

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, NOVEMBER 15, 2012 AT 9:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Jim Bosse, Mark Breker, Richard Engst, and Roger White. Absent: Chris McFarland. Also present: Chad Engels, Moore Engineering, Inc. and Sean Fredricks, Ohnstad, Twichell.

Approve October 18, 2012 minutes as corrected and October financial statement. (White/Breker, unanimous).

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

66834 James Bosse	Travel	72.71
66835 Mark Breker	Travel	89.36
66836 Richard Engst	Travel	127.65
66837 Great Plains Environmental	Dr # 7 contamination cleanup	1,480.00
66838 Johnson Excavation	Dr # 7 Hazard Mitigation project	18,979.87
66839 Lake Agassiz Regional Council	Dr # 7 administration	4,750.00
66840 Moore Engineering, Inc.	Shortfoot Creek Study-\$140.00; Dr # 4-\$12,352.59; Dr # 11-culvert specs-\$125.00; Dr # 7 Hazard-Mitigation-\$6,997.16 =	19,614.75
66841 Ohnstad Twichell	Attorney fees-General-\$646.00; Steve McLaen permit-\$396.30; Roger Even complaint-\$393.60; Kiefer, Lee, Pherson complaint-\$464.00; Dr # 4-Reconstruction and Hoistad - \$1,360.00; Dr # 7-\$96.00; Dr # 9-Reassessment-\$528.00; Dr # 11-Paul Mathews-\$350.00 =	4,233.90
66842 Pro-Landscapers LLC	Dr # 7 contamination cleanup	890.00
66843 Sargent County	50% local cost share-Breker Bridge	46,515.40
66844 Shoplet.com	Minute book	180.01
66845 Roger White	Travel	184.26
7690 Mark Breker	6 PD + meal less 46.59 taxes	682.41
7691 Sherry Hosford	Salary less 17.89 taxes	298.78
7692 Richard Engst	3 PD + meal less 20.85 taxes	348.15
7693 Roger White	3 PD less + 2 meals less 21.36 taxes	356.64
7694 Jim Bosse	5 PD + meal less 34.41 taxes	574.59
DD Sargent County Bank	Withholding taxes	324.83

Chad Engels reviewed the various sites that are being proposed on the Shortfoot Creek study and a list of landowners. The next step is to have a meeting with all the landowners to see what will work and identify the opportunities and get some soil data. Many ideas are proposed and landowner input would be invaluable. Chad further explained soils investigation and site suitability determination that is included in the original study and Board members agreed that it would be better to hold off on the soils investigation until after the meeting with the landowners. The meeting with the landowners was scheduled for Thursday, January 17, 2013 at 1:30 p.m. at the Geneseo Hall in Geneseo.

Chad Engels presented a map with the new proposed assessment area for the Drain No. 9 reassessment. A hearing on the reassessment will be conducted on Thursday, December 20, 2012 at 10:00 a.m. at the Forman City Hall. Chad will present the new area to those in attendance and hear any comments. The Board will take the comments from the meeting and bring them back to a Board meeting to decide on the new reassessment area boundary.

The Board recessed at 10:00 a.m. for a conference call for the Dickey-Sargent Joint Water Resource District.

The Board reconvened at 11:15 a.m.

John Lien, Milnor met with the Board to discuss the recent hazard mitigation project in Milnor regarding a culvert on 5th Avenue. A culvert was plugged and covered during the mitigation project by the contractor for the Water Board as per the city's request in the Rubey approach. All the water now flows Mr. Lien's way and he is concerned that the water will be held back by this plugged culvert and not flow properly. Mr. Lien talked to the city and they told him it is a Water Board issue not a city concern. Chad Engels reviewed the profile with elevations and determined that it is very flat but it is the city water. The Board does not feel that this is a Board issue and that Mr. Lien should go to the City of Milnor with his concerns.

Roger Asche, Gwinner met to discuss a drainage problem at the intersection of ND 32 and 13. The Board reviewed his NDDOT ditch-cleaning permit application. Mr. Asche lives along ND 13 one-half mile east of the intersection and the water is flowing into his field and he would like to clean along the highway road ditch. Mr. Asche was advised if he is only doing sediment or cattail removal no permit

is necessary but if he is deepening or widening then he may need a permit. The Water Board does not have any jurisdiction over ditch clean-outs unless a drainage permit is necessary; in that case, Mr. Asche must apply for a drainage permit. Motion to authorize Vice-Chairman Bosse to approve a Request for Drainage of Highway Right of Way and send it to NDDOT, with a cover letter explaining the Board only has jurisdiction to the extent a drainage permit is necessary. (Breker/White, unanimous)

Mike Paczkowski and Dana Banish, Cayuga met with the Board in regards to the NOTICE OF DECISION sent out on the Lee/Pherson/Kiefer complaint against Dana Banish and Mike Paczkowski. Mr. Banish inquired about applying for a permit to pump this area of concern. Applications for a Surface Drain were given to Mr. Banish to send to the ND State Water Commission. Dana also asked Mark Breker about cleaning out an area north of Drain No. 12 in the SE1/4 Section 6 in Marboe Township. The Board does have an easement from the landowners of said quarter that allows the Water Board to clean this ½ mile. The issue is whether there are any funds to do any cleaning in this area. The maintenance levy is \$2.00 per acre for 2012, which generates approximately \$13,200 and currently there is a negative balance. The Board will consider this request at a future meeting. Mr. Banish also indicated that he built a dike on his property to hold water; the Board informed Mr. Banish that the dike may require a permit from the State Engineer's Office if the dike obstructs, retains, or diverts more than 50 acre feet of water.

Sean Fredricks reported that the Red River Joint Water Resource District has approved the request for cost-share on the Frenier Dam repairs and improvements. He is preparing Cost-Share Agreements for the Boards to sign regarding this project.

Chad Engels next explained the Drain No. 7 project. The project is completed except for the asphalt and this was deferred until next spring as per the request of Milnor City. Project costs will be cost-shared 1/3 each with this Board, Sargent County and Milnor City. Once the FEMA money is received then the balance will be divided amongst the three entities as per the Joint Powers Agreement. Chad indicated there are many change orders that have been submitted and he would like to review these with the Board at a special meeting due to the full agenda at the December 20th meeting. The Board agreed to call a special meeting on November 28 at 9:00 a.m. to discuss both Drain No. 7 and 4 projects and the Frenier Dam permit.

The meeting adjourned at 12:45 p.m.

JAMES BOSSE – VICE-CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY