

**MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD  
HELD ON THURSDAY, MAY 20, 2010 AT 7:00 P.M. IN THE COMMISSIONERS  
ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND**

Managers present: Jim Bosse, Richard Engst, Chris McFarland, Mark Breker, and Roger White. Absent: none. Also present: Attorney Sean Fredricks, Onstad Twichell Law Offices.

Approve April 15, 2010 minutes and April financial statement. (White/Engst, unanimous)

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

62504	Arrowhead Transport	Drain No. 4 gravel	761.00
62505	James Bosse	Travel	78.00
62506	Mark Breker	Travel	87.00
62507	Richard Engst	Travel	43.00
62508	Chris McFarland	Travel	11.00
62509	Ohnstad Twichell	Dr # 9 and General	1204.80
62510	Sargent County	1/3 Shuman culverts	2733.33
62511	Roger White	Travel	212.00
4520	Mark Breker	5 PD plus meal less 46.48	561.02
4521	Sherry Hosford	Sec. salary less 24.22	292.45
4522	Richard Engst	3 PD less 27.54	332.46
4523	Roger White	6 PD less 55.08	664.92
4524	James Bosse	8 PD less 76.44	883.56
4525	Chris McFarland	1 PD less 9.18	110.82
DD	Sargent County Bank	Withholding taxes	475.83

Roger White reported that gravel has been delivered to the street on the north end of Forman City Main Street (Drain No. 4)

Discussed FEMA projects and Richard informed the Board that he has three sites and Steve Perry with FEMA will be meeting with Richard tomorrow morning. Mark has one site on Drain No. 12 that he would like Mr. Perry to check out. The Board appointed Jim Bosse, Chairman as Applicant Agent and Mark Breker as the alternate.

Diane Brown, Cogswell met to inform the Board that the drain in Cogswell is not working. She has put flags up and the water is getting deeper since April 19<sup>th</sup>. She wants to know what can be done to get this water to flow. She is concerned about the mosquitoes, and other animals that are in the water. Jim Bosse checked at the end of the drain and said the water is flowing out the pipe. The water is flowing into the pipe but it is moving very slowly because of the excess water. Jim Bosse provided some history on this tile drain. The problem is that the water table is coming up and in several areas roadways are under water. Suggested that Diane check into a ring dike and cost share from the State Water Commission.

Discussed spraying of the legal drains and Board members agreed to review the drains while conducting the annual dam inspection.

Approved changing the July meeting to July 22<sup>nd</sup> at 7:00 p.m. due to a scheduling conflict.

The Red River Joint Water Resource Board is seeking up to two mills from each member district for purposes of the RRJB's budget. Communities in the Red River Valley recognize the importance of retention for purposes of establishing long-term flood control solutions. The RRJB utilizes the contributions from mills generated by its member district for purposes of providing 50% cost-share of all non-federal, non-state expenses for water resource district as they construct retention projects. Additional retention projects exceed funding provided by the current mills. The amount RRJB is seeking from Sargent County is \$21,570 or approximately 1.2 mills. The current request was about \$9,400 or .52 mills. The Sargent

County Commissioners will be considering this request during the budget process and water board members are willing to meet with them to discuss this request from the RRJB.

Chris McFarland arrived at the meeting at 8:20 p.m.

Lloyd Ptacek, Cogswell met with the Board and is interested in doing some tiling and has checked with NRCS. He will file an application for this permit and forms were provided to Mr. Ptacek.

Mr. Ptacek is also concerned about water retention up stream. He would like to have a lateral drain dug, which would flow into Drain No. 11. Attorney Fredricks explained the processes involved. The project could proceed if all affected landowners are in agreement and they do the work and pay for the project themselves or a petition to the Board for a vote of the landowners. Attorney Fredricks agreed to provide petition forms for Mr. Ptacek to circulate.

Joe Breker and Jerry Woytassek met to discuss a previously approved Application to Drain No. 3268. The work is completed and on one easement that they had received a verbal to do the work, the owner has now passed away and a family member has decided to not sign an easement. Attorney Fredricks commented that yes Joe Breker and Jerry Woytassek should have had the easement signed prior to doing the work but if no one complains there is not a problem. Further discussion followed on the issue and suggestions on how to acquire the easement.

The Board reviewed information from the State Engineer regarding Application to Drain with Drain Tile #3544 for Mr. Jeffrey Breker. Mr. Breker intends to construct a tile system in the North Half of the Northwest Quarter of Section 8 and the Northeast Quarter of the Northeast Quarter of Section 7, Tewaukon Township (Township 129 North, Range 54 West, Lake Traverse Lands). The applicant owns the Northeast Quarter of the Northeast Quarter of Section 7, and the Northwest Quarter of the Northwest Quarter of Section 8. The Sargent County Water Resource District owns the Northeast Quarter of the Northwest Quarter of Section 8. The Board examined the aerial map provided by the applicant that shows the proposed laterals. The Board questioned whether or not portions of the laterals would be located in the Southwest Quarter of the Northwest Quarter of Section 8, owned by Gerald and Patricia Woytassek. If so, the Board indicated the applicant should obtain an easement from the Woytassek for purposes of constructing, operating, and owning physical tile drainage on property owned by the Woytassek.

The Board reviewed the proposed responses to the eight-point questionnaire prepared by Chad Engels. The drain will outlet directly into a project owned and operated by the Sargent County Water Resource District, so no flowage easements will be necessary and no hearing will be necessary. Further, Mr. Engels concluded the project will not result in adverse impacts to downstream landowners. However, Mr. Engels did indicate to the Board that the applicant should be required to install and maintain adequate erosion protection to protect the Board's project.

The Board reviewed and adopted Chad Engels' proposed responses to the eight-point questionnaire and the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board determined there are no adverse impacts to downstream landowners since the drain will discharge into the Board's project.

Manager McFarland, seconded by Manager Engst, moved to approve Application to Drain with Drain Tile #3544 for Mr. Jeffrey Breker, subject to the following conditions:

the Board reviewed the aerial map provided by the applicant, and it appears as though portions of the proposed tile laterals may be located in the Southwest Quarter of the Northwest Quarter of Section 8, Township 129 North, Range 54 West LTL, Tewaukon Township; if applicant intends to construct portions of the tile drainage in the Southwest Quarter of the Northwest Quarter of Section 8, applicant must obtain and record (with the Sargent County Recorder's Office) an easement for purposes of constructing portions of the tile drainage in the Southwest Quarter of the Northwest Quarter of Section 8; if not, no easements are necessary;

2) that you obtain written permission from the owner of any land, besides land you own, on which you will construct the tile system;

3) that you provide and maintain adequate erosion protection at the outlets;

4) 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.

The Board directed Sean Fredricks to prepare a Notice of Decision, and to provide the Notice of Decision to the State Engineer, the applicant, and other parties of record. Upon roll call vote, the motion carried unanimously.

Weber Township Board of Supervisors is requesting cost-share for a 36 inch squashed by 45 foot long culvert to be placed in the road on 135<sup>th</sup> Ave at NE1/4-16 and NW1/4-15 of Weber Township. The purpose of this culvert is to alleviate a perpetual washing out of the township road and the blocking of an important route for emergencies and buses as well as a farm to market road. Approve one third cost-share if this site is not a FEMA site. (Breker/McFarland, unanimous)

Discussed acquiring new maps with all legal drains shown as well as each assessment area. The Secretary was authorized to contact Chad Engels, Moore Engineering, Inc. to discuss this project.

Meeting adjourned at 9:55 p.m.

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JAMES BOSSE - CHAIRMAN

ATTEST:

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SHERRY HOSFORD - SECRETARY