

**MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, FEBRUARY 16, 2006 AT 9:00 A.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND**

Managers present: Mark Breker, Dan Jacobson, Roger White, Richard Engst and Randy Ptacek. Absent none.

The meeting was called to order by Sherry Hosford, Secretary and the Board proceeded to organize for 2006.

Oath of Office signed by Richard Engst for a three-year term.

Nominations for Chairman. Motion for Mark Breker. (Ptacek/Jacobson). Second and cast a unanimous ballot. (Jacobson/Engst. Motion carried)

Nominations for Vice-Chairman. Motion for Dan Jacobson. (Engst/Ptacek). Second and cast a unanimous ballot. (Ptacek/Engst. Motion carried)

Re-appoint Sherry Hosford as Secretary. (Jacobson/Ptacek, unanimous)

Approve 2006 meeting dates on the third Thursday of each month. All dates and times will be on file in the County Auditor's Office. (Jacobson/Ptacek, unanimous)

Approve January 19, 2006 minutes and financial statement. (Jacobson/Engst, unanimous)

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

54250 Mark Breker	Travel	47.58
54268 Richard Engst	Travel	65.91
54284 Dan Jacobson	Travel	7.02
54302 Ohnstad Twichell	Attorney fees/Totenhagen	141.00
54304 Randy Ptacek	Travel	6.24
54316 Roger White	Travel	97.36
54226 Mark Breker	4 PD less 18.94 + meal	228.56
54227 Danny Jacobson	3 PD less 14.35 + meal	173.15
54228 Sherry Hosford	Sec salary less 20.40	246.27
54229 Richard Engst	2 PD less 9.18	110.82
54230 Randy Ptacek	2 PD less 9.18	110.82
54231 Roger White	2 PD less 9.76 + meal	117.74
DD Sargent County Bank	Withholding taxes	164.15

Jerry Waswick and Jeff Anderson, representing the City of Gwinner met with the Board to report that the city is purchasing land from Gwinner Community Development Corporation and Dean Anderson to build a municipal golf course. Some of the land involves SCWC # 1 assessment area and they want to know what is needed from the Water Board to proceed with the project. They want to begin work on August 1, 2006. The Water Board concluded that the entire area is included in the drain assessment area, no new water will be coming in and the golf course would hold some of the water to use for irrigation. Roger White expressed some concern about the water that eventually flows through Milnor City and if something can be done to slow it down to alleviate any future flooding problems in Milnor City. The Water Board informed Mr. Waswick and Mr. Anderson that they do not see any problem with the golf course project or require any permits.

Jeff Breker and Joe Breker arrived at the meeting. Jeff is asking for a permit to install drain tile through land owned by the Water Board. The land owned by the Board is located in NE1/4 of NW1/4 Section 16-129-54 LTL and Jeff is proposing to improve land owned by him in the S1/2 of 16-129-54 LTL. The Board would require an easement on the land they own and Mr. Breker agreed to get one prepared by his attorney. Mr. Breker will submit a permit to drain to the State Water Commission for their review. Approve proceeding with the project following review of the easement by Attorney Breitling and execution of the easement by this Board. (Jacobson/Ptacek, unanimous) Mr. Breker shall pay all costs incurred with this project. Also discussed the CRP contract on land owned by this Board and rented by Jeff Breker. The contract expires 9/07 and Jeff will talk to NRCS about extending this contract.

Joe Breker is planning a project to install drain tile in S1/2-31-130-54. The entire project is less than 25-acre feet but if the drainage area is more than 80 acres a permit is required by State Water Commission. Mr. Breker is required to obtain easements to cross any affected landowners. He will proceed with completing the permit and sending to the ND State Water Commission.

A call was placed to ND Parks and Recreation Dept. with Kathy Duttenhefner. She explained the upcoming public hearing on March 27 at 7:30 p.m. at the Rutland Bank Building. The areas changed in the Articles of Dedication for the Head of the Mountain Preserve will be open for public comment. Kathy explained that in July of each year this Board and NDPR should discuss the wildlife issues at the preserve and decide what type of hunting should be allowed.

The Red River Basin Commission would like this Board to host a meeting on March 14 at 1:00 p.m. Mark called RRBC and confirmed that the meeting will be held at Forman City Hall and the Board will provide lunch with the rent being paid by RRBC.

Mark Breker and Dan Jacobson visited with Jay Johnson at NRCS on the FEMA site located in Section 27-130-57 (Sargent Township). They discussed what is necessary to proceed with the work to make improvements to this area. Jim Bosse owns the NW1/4 and is very receptive to the idea and will work with the Board to complete this project. The NE1/4 owned by John Hayen is not in CRP and would not be an issue for proceeding with this project. A call was placed to John Wirries, Moore Engineering, Inc. and asked how many feet are needed to make repairs. Mr. Wirries reviewed the plans and required acreage. He suggested the Board make a determination on which project they plan to use and submit a request for improved project to ND Dept. of Emergency Services. He will prepare the letter and send some overlays for the Board to review.

The Board recessed at 12:15 for lunch.

The Board reconvened at 1:05.

The Board received a letter from the State Water Commission regarding a complaint filed by Wallace Johnson on removing and sizing culverts around Milnor City. The weather conditions will not allow any investigation of this area until later and Richard will keep in touch with Mr. Johnson on this problem. The Board suggested that a contractor be contacted to remove the sandbar which has silted in by the culvert.

Milnor City sent a thank you for the Board's assistance in 2005 during and after the flood. The city feels that this Board and their council should work together in the future on plans for flood control and any assistance this Board can provide Milnor City with ideas and suggestions would be greatly appreciated.

A letter from the Office of the State Engineer responded to Sandra Banish, Cayuga regarding relief from placement of a 36" culvert between SE1/4-1-129-53 (Kingston Township and SW1/4-6-129-52 (Duerr Township, Richland County). Some solutions were described in the letter. The Sargent County Board is scheduled to meet with the Richland County Water Board on February 27 to discuss this culvert issue.

The ND State Water Commission contacted the Board on water planning efforts. They were requesting a project inventory list for Sargent County. No projects were submitted.

Mark Breker reported on a culvert gate in the NW1/4-1-129-54 that was left opened this fall and is now frozen and may cause flooding problems. This Board has no jurisdiction over this culvert located on the county road.

The Board discussed increasing the per diem for the Water Board. Sherry will do some research on statewide per diems and the state law.

The meeting recessed to February 27 at Wahpeton, ND.

On February 27, 2006 at 10:00 a.m., Board members Mark Breker, Dan Jacobson, Roger White and Richard Engst reconvened the meeting with the Richland County Water Resource Board members Arvard Burvee, Gordon Johnson and Jim Haugen, Secretary Monica Zentgraf and Attorney Duane Breitling. Also present: Cari and Gene Wefel and Mary Jo Wohlwend. A discussion followed on installation of a culvert through the section line common to Duerr Township, Richland County and Kingston Township, Sargent County between Section 1/Kingston and Section 6/Duerr. Given the existence of Drain No. 3/Sargent County and Drain No. 11/Richland County aka Bi-County Drain, it is the position of both boards that they have exclusive jurisdiction over the sizing of opening in this legal drain and that the conduct of the townships is a clear violation of their jurisdiction. The Board members instructed Mr. Breitling to prepare a letter to Duerr Township instructing them to correct this unlawful installation within ten day after the frost is out of the ground or redress will be sought in the district courts for Richland County against not only any legal entity that may be responsible but against the individuals personally involved.

The meeting recessed to March 13, 2006 at 9:00 a.m.

On March 13 at 9:00 a.m., Board members, Mark Breker, Dan Jacobson, Roger White, Randy Ptacek and Richard Engst reconvened the meeting and joined a conference call with the Richland County Water Resource Board and Attorney Duane Breitling. The letter prepared by Mr. Breitling was discussed and several Board members feel it is necessary for the two Boards's to hire an engineer to survey the drainage area flowing into the 24-inch and 18-inch culverts on the county line. Both Boards's agreed to pay one-half of the cost for this survey. Richland County Water Board will contact this Board when the survey is completed.

Meeting adjourned at 10:00 a.m.

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MARK BREKER - CHAIRMAN

ATTEST:

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SHERRY HOSFORD - SECRETARY