

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MAY 15, 2008 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Richard Engst, Roger White, Dan Jacobson and Jim Bosse. Absent none. Also present: Attorney Sean Fredricks and Chad Engels, Eng., Moore, Eng. Inc.

Approve April 17, 2008 minutes. (Engst/White, unanimous)

Approve the April 2008 financial statement and the following bills: (Jacobson/White, unanimous)

59002 James Bosse	Travel	18.90
59003 Mark Breker	Travel	16.20
59004 Richard Engst	Travel	22.50
59005 David Hoffer	Beaver removal (SCWC#1)	150.00
59006 Harlan Hogness	Beaver removal (SCWC#1)	100.00
59007 Dan Jacobson	Travel	2.70
59008 Moore Engineering, Inc.	Drain No. 4	947.50
59009 Ohnstad Twichell	Attorney fees - General-\$829.75, Bogart/Mund-	1431.25
\$250, Drain No. 4-\$351.50		
59010 Roger White	Travel	220.05
2027 Mark Breker	1 PD less 6.12	73.88
2028 Danny Jacobson	1 PD less 6.12	73.88
2029 Sherry Hosford	Sec. salary less taxes	246.27
2030 Richard Engst	1 PD less 6.12	73.88
2031 Roger White	3 PD less 18.94 + meals-\$7.50	228.56
2032 James Bosse	2 PD less 12.24	147.76
DD Sargent County Bank	Taxes and withholding	142.01

UNFINISHED BUSINESS: Board members selected June 2 as the date for the Annual Dam inspection. Other items will be inspected at that time. The Silver Lake Dam study has a new engineer working on the project. Waylon Erdman will keep the Board informed as he progresses on the study.

Chad Engels, Moore Engineering, Inc. presented the revised Drain No. 4 reassessment list for their review. The Board discussed a hearing on this district and introduced the following resolution. 1 Manager Breker introduced the following resolution and moved its adoption:

**RESOLUTION SETTING HEARING ON REASSESSMENT
FOR SARGENT COUNTY DRAIN #4**

WHEREAS, the Sargent County Water Resource District, or its predecessor, previously created, established, made assessments for, and constructed Sargent County Drain #4 ("Drain 4") in Sargent County, North Dakota, and confirmed an assessment list for the drain; and

WHEREAS, in accordance with North Dakota law, the Sargent County Water Resource District may, on its own motion, hold a hearing for the purpose of redetermining assessments and benefits for the project; and

WHEREAS, when the Sargent County Water Resource District originally approved the assessment list for Drain 4, the Board, or its predecessor, anticipated it would, at later times, reassess the drain to accurately reflect benefits and to include newly developed property so those properties pay their fair share of project costs; and

WHEREAS, the Sargent County Water Resource District or its agents recently inspected and reviewed the land within the assessment district for Drain 4 and discovered that certain tracts, lots, pieces or parcels of land not previously included in the assessment district created to pay for the costs of establishing, constructing, and maintaining the drain benefit from Drain 4; and

WHEREAS, the Sargent County Water Resource District similarly discovered that over time the benefits of Drain 4 to each tract, lot, piece and parcel of land have changed; and

WHEREAS, the Board believes reassessing Drain 4 is necessary, fair, and equitable.

NOW, THEREFORE, be it resolved by the Board of Managers of the Sargent County Water Resource District that the Board will conduct a hearing on the reassessment for Drain 4 as required by law on June 16, 2008, at 7:00 p.m., at the Sargent County Courthouse in Forman, North Dakota. Agents of the Sargent County Water Resource District will publish notice of the hearing one time in the *Sargent County Teller*, and will mail notice by ordinary mail to each owner of land

assessed for the cost of construction and maintenance of Drain 4 when first established, and each owner of a tract, piece, or parcel of land that has benefitted since the establishment of Drain 4. The form of the NOTICE OF HEARING REGARDING REASSESSMENT OF BENEFITS and the preliminary Assessment List to reflect the reassessments, which are attached to this resolution, are hereby approve

APPROVED:

James Bosse, Chair

ATTEST:

Sherry Hosford
Secretary-Treasurer

The motion for the adoption of the foregoing resolution was duly seconded by Manager Engst. On roll call vote, the following managers voted aye: Bosse, Jacobson, Breker, Engst, and White. The following managers voted nay: none. The following managers were absent and not voting: none. The majority having voted aye, the motion carried and the resolution was duly adopted.

Chad Engels also explained his research on Drain No. 7 through Milnor City regarding Hal Snellman property which he owns in Outlot B. A suggestion by the engineer was made to inform the city auditor that the landowner should have the lot surveyed at his expense and provide a plat of this area to the Water Board for their review.

Sean Fredricks reviewed the Application to Drain No. 3253 from Clayton Halmrast for a project to clean and deepen the west ditch of the Section 18/17 line road in Hall Township which was completed in the fall of 2007. A petition signed by several area farmers requesting the Township permit them to perform the ditch improvement and a document from Hall Township permitting them to do the work was also a part of this application. It was determined that no hearing is necessary because Chad Engels, Eng. has determined that adverse affects to lands of lower proprietors appears to be negligible. It is unlikely that this project will result in the erosion of downstream lands, prolonged flood durations, sustained flows, or adverse effects to water control devices. No flowage easements are required. Motion to approve Application No. 3253 subject to the conditions attached by the State Engineer's Office and subject to the following conditions: 1)Written consent from Hall Township Board of Township Supervisors to utilize and construct improvements in any of its township road ditches and 2)that you 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. (Engst/Breker, unanimous)

Discussed an Application to Drain No. 3268 from Joe Breker and Jerry Woytassek. The proposed drainage project requests permission to install drain tile in the W1/2 of SW1/4-6-129-54 LTL (Tewaukon Township). They intend to tile approximately 79 acres on their properties with a watershed that feeds the tile fields of 404 acres. The proposed tile would then outlet into a natural tributary in the SW1/4-6-129-54. Water would then flow north in said natural tributary across the NW1/4 and NE1/4-6. Water would then cross Sargent County Road 5 into the SW1/4-31-129-54. Water would then flow northerly in said natural tributary through the SW1/4, SE1/4 and NE1/4 of Section 31 where it enters into the Wild Rice River. It was determined that no hearing is necessary. Motion to approve the application subject to the conditions attached to the State engineer's Office and subject to the following conditions: 1) that the applicants obtain and record with the Sargent County Recorder's Office flowage easements (and not just written consents) that include language permitting saline water from the owners of the following parcels in Tewaukon Township, Sargent County, North Dakota: (a)the Southwest Quarter of the Northeast Quarter of Section 31; (b)the Northwest Quarter of the Southeast Quarter of Section 31; (c) the Southwest Quarter of the Southeast Quarter of Section 31; (d) the Northeast Quarter of the Northwest Quarter of Section 6; (e)the Northwest Quarter of the Northeast Quarter of Section 6; (f)the Southeast Quarter of the Northwest Quarter of Section 6; (g)the Northeast Quarter of the Southwest Quarter of Section 6; and (h) the Southwest Quarter of the Northeast Quarter of Section 6; 2) that the applicants obtain written consent from Sargent County to utilize any county Highway right of way for purposes of the project; 3)that the applicants obtain written consent from any applicable township of they plan to utilize any township road ditches; 4) that the applicants obtain written permission from the owner of any land, besides land they own on which they will construct the tile system; and 5) that the 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 (White/Engst, unanimous)

Chad Engels informed the Board of PW 985 for the large project on Drain No. 11 for FEMA. He has been communicating with ND State Water Commission on the cost share for this project. He feels they have all the information they need to make their payment to Sargent County. NDSWC will pay 35% of the local cost exclusive of FEMA participation.

Indemnity issues - Sean Fredricks and Roger White attended a meeting in Bismarck with the State Water Commission to discuss whether or not the State Water Commission can require Water Resource Districts to sign indemnity attachments on the cost share agreements. A short term solution was agreed that the indemnifying is still necessary but no insurance is required.

The Board discussed spraying cattails in the legal drains and instructed the Secretary to send a letter to Midwest Helicopters and request a cost for flying all the drains in Sargent County and spray the areas that need to be sprayed.

Dickey Rural Network will be replacing existing cable with Fiber Optic cable in the Forman and Milnor serving areas this spring/summer. In the process of the construction, it will be necessary to cross the legal drain system and rivers in Sargent County. This process will require boring under said areas. A map is included with the proposed crossings of the drain system. Approve Utility Permit to Dickey Rural Network with the following special conditions: (a) Applicant will not conduct any excavation within the District's channel, on the berm, or within 25 feet of the berm toe; (b) Applicant will install any and all cables by boring, and using a continuous welded joint casing pipe; (c) Applicant will cross the District's channel at a 90-degree angle; (d) Applicant will bore its casing pipe horizontally below the District's channel and drain at a constant elevation for a distance of 25 feet beyond the outside of each channel berm toe; and (e) Applicant will install its casing pipe a minimum of 5 feet below the current design invert of the District's channel bottom. (Jacobson/Breker, unanimous)

Sparky Engquist, road supervisor, Sargent County met with the Board to discuss installing culverts by the cemetery west of Havana. In wet years large pockets of water pools in this area and no culvert is in place. The county is rebuilding the roadway and firming it up and would like permission to install 2 18" culverts between Section 25/36 of Taylor Township. Sparky also requested adding an 18" culvert between Sections 7/18 in Brampton Township. The dirt in the ditch has been cleaned out and the water will follow the road ditch and wipe out the county road. Grant permission to install culverts (Breker/Engst, unanimous) Sparky discussed the bridge north of PeeWee Brekers between Section 33/34 in Tewaukon Township. There is wing wall damage but the deck is good. The cement is decaying on the bottom portion of the bridge. He is proposing to reconstruct the cement instead of replacing the bridge. The bridge is very solid but there are some washouts near the bridge deck. Other options are installing a pipe or a box culvert. Sparky also discussed other bridges in the county.

Mark Breker reported on Drain No. 12 south of Robert Lee's. There is a Texas crossing that Titus dug down last fall. Robert called Mark and reported it has washed a cut through and he cannot go across. Titus's crew is in the area and Mark spoke to them about making repairs. Mark also said that Titus worked on Drain No. 12 west of Robert Lee's last fall on the north side of Co. Road #5 and additional leveling was necessary. Crandall Construction was contacted to blade this area.

Mark Breker discussed Sargent County Water Channel Imp. No.1 in Milnor. There is 2007 FEMA work that needs to be completed and Titus Excavating can do the work in late summer or early fall. The Board agreed to complete the work and authorized Titus Excavating to do the work.

Dan Jacobson spoke to Daro Crandall concerning an obstruction to drain. He will investigate the area.

Meeting adjourned at 10:00 p.m.

JAMES BOSSE - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY