removal	50.00
73496	Matthew Bosse	Dr 11 beaver removal	50.00
73497	Daily News	Shortfoot Creek Notice	21.60
73498	Richard Engst	Travel	73.44
73499	Moore Eng. Inc.	Brummond-Lubke EAP-\$86.50; Nelson Dam EAP-\$86.50; Gwinner Dam-\$857.50; Shortfoot Creek-\$27,840.57; General Eng. Fees-\$592.50; Dr#8-\$80.00; Annual Dam Inspection-\$1351.65; Mahrer-Ellefson Complaint-\$86.50; – TOTAL	30,981.72
73500	Ohnstad Twichell	General - \$870.19; Brian Vculek permit-\$72.00; Shuman Township permit-\$150.00; Dr#4-162.00; Dr#4-Hoistad-\$8650.64; Dr#8-\$152.26 = TOTAL	10,057.09
73501	Red River Basin Comm.	2016 allocation	1,197.50
73502	Richland Co. Water Board	RS #1 Administration	462.35
73503	Lucas Siemieniewski	Travel	326.70
73504	Todd Stein	Travel	237.60
73505	The Teller	Shortfoot Creek Notice	70.50
73506	Roger Zetocha	Travel	99.90
73507	Langford Bugle	Shortfoot Creek Notice	9.63
12407	Sherry Hosford	Salary less taxes	1505.25
DD	Sargent County Bank	Withholding Taxes	665.75

DON AND WILL RUST – DRAIN NO. 11: The Rusts were present at the meeting to discuss a project that they are proposing in the S1/2-23-130-58 (Jackson Township). The footprint of the tile project will be 62 acres so their project will not require a tile permit under North Dakota law, but they would like permission to install a single pump 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 tile permit. The Board 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 Stein moved to approve a Utility Permit to the Rusts to install a single pump subsurface/tile drain outlet into Drain No. 11 to conform to the provisions shown on the permit. Second by Manager Engst. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 8: Manager Stein and Chairman Siemieniewski inspected the north portion of the drain which is on the west edge of Rutland City. They met with two contractors and received estimates to do the work. Manager Stein reported that he had a call from Mayor Narum stating that the city did not want any work done until the south end of the drain is cleaned. The Board decided to proceed with cleaning this portion of the drain. Quotes were received from Comstock Construction Inc., Wahpeton for \$24,640 and Helwig Excavating Inc., Oakes for \$6,000. The project would include cleaning approximately 0.7 miles of drain (from the railroad to 100 feet south of the Prindiville driveway) and removing trees from the side slopes and right of way and hauling the trees to the Rutland landfill. Dennis McLaen, landowner on the west side of the drain gave the board permission to enter his property and if any crop damage occurs, the board agreed to compensate Mr. McLaen. Manager Engst moved to authorize the project not to exceed \$6,000. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. Manager Stein will contact Mayor Narum to assure that the landfill can be utilized for disposing of the trees.

Bernie Planteen and Gerry Bosse arrived at the meeting at 8:35.

DRAIN NO. 11: Mr. Planteen asked questions about the upcoming Drain No. 11 project and where the work would commence. Chris Gross reviewed the proposed project and explained that the purpose is to get the water

to a manageable level. He also explained that the board has applied for a permit from the State Water Commission and is requesting cost share. Once the cost share and permit have been approved, the board will conduct a public informational meeting to explain the project. Mr. Bosse asked about bringing Ransom County into this watershed and board members stated that they had met with Ransom County and there is no interest at this time to pursue a joint project.

HEAD OF THE MOUNTAIN NATURE PRESERVE: Kathy Duttenhefner, ND Parks and Recreation, met with the Board via conference call for the annual overview of Head of the Mountain Nature Preserve at Frenier Dam. Ms. Duttenhefner explained that the ongoing lease agreement with the Sargent County Water Resource Board and the ND Parks and Recreation was renewed in 2014 and automatically renews from year to year for successive terms of five years. Sargent County owns this land and the Parks and Recreation Dept. manage the land with the adopted Articles of Dedication (Revised May 1, 2006). Ms. Duttenhefner informed the board that her department has been without a biologist since April so no monitoring has been conducted. They hope to hire someone in August and once they have a biologist on staff, they will be coming to Sargent County to conduct the 2016 Site Visit and provide the board with a summary. They will also look at the fence and note any repairs needed. Kathy informed the Board if there are any problems with the reserve that the new Manager at Fort Ransom State Park is Tyler Modlin and his phone number is 701-301-3201. The board will await the receipt of the 2016 reports.

DRAIN NO. 7: Chris Gross informed the board that the State Water Commission has approved the cost share for Drain No. 7 and that Chairman Siemieniewski attended the SWC meeting in Bismarck. Moore Engineering, Inc. is moving forward with the final design and working on property lines, utility relocation and right of way consideration. He will have a report for the board at the August meeting.

BRUMMOND-LUBKE DAM: Boyd Brummond, Havana arrived at the meeting at the request of the board. Following the annual dam inspection, board members noted over-grazing on the Brummond-Lubke Dam. Mr. Brummond provided some history on the dam and how quickly the water rises with high rainfalls. It is difficult to get the cattle to cross during those times and has lost some of his herd in high water. Boyd stated that it is nearly impossible to keep the cattle off the dam. It was suggested that a Texas crossing might be suitable for the cattle to cross on and the board agreed to look at possible options for this problem.

STORM LAKE OUTLET PROJECT: Chris Gross provided the board with maps of a proposed assessment district for the Storm Lake Dam Maintenance District. Chris noted the Board should consider who benefits from the Storm Lake Dam and related infrastructure previously constructed by USDA; under North Dakota law, the Board has to include all properties that benefit from the infrastructure in the maintenance district. The Board primarily considered downstream flood protection benefits; Board members concluded the City of Milnor enjoys flood protection benefits. Attorney Fredricks presented to the board a 'RESOLUTION REGARDING CREATION OF THE STORM LAKE DAM MAINTENANCE DISTRICT AND SETTING HEARING'. Manager Engst introduced the resolution and moved its adoption. The Motion for the adoption of the RESOLUTION was duly seconded by Manager Zetocha. On roll call vote the following Managers voted aye: Engst, Stein, Zetocha and Siemieniewski. The following Managers voted nay: None. The following Managers were absent: Martinson. Upon roll call vote, the motion carried unanimously and the RESOLUTION was duly adopted. (A copy of said Resolution is in the Storm Lake Dam file) The hearing date and time was set for Thursday, August 18 at 9:00 a.m. in the Sargent County Courthouse, Forman. The county commission will be contacted and informed of this hearing; the Commission and the Board must both ultimately approve the creation of the STORM LAKE DAM MAINTENANCE DISTRICT. Ohnstad Twichell will arrange for the requisite publication of the Notice of Hearing, and will also provide mailed copies of the Notice to the Sargent County Commission.

Tom Jones, NRCS arrived at this time.

GWINNER DAM: Steve and Scott Melroe, Gwinner arrived at the meeting to discuss the Gwinner Dam. Steve Melroe believes that the dam is fixable and further states that there are springs to the west of the dam and are seeping through. He does not feel that the dam is compromised and that he is the only one affected by the dam. The Gwinner Dam is located north of Mr. Melroe's land on Johnson property. He feels the base is relatively strong but the top is eroding and could be fixed. Chris Gross responded that this board owns the dam and it either has to be breached, repaired or relocated. In order to bring the dam up to standards according to the State Water Commission, it would take an excessive amount of money to repair. There are cost share dollars for retention but none for extensive repairs that would be required to bring the Gwinner Dam up to code. Chris provided the Melroe Brothers with maps of three sites for retention in Section 7 of Willey Township. A suggestion was made to turn the dam over to the landowners but this would require a permit process through SWC. Chris agreed to check on what is involved in the permit process. If the board retains the dam, it will be breached. The Melroe Brothers stated that they are not interested in a retention dam.

DRAIN NO. 2: Richard reported that Comstock Construction, Inc. has completed all the work on the drain. The cleaning is complete and there is no water standing in the culverts. No bill has been presented at this time.

DRAIN NO. 4 – RICK HOISTAD: The City of Forman still has not provided an abstract to this board regarding Drain No. 4 right of way, even though the City signed a Purchase Agreement under which the City agreed to do so. Attorney Fredricks will send the city a letter and Chairman Siemieniewski will meet with the council at their August meeting.

SHUMAN TOWNSHIP APPLICATION FOR SURFACE DRAIN NO. 4742: Chris Gross reviewed the criteria under North Dakota law for determining if a drainage application proposes drainage “of statewide or interdistrict significance.” The State Engineer’s Office ruled the project under Application No. 4742 is not of statewide significance; in addition, the State recommended specific conditions for the Board’s consideration of the application. Shuman Township has not completed the required 8-point questionnaire, nor have they paid the fee for processing a permit or returned the required paperwork. The 8-point questionnaire process requires an applicant to identify adverse impacts and potentially adversely impacted parties. The Secretary was instructed to invite the Shuman Township Board members to the August meeting to discuss this application, provide answers to the questionnaire, and pay the application fee. The Mahrer’s are still concerned about the complaint they filed and whether or not the draining into this area has actually been disabled. It was noted that the pump has been unplugged and there is a plug in the culverts but is that a suitable resolution to the complaint.

RS # 1: Board members reviewed a bill presented by the RS # 1 secretary for payment. Authorize payment of the bill for \$1,390.00 to Interstate Engineering, Inc. for services from June 12 to July 2, 2016. Board members also had some questions regarding the joint powers agreement with Richland County. Attorney Fredricks will review the agreement.

Meeting adjourned at 11:55 a.m.

LUCAS SIEMIENIEWSKI – CHAIRMAN

ATTEST:

SHERRY HOSFORD – SECRETARY-TREASURER