

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 15, 2013 AT 7:00 P.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Jim Bosse, Chris McFarland, Richard Engst and Roger Zetocha. Absent: Mark Breker. Also present: Tom Jones, NRCS and Chris Gross, Moore Engineering, Inc.

Approve the July 18, 2013 minutes July 2013 financial statement and payment of the following bills: (Engst/Zetocha, unanimous)

68119 James Bosse	Travel	127.69
68120 Comstock Construction, Inc.	Frenier Dam repairs	147,926.97
68121 Richard Engst	Travel	131.65
68122 Moore Engineering, Inc.	Frenier Dam - \$13,344.24; Johnson/Anderson complaint - \$547.75; Drain No. 7 project - \$11,497.99 =	25,389.98
68123 Ohnstad Twichell	Dr No. 4-Channel Reconstruction - \$208.00; General - \$858.00=	1,066.00
68124 Roger Zetocha	Travel	96.05
8658 Sherry Hosford	Salary less 24.22 taxes	292.45
8659 Richard Engst	6 PD less 57.91 taxes	662.09
8660 Jim Bosse	6 PD less 57.91 taxes	662.09
8661 Chris McFarland	2 PD less 18.36 taxes	221.64
8662 Roger Zetocha	6 PD less 114.75 taxes	605.25
DD Sargent County Bank	Withholding taxes	481.60

Chris Gross arrived at this time.

LIDAR MODELING: Roger Zetocha and Richard Engst attended a meeting in Wyndmere on International Water Institute LIDAR Modeling. Roger gave a report on the meeting.

KEVIN THROENER Cogswell met with the Board to express concern with culvert sizing and water that has backed up since the last rain and is still standing on his land. The location is between Section 33 of Harlem Township and Section 4 of Sargent Township. According to the map there are 2 42” culverts through the railroad bed and one 60” squash and a 42” round culvert at Ptacek’s. Discussion followed on how to proceed if the railroad culvert could be replaced. There could be some restrictions in the flow of the drain. Jim Bosse suggested that the Board consider cleaning the drain from the south end northerly. Motion to instruct Attorney Fredricks and Chris Gross, Engineer to compose a letter to the railroad to inspect the culverts west of Cogswell through the Dakota, Missouri, Valley Western Railroad. (Zetocha/Engst, unanimous) Motion to clean Drain No. 11 from the south end beginning in Section 8 of Taylor Township and upstream to Meszaros Slough at Section 20 of Sargent Township as soon as a contractor and scope of work can be acquired. (Zetocha/Engst, unanimous)

Chris McFarland arrived at this time.

TOM AND SCOTT MUND, Milnor met with the Board to request permission to amend Permit No. 4007 located in the W1/2-28-132-55 from a subsurface pipe to an open ditch. Attorney Fredricks asked for additional information from the Mund’s regarding their project.

EMERIC ERICKSON AND COLE BOGART, Milnor met with the Board to explain a solution for a project that floods east of Milnor in Section 11-132-54 and under ND Highway 13. They are proposing that the Water Board should build up a dike along Drain No. 7 to hold the water, which has flooded many acres of land. There are questions whether the Water Board is legally responsible for undertaking such a project and what the original design of this drain was when it was constructed. The Board asked Chris Gross to view the original design and discuss with their attorney whether it is a Board responsibility.

FRENIER DAM Chris Gross reported that Frenier Dam project is complete and the contractor has demobilized. Everything is finished as per change orders with riprap applied to the face of the dam, and the drawdown structure was repaired to facilitate this activity. An operation plan of this dam should be updated to include regular opening and functioning of the draw down pipe so that when and if it is needed in the future it will be available. The dam will be inspected each year. Motion to approve Contractor’s Application for Payment No. 1 to Comstock Construction, Inc. for \$147,926.97. (Engst/Bosse, unanimous)

HELICOPTER SPRAYING Discussion on helicopter spraying of cattails in the legal drains. Richland County uses Larson Helicopters, PO Box 186, Perham, MN 56573 with a contact of Mike Larson at 218-371-9270 or 218-346-5719. According to Richland County Water Board they are very

happy with the work that is performed by this company and getting the work done in a timely manner. The Board will prepare a map of areas to be sprayed for review at the September meeting.

In the absence of Attorney Sean Fredricks and due to incomplete information the complaint for Mahrer/Ellefson, Ray Zajac/H & R Land Company Surface Application No. 4239 and Loren Ellefson Application to Drain No. 4237 were tabled until the September meeting.

2014 BUDGET The Board reviewed the 2014 budget and moved to approve \$260,600 for the General Fund and the following for the individual drains: #2-\$6,400, #4-\$64,000, #8-\$25,000, #9-\$1,000, #11-\$100,000, #12-\$25,000, Water Channel # 1 aka Drain # 7-\$38,500 and Tewaukon Watershed-\$25,000. (Engst/Bosse, unanimous)

2014 MAINTENANCE LEVIES Approve the following maintenance assessment amounts for each drain for 2013 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)

PW 1484 The Board received and read a letter from ND Dept. of Emergency Services regarding the First Compliance Review for Disaster Recovery 1829 (2009). On PW 1484 the inspectors determined that the work has not been completed as written in the scope of work, i.e. short materials and supporting documentation. "The Sargent County Water Resource District's Summary of Incomplete Sites for DR 1829" dated July 31, 2013 shows the amount of material short for each site. The total dollar amount for the incomplete sites is \$4,599.00 x 94% = \$4,323.06. The Administrative Cost funds of \$746.06 for these sites have been expended. Unless this Board can provide additional documentation that would support the incomplete PW a letter from NDDES will request the SCWRD to de-obligate approximately \$4,323.06 of funds for PW 1484 with the incomplete sites. Richard Engst stated that these sites were impossible to repair due to location of electrical wires and planted crops. NDDES will send a letter after the 60 days requesting repayment of these dollars.

HAZARD MITIGATION GRANT PROGRAM The Milnor City Council contacted this Board informing them that the city has received the Hazard Mitigation Grant Program Payment of \$165,537.50 for the Milnor Drain # 7 project. According to the city before they will release the check, the city would like an accounting of all the bills that have been paid; if there are any remaining costs left to be paid; if the final bill for finishing the project, repaving over the culvert, has been received and paid; and finally, the local shares calculated, respectively, for the City, Sargent County and Sargent County Water Board. The Water Board reviewed the Joint Powers Agreement and conferred with Attorney Fredricks and the following was sent to the city for a response: In response to your email regarding the Hazard Mitigation Grant Program Payment, it appears that according to the Joint Powers Agreement the City of Milnor will provide all cost-share received to the District (c)--see below. Attached is the Final Cost Summary prepared by Moore Eng. for the Drain No. 7 Crossing Improvements at 5th Avenue with the breakdown at the bottom for each of the participating entities. The amount due to the Water Board from Milnor City is \$52,411.24. Please consider this your written notice for payment of this amount.

Please forward the check for \$165,537.50 to this Board from you and also the city payment of \$52,411.24. If you have any questions, please feel free to get in touch with me. Thanks.

4. Project Administration. In accordance with Section 3 above, the District will design, construct, administer, own, operate, and maintain the Project, including all engineering, bidding, contract administration, legal, and right of way acquisition. The administration of payment and cost-share regarding the Project and the HMGP Award will be as follows:

a) The District will pay all contractors, subcontractors, suppliers, engineers, and other parties as necessary regarding the Project;

b) the City will apply for all FEMA and NDDES reimbursements in accordance with the HMGP Award;

c) the City will provide all cost-share received to the District;

d) the District will provide written notice to the County and the City regarding their respective shares of all remaining Project costs not reimbursed by FEMA and NDDES under the HMGP Award; and

e) the County and the City will provide their respective one-third contributions of the Project for all costs not reimbursed under the HMGP Award within 60 days of the District's written notice.

ANNUAL DAM INSPECTION Tom Jones, DC NRCS presented the CPA O & M Inspection Annual Report. The inspection was held on June 26, 2013 with the following attending: Tom Jones,

DC; Ron Thom, CET, Jamestown; Richard Engst, Mark Breker, Chris McFarland, Jim Bosse and Roger Zetocha 1) The **Bergh-McLaen CAT** – Damage from unknown runoff event has eroded center crossing structure on the downstream side and damaged fencing around the culverts. Trees inside the easement area should be treated and removed mainly on the downstream half of the structure. Need to inspect the upper half of the structure with an ATV to determine if headcutting is occurring or if the channel is stable. **Tewaukon – Channel Improvement No. 1** – No issues identified. Bridge in the County road that crosses the project is scheduled to be replaced in the next 24 months. **Tewaukon – Channel Improvement No. 2** – no problems are observed. **Nelson Dam** – Some minor trailing across the face of the dam. Decision was made to try to place some rock strategically to limit the travel of cattle between the fence and the waterline. Issue identified with the drawdown structure of this dam needing investigation. Ron Thom, CET is investigating original design and if additional inspection work needs to occur. **Brummond-Lubke Dam** –Some minor erosion due to apparently cattle being on the dam during muddy conditions this spring. No long term issues, grass cover is excellent during inspection. Still some tree issues on this structure that the SCWB is working to resolve. Trees should all be removed and controlled in the future. Investigation of this site drawdown structure is also being done by Ron Thom to see if further inspection and operation of the drawdown structure on this project should be accomplished in view of the Situation on dam T-2 (Frenier). **Frenier Dam** –Significant activity taking place on this structure. Riprap is being applied to the face of the dam, and the drawdown structure is being repaired to facilitate this activity. The operation plan of this dam should be updated to include regular opening and functioning of the draw down pipe so that when and if it is needed in the future it will be available. **Silver Lake Recreation Development** – All facilities and structures are being well maintained, all are in good condition. **Tewaukon Channel Improvement No. 3** – Texas crossing between Sections 8 and 17 continues to be an issue. Velocities of the water are just too high to allow for easy holding of the structure in place. Repairs have been made. **Wild Rice Creek – Channel 9** – Section 31 –Willow and cottonwood encroachment on this drain continues to be a problem. SCWRD will be spraying again via a helicopter contractor which has been adequate in the past. No other issues identified.

Tom Jones, NRCS informed the Board that there are projects that NRCS would work cooperatively with this Board such as engineering on any dam projects.

Meeting adjourned at 11:15 p.m.

CHRIS MCFARLAND – CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY