

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD  
HELD ON THURSDAY, FEBRUARY 21, 2013 AT 9:00 A.M., IN THE COMMISSIONERS ROOM,  
SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Jim Bosse, Mark Breker, Chris McFarland and Richard Engst. Absent: Roger White. Also present: Mike Opat, Moore Engineering, Inc.; Sean Fredricks, Ohnstad Twichell, P.C and Al Carton, Forman.

The meeting was called to order by Sherry Hosford, Secretary and the Board proceeded to organize for 2013.

Oaths of Office were signed by James Bosse, Cogswell and Chris McFarland, Gwinner for three-year terms.

**Nominations for Chairman.** Motion for Chris McFarland. (Engst/Bosse) Second and cast a unanimous ballot.

**Nominations for Vice-Chairman.** Motion for Mark Breker. (Bosse/Engst) Motion for James Bosse. (Breker/Engst) Bosse withdrew. Cast a unanimous ballot for Breker. (Bosse/Engst, carried)

Re-appoint Sherry Hosford as Secretary-Treasurer. (Engst/Bosse, motion carried)

Approve 2013 meeting dates on the third Thursday of each month. All dates and times will be on file in the County Auditor's Office. (Bosse/Breker, unanimous)

Approve January 17, 2013 minutes and January financial statement. (Engst/Bosse, unanimous).

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

67343 Bohnenkamp Construction	Gwinner Dam	305.50
67344 James Bosse	Travel	91.53
67345 Mark Breker	Travel	110.74
67346 Richard Engst	Travel	56.50
67347 Moore Eng, Inc.	Frenier Dam-\$17,578.10; Mund tile application-\$165.00;	
Shortfoot Creek Study-\$7,515.00	Total	25,258.10
67348 Ohnstad Twichell	Dr # 7- 400.00; Dr # 11-\$1358.10 Total	1,758.10
8017 Sherry Hosford	Salary less 24.22 taxes	292.45
DD Sargent County Bank	Withholding taxes	49.07

Authorize Dickey-Sargent Board to approve payment of \$863.60 to Onstad Twichell for work on the Jackson Township project. (Engst/Bosse, unanimous)

**DRAIN NO. 8:** Mike Opat informed the Board that the cost to install a pipe for the two mile distance of the drain would be in excess of \$500,000. Board members agreed that there is not adequate funding in this assessment area to fund such a project. Mike was instructed to pursue the open ditch concept.

**FRENIER DAM:** Mike Opat reported that they are working on the project and needs authorization to proceed with the final plans. He suggested that the Board view the final plans at the March meeting, call for bids to be opened two days prior to the April meeting with the Board viewing the bids at the April meeting. Motion to authorize Moore Engineering, Inc. to proceed with final plans for the Frenier Dam Improvement Project. (Bosse/Breker, unanimous) Authorize the Chairman to sign the Cost Share Agreement between ND State Water Commission and Sargent County Water Resource District for Frenier Dam project approving an amount not to exceed \$158,373 to reimburse Sargent County WRD for 65% of the actual eligible costs for the project. (Engst/Breker, unanimous)

**SHORTFOOT CREEK STUDY:** The public meeting held on January 15 was well attended by landowners and interested persons. The Board discussed the options that were presented and feel that Site 5 is the preference. The Board would like to meet with the landowners around Site 5 that are located in the footprint of the dam and the backwater. The meeting was tentatively set for Tuesday, March 12 at 10:00 a.m. at the Geneseo Hall. Moore Engineering, Inc. will send letters to the landowners inviting them to this meeting.

**DRAIN NO. 9:** Mike Opat presented to the Board the final Drain No. 9 assessment list and a map of the drain. Mike and Sherry are also working on the changes to Drain No. 11 that was affected by the removal/addition of land from the reassessment of Drain No. 9.

**DANA BANISH/MIKE PACZKOWSKI:** Donald Kiefer, Cayuga, Robert E. Lee, Cayuga and Denny Pherson, Rutland met with the Board to discuss the Dana Banish/Mike Paczkowski drainage

complaint that was dismissed in 2012. Sean Fredricks reviewed with everyone the Notice of Decision with the nine conclusions that were outlined in the October 23, 2012 letter. A lengthy discussion followed on the decision and concurred that any pumping that exceeds the Notice of Decision would require an application and approval of a drainage permit for Mr. Banish and Mr. Paczkowski.

**SECRETARY EXTRA COMPENSATION:** Motion to approve extra compensation for the Secretary-Treasurer at an amount of \$3,000. (Breker/Engst, unanimous).

**JOHN ZETOCHA AND DAVE ZETOCHA APPLICATION TO INSTALL A SUBSURFACE DRAIN IN THE NE1/4 OF SECTION 14 IN DENVER TOWNSHIP:**

The Board reviewed an *Application to Install a Subsurface Drain* dated December 18, 2012, for John Zetocha and Dave Zetocha. 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 NE 1/4 of Section 14 in Denver Township, Sargent County, North Dakota. The project will include a pump outlet that will discharge on the west side of the NE 1/4 of Section 14; from there, the tile discharge will flow across the eastern portion of the NW 1/4 of Section 14 until the tile discharge reaches a natural watercourse or natural drain in the middle of the NW 1/4 of Section 14.

Chad Engels previously reviewed the application and indicated the project will discharge over private property in the NW 1/4 of Section 14 prior to reaching the natural waterway in the middle of the NW 1/4, and he recommended that the Board should provide *Thirty-Day Notices* to the private landowners of the NW 1/4 of Section 14. The Board provided a *Thirty-Day Notice* to Arnold and Virginia Widmer, the record owners of the NW 1/4 of Section 14, in accordance with N.D. Cent. Code Section 61-32-03.1. Arnold and Virginia Widmer submitted written comments regarding the proposed project and ultimately objected to the project. The Widmer's reasoned that the project would adversely impact their existing CRP contract on the property and raised concerns regarding potential damage to the property as a result of the project. The Board reviewed the application and agreed the project would provide additional drainage over the Widmers' property and recognized the Widmers' concerns were legitimate.

According to records on file with the Sargent County Recorder's Office, Applicants own the NE 1/4 of Section 14, and the Widmer's own the NW 1/4 of Section 14.

It was moved by Manager Breker and seconded by Manager Engst to approve *Application to Install a Subsurface Drain* dated December 18, 2012, for John Zetocha and Dave Zetocha in the NE 1/4 of Section 14 in Denver Township, subject to the following conditions:

- 1) That Applicants obtain and record (with the Sargent County Recorder's office) flowage easements (and not just written consents), including language that permits saline water, from the owners of the NW 1/4 of Section 14 in Denver Township, Sargent County, North Dakota;
- 2) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 3) That Applicants notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) 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
- 5) That Applicants 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.

**SILVER LAKE:** Mr. Waylon Erdmann, ND State Water Commission contacted the Board via email and reported that the Silver Lake investigation report is still being worked on, regrettably progress was slowed down but has not been forgotten about. The watershed analysis is still being worked on. This is the study of flows into and out of Silver Lake due to various rainfall/snowmelt amounts. The alternatives for stopping seepage are being compared by cost and effectiveness.

**HELICOPTER SPRAYING:** David Morten, Midwest Helicopters contacted the Board and informed them that all the spraying that the Board had mapped for 2012 was for spraying trees and brush. Five

years ago Mr. Morten quit spraying trees and brush because he was not getting a good kill on the trees/brush. The spray boom that he used produced such large spray drops and does not get a good coverage on the leaf surface. If the trees/brush are in the ditch bottom the chemical that Mr. Morten sprays for cattails (Aquaneat) will kill them. Mark Breker agreed to contact Rodney Erickson, Rutland to see if his company can do some airplane spraying for the Board this fall.

**FEMA PROJECTS:** Notification was received from the ND Department of Emergency Services regarding FEMA-1981-DR-ND-081-UDJBE-00 for time extensions on PW's #3653 and #3655. The closing date has been extended to November 10, 2013.

**BSSE PROJECT:** The Board discussed briefly the Big Stone to Ellendale Transmission Line that is being proposed in the southwestern part of Sargent County. Jim Bosse will attend a meeting in Britton on February 26 to see if Drain No. 11 will be affected by this project.

Meeting adjourned at 11:00 a.m.

APPROVED:

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CHRIS MCFARLAND

ATTEST:

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SHERRY HOSFORD - SECRETARY