

DEVILS LAKE BASIN JOINT WATER RESOURCE BOARD

Minutes of the regular monthly meeting held Wednesday, May 13th, 2009 at Historical Meeting Room of the Ramsey County Courthouse, Devils Lake, ND

Chairman Ash called the meeting to order at 8a.m. Roll call of the counties was taken and all representatives were absent.

Cavalier County	Larry Gellner
Eddy County	Mike Tweed
Nelson County	Ben Varnson
Pierce County	Duane Hawk
Ramsey County	Duaine Ash
Rolette County	Ron Heinz
Towner County	John Elsperger
Walsh County	Bob Shirek

Others present: See list attached to original minutes.

Chairman Ash stated that the minutes were not sent out to board members and asked Frith to read through the minutes, after Frith finished Ash asked if anyone had any additions or corrections. **Gellner moved to approve the minutes of the April 8th meeting, second by Tweed, motion passed unanimously.**

MAY, 2009 Bills

The following list of bills was presented for payment:

Jeff Frith (Managers Travel Expense)	\$118.65	3120
Leever's County Market	\$27.94	3121
NDCT (Website Hosting)	\$26.75	3122
Ramsey County Auditor: Rent	\$190.00	3123
Ramsey County Auditor: Pstg *	\$29.17	3123
Ramsey County Auditor: Telephone: February -March	\$81.76	3123
Ramsey County Auditor: copies	\$74.20	3123
Ramsey County Water Resource District - Copier Rent	\$50.00	3124
ND SWC (Downstream Program March & April 09)	\$1,610.95	3126
ND SWC (1st Qtr 2009 Engineering Exp.)	\$2,500.00	3127
ND SWC (2008 Water Quality Monitoring Contract)	\$12,589.00	3128
Bartlett & West Test Project	\$2,250.00	3129
Bartlett & West Pilot Project	\$1,925.00	3130
Duaine Ash (Mileage Hauling Test Project ATVs)	\$31.05	3131
NDSU (1st Qtr 2009 Reimbursement)	\$9,285.71	3132
ND PERs - Health Insurance	\$825.76	3133

* Includes \$20.00 Postage Meter Fee

Elsperger moved to pay the bills as listed, second by Hawk, motion carried unanimously.

TEST PROJECT UPDATE:

Frith stated that the Drs. from NDSU had called and asked if they could not present a monthly report for May, as they are extremely busy finishing their final report for the end of the month.

TEST PROJECT UPDATE CONTINUED:

Frith stated that during the conference call he had with the Drs. it was explained that the no cost extension that NDSU had asked for was a “No Additional” cost associated with the Test Project and there is still about \$90,000 left in the original contract. Frith said that there would be cost associated with the continued testing that will take place this year similar to the expenses of last year; such as housing, ATV maintenance, fuel and such and asked for the board to approve such cost. **Motion was made by Gellner to pay for the normal expenses associated with the test project, second by Shirek, motion passed unanimously.**

Frith also stated that the board needs to declare to Dodge Dakota pickup surplus to be sold at the Ramsey County Surplus Property sale later this summer. **Hawk moved to sell the Dodge Dakota pickup during that sale, second by Donohue, motion passed unanimously.**

TEST PROJECT OTHER: Frith stated that he had heard from Duane Anderson, owner/operator of site 7 say that his generator ended up being flood when the waters rose too rapidly to remove it. Both Frith and Anderson reported the issue to the Ken Storm Insurance Agency and Ken told them that he thought that it would be a covered item.

7th ANNUAL JOINT BOARD TOUR:

Frith stated that he had been working with Jean Schafer for the ND Water Education Foundation and she mentioned that Kenner Marsh, BTR and Irrigation Site 7 have all been visited before and she suggested highlighting some different site/areas. She recommended looking at the Devils Lake Dike Re-Alignment project and possibly the Roads acting as Dikes since the state and federal governments have committed large amounts of funding for those projects. Shirek mentions that it would be nice to re-visit Graham’s Island State Park to see how the rising water has effected to park. It was also mentioned that visiting Camp Grafton but it was determined that there really wasn’t too much to see at the camp concerning the flood efforts. Frith said that he would continue working with Jean to finalize the preparation for the tour.

ESAP STORAGE UPDATE:

Frith stated that the ESAP sites haven’t been inspected as of yet due to the wet conditions and thus the landowners have not been paid per contract agreement. Hopefully things will dry out enough to get to the sites so we can get the landowners paid.

2010 ANNUAL BUDGET –DRAFT SECOND REVIEW:

Frith indicated that he had been working with former manager Mike Connor on the 2010 Budget that is due to the county auditors by July. Frith stated that he made changes to the ESAP contract to indicate an increase in what he planned on asking the SWC for. Also the preliminary budget reflects an increase in the SWC cost share for the administrative portion of the office expenses.

TOLNA COULEE CLEANOUT:

Frith said that since the last meeting where he was directed to look into what it would take to clean out the one foot of sedimentation or the non-permitted amount that the state has previously said could be removed the City of Devils Lake purchased the property that contains the highest section of the Tolna Coulee. Frith state he did not think it mattered to the board who owned the property and he stated that he was continuing to look into ways of having that foot or so removed. Frith also state that within the board's packets was a Resolution passed by both the Nelson County Commission and the Nelson County Park Board in support of the Devils Lake Basin Joint Water Resource Board's decision to look into the removal of the non-permitted sedimentation within the Tolna Coulee. Frith said that he came up with a letter addressed to Dale Frink, SWC Engineer requesting that the state remove that foot as it was impeding the natural flow of water and asked the Joint Board to approve sending the letter. **Hawk moved to approve the letter that Frith drafted to be sent to the State Engineer, second by Tweed, motion carried unanimously.**

SWEETWATER – MORRISON STORAGE:

Frith stated that there is still an awful lot of water being stored at Sweetwater – Morrison as the lake rose over 4 feet from last fall and still has about a foot and half to go down before the stop logs are put back into the control structure. He said that an area landowner has expressed his concerns over the high water and brought to Frith's attention another possible outlet to help alleviate the flooding on Highway 20 South of Webster. Frith said that he had arranged for Basin Engineer, Erwin Curry to meet with the land owner and tour the area to see if that would be possible.

BENSON COUNTY:

Frith stated that since the previous meeting he received a letter from the Benson County Water Board stating that they would re-join the Joint Board at the fee they determined to be fair of \$3670.40. Frith said that he has been gathering county abstracts/assessments per the direction of the board to find out exactly what and how the other counties are paying and how they are being assessed. Frith passed out the letter from Benson County Water Board, the county abstracts & assessments that he gather and pointed out that based on what he has received from the counties if the Joint Board was actually only assessing the \$.02 per acre as Benson County contends every county's assessment would be at least half of what they are paying now. It was discussed and decided that if the Joint Board accepted Benson County's offer of \$3,670.04 it would not be fair to the other counties. **Hawk moved if Benson County would like to be part of the Devils Lake Basin Joint Water Resource Board they would have to agree to pay based on the same assessment rate as the other counties, second by Elesperger, motion passed unanimously.**

2009 WATER MANAGEMENT PLAN UPDATE:

Frith stated that the approved amendment to the Water Management Plan was included in the board's packet. Chairman Ash thanked Frith Mike Noone of the SWC for all of their efforts in completing this project. Frith stated the he will sent out copies to the county commissions and water boards.

OTHER OLD BUSINESS:

None

NEW BUSINESS:

LEGISLATIVE UPDATE:

Chairman Ash introduced District 15 Representative Curt Hofstad. Mr. Hofstad said there was several difficult legislative issues and he went on to explain some of the various legislation if passed or failed and why and then Mr. Hofstad asked for any questions.

CITY OF CRARY:

Chairman Ash explained that the city of Crary came to the Ramsey County Water Board for some assistance in removing water that was inundating the city. The Ramsey County went out there with their big Gator pump and pumped water for several days. Frith stated that this was an on going problem that re-occurs just about every spring and the Mayor of Crary, Jason Ostwald had come to him asking if the Basin Engineer could take a look at the problem and possibly help them find a solution. Chairman Ash then introduced Jason Ostwald. Mr. Ostwald passed out some maps and explained the problems the his city faced this spring and was here today to make to board aware of their problems and request the boards help in the form of the Basin Engineer. The board and Basin Engineer Erwin Curry agreed to try to help them out and asked for Mr. Ostwald's contact information.

MANAGER ANNUAL REVIEW:

Chairman Ash state that members of the review committee met earlier this morning and decided to approve a 4% raise for the manager Frith stating that they believed that Frith was doing an outstanding job. **Hawk moved to approve a 4% raise for the manager's salary, second by Gellner, motion passed unanimously.**

Frith thanked the board for their continued support.

ND PERs HEALTH INSURANCE INCREASE:

Chairman Ash stated the health insurance that the board pays for the manager is increasing in July for a two year period another \$210 per month. Ash said that when the manager review committee met earlier they decided to recommend that the board approve to pay the increased health insurance premium. **Heinz moved to continue to pay the manager's health insurance at it increase rate, second by Elsperger, motion passed unanimously.**

JOINT BOARD & DOWNSTREAM PROGRAM COST SHARE CONTRACT:

Frith stated that the cost share contracts for both the Joint Board and the Downstream Program were coming due at the end of June and wanted to make the board aware of that fact. He mentioned that he does plan on asking for an increase in the Joint Board Administrative cost share to go from \$26,000 to \$30,000. **Hawk moved to approve that Frith proceed with the Cost Share Letter for the Joint Board and to include the \$4000 increase, second by Tweed, motion passed unanimously.** Frith stated that he will draft a letter to the SWC for the board approval at the June meeting.

OTHER NEW BUSINESS:

Joe Belford approached the board about a new committee he had formed made up of local, state and federal officials to come up with a workable lake elevation, and would like the board to appoint somebody to represent the Joint Board on that committee. Joe stated that the first meeting of the group will meet today. Chairman Ash asked if Mike Donohue from Nelson County would represent the Joint Board. Donohue stated that as long as the committee moved forward to accomplish something he would do it. Belford assured Donohue that would be the main objective for the committee would to establish an agreeable or workable lake elevation and moved forward to accomplish that goal. Ash moved to have Donohue represent the Joint Board on that committee, second by Hawk, motion passed unanimously.

BASIN BOARD REPORTS:

Cavalier County Gellner reported lots of water they only received about ¼ “of rain so they were fortunate they also have several problems areas due to the water on roads.

Eddy County: Tweed stated that they are experiencing similar problems; the Sheyenne River has started to recede. Road, culverts, bridges all have seen problems and damages also affecting farmsteads and rural residents.

Nelson County: Donohue reported that they have similar problems in their county; several roads damaged or completely under water. He has never seen the Sheyenne River so high or the water stay so long. Donohue asked fellow board member Varnson if he had anything to add and he stated that he put together a report and has submitted it to Frith to be included with the board’s report.

Pierce County: Hawk reported Hurricane Lake reached its peak and has started coming down. They did receive .90” of rain last night. The water is really starting to hit the western side of the county now.

Ramsey County: Ash reported that we are at the bottom of the basin and we are receiving everybody’s water and it is staying here. There has been a lot of water moving through Channel A and despite the rumors the gate is still in tact; they have had some problems with the gates up there especially keeping them free of debris but they have cleaned them out and the water is moving through at a good pace.

Rolette County: Heinz reported their board chairman received 2.5” of rain last night in the Willow City area. A lot of culvert needs replacing and a lot of washed out roads in the county.

BASIN BOARD REPORTS CONTINUED:

Towner County: Elsperger reported that a lot of road problems and work had started but the equipment started to sink in causing further damage. He wanted to thank the state and the Governor’s office for their support and for the stimulus money it is going to be a big help. Stated that as the water continues to rise Hwy. 20 will be a major safety concern

Walsh County: Shirek reported that the western part of the county has a lot of water and it is all moving west. Matejcek Dam which is located on the Forest River is seeping water, the Red River is still causing problems in the eastern part of the county and they also have several roads and bridges that have been damaged by the water.

GOVERNOR HOVEN:

Governor Hoven arrived and was introduced and he introduced the delegation that accompanied him including; Dale Frink, State Engineer, General Terry Robinson, State Flood Recovery Coordinator, Bruce Engelhardt, SWC,

Governor Hoven explained that the state supports the efforts now and for the long term The Governor stated the measures that the state is helping with project such as the Devils Lake Dike Project the Road Acting as Dike project in conjunction with the Federal Highway Department. The Governor stated that before he and his delegation proceed to tour the area he would like to hear from us. The board then proceeded to give the Governor individual county reports similar to what the board members had given earlier, (refer to county reports above).

STATE WATER COMMISSION REPORT:

Erwin Curry, P.E. Presented the SWC report for April; a copy of his report is attached to the official minutes. Erwin stated that the inflow into Devils Lake thus far was 429,000 acre feet of water. A copy of Curry’s full report will be included in the official minutes.

USF&W UPDATE:

No Report

NRCS REPORT:

No Report

DOWNSTREAM ACCEPTANCE REPORT:

Joe Belford a copy of his full report will be included in the official minutes.

MANAGER'S REPORT:

Frith gave the board his report of which a copy was sent out in their pre meeting packets. A copy of his full report will be included in the official minutes

Date approved: **June 10th, 2009**

Duaine Ash, Chairman

Jeff W. Frith, Manager