

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD
HELD ON THURSDAY, OCTOBER 20, 2011 AT 7:00 P.M. IN THE COMMISSIONERS ROOM,
SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Jim Bosse, Mark Breker, Richard Engst and Chris McFarland. Absent: Roger White. Also present: Chad Engels, Moore Engineering, Inc.; Sean Fredricks, Attorney, Onstad, Twichell and Al Carton, Forman.

Approve September 15 and 29, 2011 minutes and September financial statement. (Engst/ McFarland, unanimous)

Approve payment of the following bills: (Engst/Breker, unanimous)

65080 James Bosse	Travel	226.95
65081 Mark Breker	Travel	119.34
65082 Carton Excavating	WCI # 1	2,000.00
65083 Richard Engst	Travel	235.62
65084 Moore Engineering, Inc.	Dr # 4-\$57,811.50; Dr # 9-\$200; Dr #8-\$7,916.56; and General-\$602.50	66530.50
65085 Ohnstad, Twichell, P.C.	Dr # 4-\$195; General \$877.77; Schutt/Erickson-\$211.86; Mahrer-Erickson-\$93.66; Kevin Willprecht-\$203.00; Arlen Willprecht-\$66.00	1647.29
65086 Sargent County Teller	Dr # 4 publication	470.72
65087 SGC Horizon LLC	Bid publication – Dr # 4	526.75
6337 Mark Breker	6 PD plus \$9.00 meal less 48.26 taxes	680.74
6338 Sherry Hosford	Sec. salary less 17.89 taxes	298.78
6339 Richard Engst	12 PD plus \$9.00 meal less 172.94 taxes	1276.06
6340 James Bosse	11 PD plus \$9.00 meal less 152.16 taxes	1176.84
6341 Chris McFarland	3 PD less 20.34 taxes	339.66
DD Sargent County Bank	Withholding taxes	733.54

Tom, Chad and Josh Heimbuch, Brampton, ND met with the Board to discuss a Subsurface Drainage Application that had previously been filed by Tom Heimbuch. Mr. Heimbuch explained the location of the tile project. The project was reviewed by the Board. Mr. Heimbuch informed the Board that he had sent a letter to the affected landowner approximately 2 weeks ago. Due to the new state statute there is a thirty (30) day waiting period requirement for the notice before the Board can approve it. Table a decision until the next meeting.

Mark Breker reported that the kiosk has been installed at Frenier Dam.

Jim Bosse asked Mr. Carton if he would be interested in removing the tree piles on Drain No. 9. Mr. Carton agreed to look at the area.

Sean Fredricks presented a Purchase Agreement that he had prepared from this Board to Joseph C. Breker regarding five (5) acres of land to be used as an access road, which Joe purchased from this Board in the Northwest Quarter of the Southwest Quarter of Section 9-129-55 LTL. Discussion followed on the installation and maintenance of fencing and Board members agreed to remove it from the purchase agreement as the fence is not an issue. Motion to approve the Purchase Agreement with said amendment. (Engst/McFarland, unanimous) Mr. Breker has remitted to the Board a check for \$17,500 which is \$3,500 per acre for the 5 acres. The amount unpaid is \$500 from Mr. Breker for preparation of the purchase agreement.

Colin Stockstad, Milnor, Edwin Erickson, Milnor and Doug Askerooth, Cayuga met with the Board to discuss the possibility of extending Drain No. 4 to Crooked Creek. Sean Fredricks explained that this is outside the Board's existing assessment district so it would be treated like a lateral. The legal process would be the same it would require preliminary engineering and the interested landowners would have to provide a bond. The Board would develop the project to get it to a vote of the benefiting landowners. If the vote passes the bond would be returned. If it does not pass the money is used for paying bills incurred in the engineering and voting process. Chad Engels explained to the landowners there would have to be right of way purchased or donated, and the project would consist of cleaning out silt and replacing road crossings. There is another way to proceed in that the Board could assess the townships and county because the majority of the project would benefit roadways. Funding from the State Water Commission was also discussed. The landowners were encouraged to work on acquiring the bond for such a project.

George Bishoff, Cogswell met with the Board to discuss landowners using the road ditch for drainage. Attorney Fredricks commented that if they are just removing sediment and cattails they do not need a permit. It was an existing cut from last spring and is not a traffic hazard. George said Fish and

Wildlife will inspect this tomorrow. The location of the drainage is on the south side of Section 20, south side of Section 21 and the Southwest corner of Section 22-129-57 (Brampton Township). If individuals did the drainage, they need a permit but if the township did the work they are the road authority and do not need a permit. Sean Fredricks informed Mr. Bishoff that he can file a drainage complaint with this Board if he feels illegal drainage has occurred.

Richard and David Ruch and Kelly Cooper, Brampton met with the Board and discussed the work that was completed as described by George Bishoff. The township was responsible for this work.

Further discussion continued on the original construction of Drain No. 9 and a reassessment to capture the true assessment area. The Ruch's and Mr. Cooper would like to see the drain extended and land to the west included in Drain No. 9. There is some land that is neither in Drain 9 or Drain 11 that would be studied for the reassessment. The Board agreed to work on this reassessment this winter.

Motion to authorize the Chairman to sign the Floodwater Outlet Improvement District 2011-01 contract documents and specifications and instruct Secretary Hosford to issue notice to proceed upon receipt of the Sales Tax Certificate and Workers Compensation Certificate. (Breker/McFarland, unanimous)

Drain No. 8 survey, plans and cost estimate were presented by Chad Engels. Two different scenarios were computed using a 4:1 and a 5:1 slope. The estimated costs ranged from \$525,000 to \$555,000. Drain 8 assessment area is so small that the breakdown for assessment costs appears to be prohibitive. Board members will look at other options for Drain 8.

Bridge 123-20 located between Section 11/14-129-55 of Weber Township was discussed. The county commission is proposing to replace the existing bridge with one line of 16 foot by 7 foot RCBC for an estimated cost of \$299,669 and a county cost of \$79,122. Water Board participation is requested by the county commission. Motion to approve 50% of the local costs up to \$40,000. (McFarland/Breker, unanimous)

Application to Install a Subsurface Drain dated September 2, 2011, in the Southeast Quarter of Section 16 in Tewaukon Township

The Board reviewed an Application to Install a Subsurface Drain dated September 2, 2011, for James L. Nickeson. The Board concluded 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 two tile projects in the Southeast Quarter of Section 16, both less than 80 acres. The first project discharges directly into a natural waterway in the Southeast Quarter of Section 16. The second project, located in the southern portion of the Southeast Quarter of Section 16, will discharge into a buried pipe located in the north road ditch along the township road along the southern boundary of the Southeast Quarter of Section 16 and the Southwest Quarter of Section 15; the buried pipe will be located under the north-south township road along the 16/15 section line; the buried pipe will be located in the north township road ditch along the southern boundary of the Southwest Quarter of Section 15 until it ultimately discharges into an existing channel.

Chad Engels reviewed the application and submitted his recommendation to the Board that, because the project will require Applicant to bury pipe under the 16/15 township road, and because Applicant will bury pipe in the north road ditch along the west-east township road on the southern boundary of the Southeast Quarter of Section 16 and the Southwest Quarter of Section 15, the Board should require Applicant to obtain written permission from the Tewaukon Township Board of Township Supervisors. In addition, Chad Engels recommended that the Board require Applicant to obtain written permission from the owners of the Southwest Quarter of Section 15 to bury pipe along the southern boundary of the Southwest Quarter of Section 15. Applicant provided a Thirty-Day Notice under N.D. Cent. Code Section 61-32-03.1 to the owners in the Southwest Quarter of Section 15.

According to records on file with the Sargent County Recorder's Office, Jim Nickeson owns the Southeast Quarter of Section 16; Marc and Patrick O'Brien own the Southwest Quarter of the Southwest Quarter of Section 15; and Lois Brakke owns the Southeast Quarter of the Southwest Quarter of Section 15.

It was moved by Manager Engst and seconded by Manager McFarland to approve Application to Install a Subsurface Drain dated September 2, 2011, for James L. Nickeson in the Southeast Quarter of Section 16 in Tewaukon Township, subject to the following conditions:

- 1) That Applicant obtain and record easements from the owners of the Southwest Quarter of Section 15 of Tewaukon Township, Sargent County, North Dakota, to install and maintain buried pipe to convey tile discharge;
- 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 obtain written permission from the Tewaukon Township Board of Township Supervisors to install and maintain buried pipe, to bury pipe under its township road, or to otherwise utilize any of its township road ditches;
- 4) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 5) 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; and
- 6) 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.

Application to Install a Subsurface Drain for Arlen and Jan Willprecht in Section 18 of Kingston Township

The Board reviewed an Application to Install a Subsurface Drain dated August 15, 2011, for Arlen and Jan Willprecht. Applicants submitted their application on the old application form; under the new application process, the Water Resource District processes the application (and not the State Engineer's office). The Board processed this application under the new law (N.D. Cent. Code § 61-32-03.1).

The Board concluded 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, Applicants seek to install a drain tile system in the North Half of the South Half of Section 18 and that part of the North Half lying south of the railroad tracks in Section 18, in Kingston Township, Sargent County, North Dakota. The project may entail a pump outlet, depending upon conditions encountered by applicants when installing the project or the project may simply consist of a gravity outlet. The project will discharge directly into Shortfoot Creek on the east side of applicants' property.

Chad Engels reviewed the application and indicated that because the project will discharge directly into Shortfoot Creek. Therefore, the application did not require a Thirty-Day Notice under N.D. Cent. Code Section 61-32-03.1 and the Board cannot require Applicants to obtain any flowage easements from downstream landowners.

According to records on file with the Sargent County Recorder's Office, Janet Willprecht owns the Northwest Quarter of Section 18 lying south of the railroad right of way; the North Half of the Southeast Quarter of Section 18; the South Half of the Northeast Quarter of Section 18 lying north of the railroad right of way; and the North Half of the Southwest Quarter of Section 18.

It was moved by Manager McFarland and seconded by Manager Engst to approve Application to Install a Subsurface Drain dated August 15, 2011, for Arlen and Jan Willprecht in Section 18 in Kingston Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 3) That Applicants 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; and

4) 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.

Jim Bosse attended the pre-construction meeting for the Floodwater Outlet project for Forman City this morning. This Board is being asked to meet the first Thursday of each month to approve any requests for payment that will then be reviewed by the Forman City Council at the monthly meeting for payment. This meeting will be subject to call by the Chairman upon notification of a request for payment.

Mark Breker is working on several projects including the Hamilton/Breker culvert; Brummond/Lubke tree removal; rock at Nelson Dam and FEMA work. Mark will be contacting contractors for price quotes to complete this work. The Secretary was instructed to request from each contractor a copy of the following: 1) Certificate of Insurance; 2) Worker's Compensation Certificate; 3) Contractor's License. These items will be placed on file for review prior to awarding any contracts.

Meeting adjourned at 11:00 p.m.

JAMES BOSSE – CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY