

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

Managers present: Luke Siemieniewski, Jim Bosse, Roger Zetocha and Richard Engst. Absent: Chris McFarland. Also present: Tom Jones, NRCS, Forman; Attorney Sean Fredricks, and Chris Gross, Engineer.

Application to Install a Subsurface Drain for Kasowski Russet, LLP, in the Southwest Quarter of Section 5 in Southwest Township

The Board reviewed an *Application to Install a Subsurface Drain* dated July 28, 2014, for Kasowski Russet, LLP. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements, and the Board concluded therefore the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the Southwest Quarter of Section 5 in Southwest Township, Sargent County, North Dakota. The project will include a single gravity outlet that will discharge via a non-perforated underground pipeline that will run north, across the Northwest Quarter of Section 5, through the northwest corner of Section 5, under the unimproved section line trail and will connect to a pump station in the South Half of Section 32 of Jackson Township, a pump station owned and operated by Quandt Brothers; the pump station will pump the tile discharge to the outlet of the tile project permitted to the Quandt Brothers under Tile Permit No. 3426. Along with approval of the Kasowski Russet tile application, this project will require an amendment to Tile Permit No. 3426, previously issued to Jason Quandt/Quandt Brothers.

According to records on file with the Sargent County Recorder’s Office, Kasowski Russet, LLP, owns the Southwest Quarter of Section 5 of Southwest Township; Quandt Brothers owns the Northwest Quarter of Section 5 of Southwest Township; and Kasowski Russet, LLP, owns the Southwest Quarter of Section 32 of Jackson Township.

It was moved by Manager Engst and seconded by Manager Siemieniewski to approve *Application to Install a Subsurface Drain* dated July 28, 2014, for Kasowski Russet, LLP, in the Southwest Quarter of Section 5 in Southwest Township, subject to the following conditions:

- 1) That Applicant obtain and record (with the Sargent County Recorder’s office) a Permanent Pipeline Easement (and not just a written consent) that permits Applicant to install, operate, and maintain a buried non-perforated pipeline on the Northwest Quarter of Section 5, Southwest Township, Sargent County, North Dakota;
- 2) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 3) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Sargent County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board;
- 6) That Applicant obtain and execute a written agreement with Quandt Brothers to utilize Quandt Brothers’ pump system and their tile system in the South Half of Section 32 in Jackson Township; and
- 7) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

In addition, in light of the underground pipeline under or through the unimproved section line trail between the Northwest Quarter of Section 5 and the Southwest Quarter of Section 32 of Jackson Township, an area under the jurisdiction of either Southwest Township or Jackson Township, whichever township is responsible for maintaining the Section 32 Jackson/Section 5 Southwest section line, the Board agreed with Mr. John Quandt, who was present at the meeting, that the Kasowski Russet/Quandt Brothers' improvements would require an amendment to Tile Permit No. 3426. With that in mind, Manager Engst, seconded by Manager Siemieniewski, moved to amend APPLICATION TO DRAIN WITH DRAIN TILE NO. 3426, previously approved by the Sargent County Water Resource District on September 17, 2009, to include the following conditions:

- 1) That Applicant obtain written permission from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 3) That Applicant notify the Sargent County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 4) That Applicant obtain written permission from Southwest Township or Jackson Township, whichever township is responsible for maintaining the unimproved section line along the south boundary of Section 32 of Jackson Township and the north boundary of Section 5 of Southwest Township, to utilize any of its township road ditches, to locate underground non-perforated pipeline in any of its township road ditches, or to bore through the unimproved trail along the 32/5 Section line; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously

DRAIN NO. 11: Jerry Kappenman, Dean Fiala, Douglas Harris and Jerry Rodine, Oakes area met with the Board to inquire about establishing a legal drain from the Village of Crete to Drain No. 11. Most of the land involved is in the assessment district but the problems include several culverts that are not adequate or working properly. Sean Fredricks explained that this Board does not have any authority to order culvert placement only to provide an outlet to the drain. The Board suggested that the group apply for a Surface Permit to include the concept of this project for the Board to consider.

DRAIN NO. 8: The Board extended an invitation to the Rutland City Council, Sargent County Commissioners and the Prindiville Family to discuss Drain No. 8 which flows south of the City of Rutland. Those who met with the Board were Ron Narum, Rutland Mayor and Deborah Banish, Rutland City Auditor; Vincent Young, member of the Prindiville Family and Jerry Waswick and Mike Walstead, Sargent County Commissioners. Chris Gross, Engineer; explained some of the problems within the channel and various project alternatives that had been reviewed by the Water Board. Chris explained that cost share money from the ND State Water Commission could be applied for on a project of this nature. Following a lengthy discussion it was suggested that the engineer analyze two more options (A ditch re-alignment and a storm sewer lift station) and prepare cost estimates to see what the most viable project is. The Board will discuss the new cost estimates, updated right of way needs and land appraisal options at their next meeting.

TEXAS CROSSING IN MARBOE TOWNSHIP: Duayne Baldwin, Kevin Oland and Phillip Freeman, Marboe Township Board members were present at an invitation from the Board to discuss a Texas crossing located between Section 8 and 17 of Marboe Township. This crossing has been fixed several times, the last being a FEMA "improved project" in 2010 to install sheet piling and rock, which has since failed. FEMA informed the Board at the 2010 project that this would be the last time they would look or consider this area for FEMA reimbursement. The Water Board has no solution on how to make this crossing hold and the Board is suggesting that this crossing be abandoned. The township board is not in favor of abandoning this crossing but instead suggested that they would take over the site if the Board cuts back the sheet piling and installs a load of rock to the current problem. Chris Gross, Engineer suggested that the sheet pile should be left as is for channel stability purposes but additional clay, compacted sand and 12 inch rock should be placed at this crossing, which would firm up this area and then install a slurry mix to hold this material in place. The township board was in agreement with this solution. Chris Gross will prepare an estimate of what it would cost to cut down the piling and place a load of rock at the site and then these dollars would go to the township for them to spend as they deem reasonable to solve this problem. (Siemieniewski/Zetocha, unanimous) The

Marboe Township Board was invited to the September Water Board meeting to review the engineer's estimate. The parties discussed the possibility that the Board pay the Township the amount of the estimate (to cut down the piling and to place the additional rock), in exchange for execution of an agreement with the Township under which the Township would take ownership of the crossing and would be responsible for operation and maintenance moving forward. The parties will discuss this scenario at the September

EMERIC ERICKSON – APPLICATION NO. 2442: Emeric Erickson arrived at the meeting to review the Application/Notification to Construct or Modify a Dam, Dike, Ring Dike or Water Resource Facility No. 2442. The State Engineer made an initial review of the application along with the plans and submitted the application to this board for their review. Authorize Secretary to send an email to the State Engineer that the Board has no comments. Engst/Siemieniewski, unanimous)

Approve the July 21, 2014 minutes and July financial statement. (Engst/Siemieniewski, unanimous)

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

70011	James Bosse	Travel	96.88
70012	Richard Engst	Travel	67.20
70013	Moore Eng., Inc.	Loren David permit	138.00
70014	Ohnstad Twichell	General-\$750.00; EB Farms Tile app 2013-\$53.80; Loren David App-\$177.76; Forman Golf Course App - \$1021.27; Dr # 7-\$694.80 = Total	2697.63
70015	Lucas Siemieniewski	Travel	63.84
70016	Roger Zetocha	Travel	337.68
9897	Sherry Hosford	Salary less 24.22 taxes	292.45
DD	Sargent County Bank	Withholding taxes	50.02

UNFINISHED BUSINESS: Chris Gross reported that survey work is still ongoing on the Paul Mathews right of way dispute. The Gwinner Dam repair project was discussed and Chris Gross reported that Sean Fredricks and himself are working on owner and maintenance responsibility and also looking at funding from the Heritage Fund if this Board has repair responsibilities.

BRUMMOND/LUBKE DAM AND NELSON DAM REPAIRS: Chris Gross is working on estimates for repair costs and will prepare a plan sheet for NRCS to review and approve. Once this approval has been received, the Board moved to authorize Chris Gross, Engineer; Moore Engineering., Inc. to give to the contractor for an estimate and proceed with repairs. The Board recommends Comstock Construction as they did other work on dams in Sargent County. (Zetocha/Engst, unanimous)

DRAIN NO. 11: Chris Gross informed the Board that 90-95% of the information needed has been obtained and will continue working on the hydraulics analysis.

DRAIN NO. 7: This Milnor Drain project is ongoing and Moore Engineering. Inc. explained that the existing sanitary force main had to be relocated under the box culvert. Richard reported a problem with a low spot in the bank of the drain where water is creeping out of the bank and could cause problems for a new home in these area. Richard and Chris Gross will work together to use excess dirt from the project to construct a berm in this area. There was also a temporary road built for landowners to use. The bonding company is working on the necessary paper work for the bond issue and may require a special meeting before next month to keep this process moving. Discussed the 2014 maintenance levy placed on Drain No. 7 at the last meeting. After further discussion with the Board Attorney and Engineer it was agreed that the amount for 2014 should be changed from \$2.00/acre to \$4.00/acre. Motion to approve the change due to bond amount being higher than anticipated. (Zetocha/Engst, unanimous) Richard Engst explained to the Board about a 24 inch culvert in the drain that the landowner would like to install a flap gate. Motion to approve removal and relaying of this culvert, re-grading the berm and installing a flap gate, of which the cost of the flap gate would be the landowners' expense. (Zetocha/Siemieniewski, unanimous)

ANNUAL DAM INSPECTION: Tom Jones, DC NRCS presented the CPA O & M Inspection Annual Report. The inspection was held on June 24, 2014 with the following attending: Tom Jones, DC; Ron Thom, CET, Jamestown; Richard Engst, Luke Siemieniewski, 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 head cutting 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 12 months. **Tewaukon – Channel Improvement No. 2** – no problems are observed. **Nelson Dam** – Drawdown structure has

failed and needs to be replaced. Water Board engineer is looking at options for completing this work in consultation with NRCS. **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. Repair of this sites drawdown structure planned in tandem with Nelson Dam. **Tewaukon** – No issues. **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. Water Board is considering abandonment of this crossing. **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 also noted that the trees in the Bergh- McLaen CAT appear to have been removed. He suggested that it is an ongoing problem to get people to remove trees in these areas and NRCS has summer personnel that they work with on other projects and this might be a group that could assist the Water Board in getting the trees removed. The Board agreed to carry over this suggestion and work with NRCS next year in pursuing this idea. Tom Jones spoke briefly on retention projects and if this Board has any projects for consideration in Sargent County.

DUNBAR TOWNSHIP: The Board received a request from Dunbar Township for cost share on a 36 inch culvert. The area where the culvert would be installed is a diversion project and could require an Application to Drain. Chris Gross, Engineer agreed to review the plan and report back to the Board in September. There was also questions from the Board on the culvert cost share policy that was adopted by this Board in 2011. Attorney Fredricks will review the policy for clarification of what should be cost shared and update the Board in September.

Meeting adjourned at 1:30 p.m.

JAMES BOSSE – VICE-CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY