

kDEVILS LAKE BASIN JOINT WATER RESOURCE BOARD

Minutes of the regular monthly meeting held Wednesday, August 12th, 2009 at the Masonic Lodge, Cando, ND

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

Cavalier County	Larry Gellner
Eddy County	Mike Tweed
Nelson County	Mike Donohue
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 asked Frith to read through the minutes of the July 15th board meeting, after Frith finished Ash asked if anyone had any additions or corrections. **Shirek moved to approve the minutes as of the July 15th meeting, second by Donohue, motion passed unanimously.**

The financial report for the month was presented:

Elsperger moved to approve the financial report, second by Heinz, motion carried unanimously.

August, 2009 Bills

The following list of bills was presented for payment:

ND Workforce Safety & Insurance	\$250.00
Jeff Frith - Manager's July Travel	\$82.80
NDTC (Website Hosting)	\$26.75
Ramsey County Auditor: Rent	\$190.00
Ramsey County Auditor: Pstg *	\$61.83
Ramsey County Auditor: Telephone: February -March	\$77.40
Ramsey County Auditor: copies	\$77.80
Ramsey County Water Resource District - Copier Rent	\$50.00
ND SWC - Second Quarter Engineering Fees	\$2,500.00
ND SWC - Downstream Acceptance May & June 2009	\$899.69
ND PERs - Health Insurance	\$1,036.88
Wolford School - Annual Water Tour Meal 52 People * \$7.00	\$364.00
Barry Hause - NDSU TEST PROJECT UTILITIES	\$78.80
Barry Hause - NDSU TEST PROJECT HOUSE RENTAL SEPTEMBER 09	\$400.00
Joe's Sport Center, Inc. (TEST PROJECT ATV TRAILER REPAIR)	\$150.00

* Includes \$20.00 Postage Meter Fee

Heinz moved to pay the bills as listed, second by Gellner, motion carried unanimously.

DOWNSTREAM REPORT – Joe Belford:

Chairman Ash stated that Joe Belford needed to leave early and asked to move up on the agenda. Belford thanked chairman Ash for allowing him to give his report early as he needs to get back to Devils Lake as he is guiding a tour with some Canadian officials. Belford stated that he has been giving a lot of tours lately and has been traveling to downstream communities meeting with officials. Joe stated that as county commissioner he has been extremely busy dealing with all the road issues in Ramsey County, in fact the county has over 2,000 spots that received damages this past spring that need to be assessed by FEMA. Joe mentioned that he recently attended the State Flood Coordination Center Meeting in Devils Lake and brought up to the group that there needs to be some kind of a plan put together outlining the consequences if the lake continues to rise. He stated that there needs to be a plan stating what will be affected at different lake elevations and the cost associated with that. He stated that he and Frith had been in contact about the plan and agreed that the Joint Board should be involved with that effort. Frith stated that it would be like the Water Management Plan on Steroids, that it would involve compiling structures, roads, utilities and other infrastructure that would be impacted at various lake elevations. Belford stated that the probable best organization to head up the effort would be the one consisting of the Northeast 9 consortium of counties because of the existing Joint Powers Agreement that they currently operate under and it could be set up as a sub-committee of that organization. Frith stated that he would like the plan to not just emphasize damages at different elevations and the cost associated but also the economics of the region and how varying lake elevations will affect the livelihoods of residents of the Devils Lake Basin. Frith and Belford stated that it is very early in the planning phase but would like the support of the Joint Board in moving forward with this project. After much discussion on the pros of such a plan or document **Donohue moved that the Joint Board support and help with the new Planning Committee, second by Hawk, Chairman Ash called for a roll call vote; Cavalier YEA, Eddy YEA, Nelson YEA, Pierce YEA, Ramsey YEA, Rolette YEA, Towner YEA and Walsh YEA, there were no NAY votes, motion carried unanimously.**

TEST PROJECT UPDATE:

Frith stated that he had received the monthly report from Drs. Steele & Hopkins and that the report was included in the board member's packets.

Frith stated that the 1998 Dodge Dakota pickup that the Joint Board owned for the Test Project sold at the Ramsey County surplus property auction for \$280.00

TEST PROJECT UPDATE CONTINUED:

Frith stated that NRCS officials had requested a meeting with North Central Planning (NCP) the Test Project financial contract holders and himself to give an update on the Test Project. Frith stated that he also invited the Joint Board's technical advisor's for the Test Project from Bartlett & West, James Landenberger & Jerry Shae as well as former Joint Board manager Mike Connor to the meeting as well. Frith stated that as the Federal Partners in the Test Project NRCS stated that all the federal portion of the Test Project funds had been allocated to the project but they requested that they continue to receive monthly reports until the project is closed out. They also were wondering about the Test Project equipment, more specifically the distribution of the funds from the equipment sales. Paul King from NRCS stated that if the equipment was purchased with federal funds that the federal government was entitled to a portion of the sales proceeds. It was stated that it was the Joint Board's intentions all along to utilize the sales proceeds to pay for the shortfalls in the federal and state funding of the Test Project. It was pointed out that the Joint Board and the SWC had entered into a contract which stated that the Joint Board would receive the funds from the equipment sales as the remainder of the local match of the project up to \$151,000 anything above that the Joint Board and the SWC would split. Paul King stated that was fine but would need sufficient documentation justifying that for the federal auditors before NRCS would sign off on that. Chairman Ash asked if there were any precautions that we should be taking until this matter is cleared up. Frith stated that he was assured from both Rick Anderson from NCP as well as Jerry Shae from Bartlett & West that they thought that is would be easily fixed. Frith mentioned that as far as precautions as concerned the Joint Board could withhold additional Test Project funds but he didn't feel that would be necessary.

TEST PROJECT FINAL REPORT Q & A:

Drs. Steele & Hopkins were on hand to answer any questions concerning the final report that they presented in June. The Drs. went over the report and answered various questions asked by James Landenberger from Bartlett & West as well as questions from board members pertaining to the report. Following the report Chairman Ash thanked the Drs. for coming and answering out questions.

TOLNA COULEE:

Frith stated that as everyone was aware the City of Devils Lake has hired a contractor to remove the foot of sedimentation within the Tolna Coulee. Frith mention that they were able to do that by declaring an emergency declaration thus by passing the formality of going through the bid process and speeding up the project. Frith stated that at the last Joint Board meeting the board decided to contribute \$6,000 to the City of Devils Lake for that project utilizing the money from the existing Tolna Coulee fund that the Join Board had received from the counties providing that project fit with the original intend of the money. Frith said that after doing some research it was determined that the intend o the money was for “legal fees & land acquisition” and that he felt the board should write and ask the counties for permission to use the money for the Devils Lake city’s project. Frith then passed out a letter that he drafted to do exactly that and asked the board to review the letter and make any suggested changes or approve it the way it was for Frith to send to the counties. Discussion followed concerning whether or not all counties had to agree with it and what happens if a county chooses not to participate with the project. It was mentioned that if they do not agree with spending the money on that project they can get their portion of the money returned to them. It was also brought up what to do with Benson County and it was mentioned to send the request to them and see how they vote, it would give them a chance to participate without actually be a Joint Board member. **Elsperger moved to send the letter to the counties asking for their permission to use the money in the Tolna Coulee account to support the City of Devils Lake and their maintenance project, second by Donohue, motion carried unanimously.**

DOWNSTREAM ACCEPTANCE PROGRAM CONTRACT:

Frith mentioned that the state redid the numbers in regards to everyone’s share for the Downstream Acceptance Program’s cost share contract and the Joint Board’s contribution actually went down. Frith stated that since the numbers did change he thought the board should re-approve the contract. **Tweed moved to accept the changes and support the Downstream Acceptance Program Contract, second by Hawk, motion carried unanimously.**

OTHER OLD BUSINESS:

Frith mentioned that the ESAP contract will be discussed at the SWC meeting which will be held next week in Bismarck and he did receive a memo from Lee Klapprodt for commission approval of the ESAP ten year contract.

NEW BUSINESS:

BOARD CONTACT INFORMATION:

Frith asked the board members if anyone has any new or additional contact information. Frith stated that on his daily Email he was getting Mike Donohue’s back and Donohue stated that he rarely checks his Email, Frith mentioned that his mailbox maybe full and that would explain why he get Donohue Emails back. Heinz mentioned that he finally received a new 911 address and gave that to Frith for future mailings.

PLEDGE OF ASSETS:

Frith explained the pledge of assets received from Bremer Bank explaining that the all of the Joint Board's assets are protected. **Gellner moved to accept the Pledge of Assets as presented, second by Heinz, motion carried.**

CORRESPONDANCE & MISCELLANEOUS:

Letter from SWC to Governor Hoven in regards to treatment plants for both the west and east ends of Devils Lake and the cost associated with both. A copy of the letter will be included with the official minutes.

Frith stated the next item in the packet was a copy of what the National Weather Service handed out at the State Flood Coordination Center meeting for their predictions for the upcoming fall and winter.

State Water Convention in Bismarck, Frith passed out the information on that and mentioned that the convention will be held December 9th – 11th at the Ramkota. In conjunction with the state convention Frith passed out the nomination form for the Water Wheel & Commodore awards that are handed out at the state convention.

Frith than passed out the monthly moisture report, basin lake levels and coulee flow reports.

OTHER NEW BUSINESS:

BASIN BOARD REPORTS:

Cavalier County Gellner stated that the roads, culverts & bridges have been fixed or are getting there.

Eddy County: Tweed mentioned that it has been real quiet and there is not too much going on.

Nelson County: Donohue reported that they still have a lot of problems, especially in the northern parts of the county they are the one that received the 6 to 8 inches of rain last month. Try to work on an emergency drain for that area.

Pierce County: Hawk stated that they pretty much have their culvert work done, working on protecting a couple of farmsteads other than that things have slowed down quit a bit.

Ramsey County: Ash stated that they are still receiving a lot of complaints. There are still a lot of roads in Ramsey County that are still damaged from spring flooding and they are even affecting mail delivery in the rural areas. Ash also stated that Channel A gates are full of cattails once again even after all of the cleaning that they did up there earlier this year. Ash stated that they had Erwin Curry up to look at the catwalk and get his opinion on raising the catwalk to prevent damage from the ice this winter and next spring.

Rolette County: Heinz reported that it has been pretty quiet and that they do have most of the culvert work finished.

Towner County: Elsperger reported that their roads are getting fixed with the help of FEMA; they do have some crossings that are still a concern especially with the pending harvest producers are going to have a tough time getting the crop out.

Walsh County: Shirek stated that they have been pretty busy with dike dam & drainage complaints, mostly assessment drains

STATE WATER COMMISSION REPORT:

Erwin Curry, P.E. stated that the level of the lake is at 1450.3 which is 3 tenths of a foot lower than last month and the total area of the combined lake is 3.43 million acre feet which is 62,000 acre feet lower than a month ago but the lake is still 3.5' higher than a year ago. A copy of his complete report will be included with the official minutes.

RED RIVER BASIN COMMISSION:

USF&W UPDATE:

No Report

NRCS REPORT:

No Report

DOWNSTREAM ACCEPTANCE REPORT:

MANAGER'S REPORT:

Frith stated that his report was sent to the board members for their review and asked if they had any questions, no questions were asked, the manager's report will be included with the official minutes.

Chairman Ash thanked the Towner County Water Resource Board for the coffee and rolls and for hosting the meeting today and reminded everyone that the next Joint Board meeting will be held on Wednesday, September 9th at 8am at the Adams Café.

Date approved: **September 9th, 2009**

Duaine Ash, Chairman

Jeff W. Frith, Manager