

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, NOVEMBER 15, 2007 AT 9:00 A.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Richard Engst, Roger White and Jim Bosse. Absent Dan Jacobson. Also present: Attorney Sean Fredricks, County Commissioner Jerry Waswick, Dick Kuehn, Milnor, Scott Mund, Milnor and Chad Engels, Moore Engineering, Inc.

Chairman Breker noted that regarding the Thomas Mund Obstruction to Drain Complaint that Mr. Kuehn agreed to remove the approach and the north-south fence line. Mark Breker and Jim Bosse inspected the site on November 13 and both the approach and fence line were still in place. Mr. Kuehn indicated that on November 14 both were removed. Mark and Jim observed that this is a low area and there is still water running under the road, but in the road ditch, they did not find any standing water. They do not feel it is manmade. Scott Mund indicated that the drop across the road to the culvert north of the farmstead is three feet. Mr. Fredricks recalled that the two issues have been resolved and suggested that the Board look at the site prior to the December meeting and if the site is satisfactory such can be noted in the next meeting minutes. A letter will be sent to all parties with this information. Scott Mund commented that they would be willing to withdraw their obstruction to drain if the Mr. Kuehn agrees to withdraw his complaint.

The Drainage Complaint filed by Mr. Kuehn against Tom Mund was discussed. The complaint is that the township installed a culvert. Mr. Kuehn was informed by the Board that he should contact the township to discuss his concerns. Regarding cleaning out the ditch, it has to be determined if more than 80 acres are being drained. Scott Mund stated that the area was shot with a laser and it was not dug deeper, has been back sloped properly which may appear to make it wider but he feels it has been done correctly. NRCS has looked at the site and does not feel there is a problem. Chad Engels reported there was more than 80 acres cleaned and it was widened more than it was before so a permit was required for the project. Tabled until the Board visits with the Hall Township Board.

Charles Anderson, on behalf of Evelyn Kraig Havana and Gary Thornberg, Havana met with the Board concerning Application to Drain #3222 between Section 14 and 23 in Weber Township. Gary Thornberg reported on his Application to drain 3219 and 3215(on hold for now). Both Mr. Anderson and Mr. Thornberg presented responses to the 8 point questionnaire and noted they have been to NRCS and also contacted the Army Corps of Engineers and were informed that the COE does not get involved in ditch cleanouts. Permit #3222 factors were considered and it was determined that a public hearing will not be necessary because all impacted landowners are present and the downstream landowner stated that he will not be adversely affected. Weber Township Board of Supervisors has granted permission for this project to continue and the drop of the ditch is 3'7" from south to north. No other adverse impacts were noted on this permit. Approve permit # 3222 and note that Mr. Anderson not exceed the elevation that was determined by the contractor, instructs Mr. Anderson to obtain all other necessary permits and abide by the permission granted by the Weber Township Board. (White/Engst. Roll Call. Aye: White, Engst, Bosse and Breker. Nay none. Motion carried.) Gary Thornberg permit # 3219 was reviewed and responses to the 8 point questionnaire read. Other paper work presented included a highly erodible land conservation and wetland certification. It was determined that a public hearing will not be necessary because the downstream landowner supports the project and it will not affect the downstream landowner. Approve permit #3219 and note that Mr. Thornberg not exceed the elevation that was determined by the contractor and that Mr. Thornberg obtain all other necessary permits and abide by the permission granted by Weber Township Board. (Engst/Bosse. Roll call: Aye. Bosse, Engst, White and Breker. Nay None. Motion carried.)

Harlan Hogness, Mike Martinsen and Mary Engst, Hall Township Board members and Mark Bogart arrived at the meeting. Mark Bogart filed a drainage complaint on Tom Mund concerning township road cleanout. Minutes from Hall Township Board of Supervisors indicated that Tom Mund was requesting permission to clean out 500'-600' of township road ditch in the NW corner of Section 30-132-53. County and state NRCS personnel have determined that 24"of sediment can legally be cleaned out of ditch so water can flow to creek. Marlin Bogart expressed concern with amount of water already flowing into the ditch. Water does flow naturally from this point to creek. The township moved to allow clean out of ditch with stipulations that Tom Mund pay all costs, no more than 24" of dirt be removed from ditch, any spilled dirt is cleaned off road, and Mark Bogart will be notified to meet with Tom Mund and Township Board to discuss concerns. This Board must determine whether it was more than maintenance and creation of new drainage. Chad Engels has inspected the project and concluded that there is no evidence that more than a cleanout occurred. Request more evidence from Mr. Bogart that this is more than cleanout or based on what the Board heard they can dismiss the complaint. The Board consensus was that the clean out was justified but is there an adverse effect on the landowner. When a permit is not required the Board has no jurisdiction whether there are any adverse effects. Concern expressed over water that continues downstream and does affect everyone. Chad Engels explained that there are processes to drag and clean out these areas to the Wild Rice River.

Motion to dismiss complaint based on Board's findings unless any other evidence is provided. (Bosse/White. Roll call. Aye: White and Bosse. Nay: Engst and Breker. Motion failed due to lack of majority vote.)

Dick Kuehn/Tom Mund Drainage Complaint was revisited and the Hall Township Board members indicated they did not put in the culvert. Tom Mund asked permission and the Board approved the installation at his expense. Scott Mund conceded that he did back sloping. Township Chairperson Hogness noted that he recalled no permission from the township for the Mund's to clean out the road ditch - only install the culvert. Mr. Martinsen indicated that he specifically told Tom Mund the Mund's should not change the back slope. Water Board members felt that they need more information from those not present and tabled a decision until the December meeting. The meeting was scheduled for 10:00 a.m. on December 20th.

Mike Walstead, SC Commissioner, addressed the Board about the bridge south of Geneseo on County Road # 14 and Drain # 3. He inspected the project and feels he misunderstood the project. Mark explained the work that happened in 2006 and the corrections made in 2007. All bills have not been received so Mark will meet with the county commissioners at a later date to discuss the cost of this project.

Approve October 18, 2007 minutes as corrected and October financial statement. (Bosse/Engst, unanimous)

The Board recessed at 12:15 p.m. for lunch.

The Board reconvened at 1:30 p.m.

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

58169 James Bosse	Travel	86.85
58170 Mark Breker	Travel	62.10
58171 Richard Engst	Travel	68.40
58172 Hancock Concrete Products	Dr # 3/Co. # 14 box bend	18488.64
58173 Interstate Eng. Watershed-\$668.00	#11-\$975.40, SCWC#1-\$1734 and Tewaukon	
58174 Johnston Fargo Culvert	Tewaukon Watershed 42" culvert	1999.60
58175 ND Water User's	White registration	165.00
58176 Oakes Ready Mix LLC	Dr # 11 cement	1400.00
58177 Ohnstad, Twichell \$45 and Thornberg-\$60	General-\$450, P. Anderson-\$319.40, Mund-Kuehn-	
58178 White Company	Dr # 11 tile work	437.35
58179 Roger White	Travel	129.60
58180 Personalized Stamped Env.	Amount due	4.00
1359 Mark Breker	6 PD less 36.72	443.28
1360 Sherry Hosford	Sec. salary less 20.40	246.27
1361 Richard Engst	2 PD less 12.24	147.76
1362 Roger White	2 PD less 12.24	147.76
1363 James Bosse	9 PD less 60.41	659.59
DD Sargent County Bank	Taxes and withholding	280.02

The Board discussed the Drainage Complaint filed by Donald L. Lee against Darwin Heley. Chad Engels investigated the complaint and indicated that Mr. Lee listed the wrong description on the complaint. The Heley land is in the south half of 28-132-54. This includes a drainage basin of more than 80 acres and the Board must determine if there was an improvement in this area and Mr. Engels suggested that some of the Board members look at this location. Mr. Heley received an application to drain #3072 in August, 2005 and the Board agreed to look at the site and determine if there were any additional conditions to said permit.

Richard Engst presented a letter from Hall Township Board of Supervisors who granted permission to several landowners to clean out the township road ditch on the east side of Section 18-132-53 with five conditions. Attorney Fredricks agreed to send letters to all the landowners stating that if road ditches are widened or deepened, or culvert elevations changed, and the watershed area affected is 80 acres or greater, this constitutes new drainage, and a drainage permit will be required from this Board.

Attorney Fredricks reviewed three Requests for Drainage on Highway Right of Way from Speich Brothers, Milnor, Craig Speich, Milnor and Roger Gibbon, Milnor. Mr. Fredricks will contact ND Department of Transportation to visit with them about the necessity for this Board to approve these requests.

Mark Breker read an Application to Drain No. 3228 from Steve McLaen to install drain tile in the SE1/4-34-129-56. From the design, it appears that there will be multiple outlets into the unnamed tributary to the Wild Rice River which passes through this quarter-section. The State Water Commission has determined this project to not be of either statewide or interdistrict significance. Mr. McLaen will be contacted to complete the 8 point questionnaire and sign the affidavit of applicant in support of drain application.

UNFINISHED BUSINESS:

Received third request from Weber Township for culvert cost share on a 36" squashed by 65' long to be installed between 13-14-23-24. Approve 1/3 cost share. (Engst/Bosse, unanimous)

Mark reported on work that has been completed by Dave Titus Excavating and indicated that the projects look good.

NEW BUSINESS:

Kingston Township is requesting culvert cost share for a 36" X 36' to be placed between Sections 19-20 in said township. Approve 1/3 cost share. (Bosse/Engst, unanimous)

Scott Mund asked the Board about extending SCWC # 1., which ends at County Road # 12 east of Milnor City. The Board will consider this request at future meetings.

The meeting adjourned at 3:45 p.m.

MARK BREKER - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY