

**MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MAY 21, 2009 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND**

Managers present: Jim Bosse, Mark Breker, Richard Engst, Dan Jacobson and Roger White. Absent none. Also present: Chad Engels, engineer and Sean Fredricks, attorney for the Board.

Approve April 16, 2009 minutes as corrected. (Engst/Jacobson, unanimous) Approve April 2009 financial statement. (Breker/Jacobson, unanimous)

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

60697 A-Tech Sewer	Drain No. 4 camera service	1590.00
60698 Bernard Mahrer Construction	Drain No. 8 Excavation work	2497.50
60699 Daniel Bishoff	Drain No. 9-2 beaver	100.00
60700 James Bosse	Travel	108.00
60701 Mark Breker	Travel	70.20
60702 Richard Engst	Travel	63.45
60703 David Hofer	WCI#1 - 3 beaver	150.00
60704 Harlan Hogness	WCI#1 - 1 beaver	50.00
60705 Dan Jacobson	Travel	18.90
60706 Ohnstad Twichell Law Offices	General attorney fees	550.00
60707 SC Envirothon Team	Water education training	500.00
60708 Roger White	Travel	187.20
60709 Tom Wipf	WCI#1 - 1 beaver	50.00

Wallace Johnson met with the Board to discuss a water problem on his property. He feels he is holding water for over three years and he cannot farm the land. The land gets inundated before it gets dried out. Mr. Johnson's land is in the SW1/4-12-132-54. He explained the history of the drain and problems that arose after 1949 when the state highway department built the road. Mr. Johnson would like to see larger culverts through the highway. He has met with the Sargent County Tax Director about reducing the valuation of the land and will meet at the County Board of Equalization in June. He would like the drain maintenance assessment removed from this property as he does not feel he should pay because his land is flooded. Currently he pays 50% of the assessment. Chairman Bosse informed Mr. Johnson that the Board will contact the ND Dept of Transportation to see about a larger culvert. The Water Board owns this drain and the crossing so the Board has decision-making authority and jurisdiction over this crossing necessary. Chad Engels explained this culvert is much larger than the other crossings through Highway 13. Further, it meets the Board's drain crossing standard for legal drains, and otherwise meets the requirements of the State stream crossing standards. Sean Fredricks pointed out that NDDOT would likely question the necessity for a larger culvert if the existing culvert already satisfies the stream crossing standards. Mr. Engels pointed out, and Mr. Johnson agreed, that during high water events, the culvert does not fill completely. Mr. Engels pointed out this is a drain and during floods, water will back up; legal drains are not intended to provide complete flood relief. Mr. Engels suggested Mr. Johnson consider participation in the ring dike program for private landowners. Under that program, the State Water Commission will provide up to 50% cost share. But, Mr. Johnson is concerned about the whole quarter of land and not specifically the farmstead.

A group of landowners from the Cogswell area met with the Board to discuss a water problem in Sargent and Harlem townships. Randy Ptacek explained the problem and asked about a lateral to Drain No. 11. Sean Fredricks explained the process for establishing a lateral including a petition or voting. Chad explained that there are maps available in one foot increments to view the road ditches and topography maps that aids in decision making for alignments. The railroad crossing would be a concern but Chad explained that the Board has the statutory authority to increase the capacity if it is a legal drain at the cost to the railroad. Discussed the process for bonding and maintenance levy, which could be adjusted after the project. Also discussed right of way or easements. Chad explained there is cost share available through the State Water Commission, railroads, county, and state for state highways. NRCS would have to determine where the water elevations/wetlands are located. The group agreed to contact NRCS and affected landowners to see if this is a workable project.

Discussed the farm contracts between this Board and Jeff Breker and Roger Nelson. They will terminate in October 2009. Authorize the Secretary to prepare new contracts for 3 years and both Chairman and Secretary sign each lease at \$50.00 per acre for farmland, pastureland at \$20/acre and \$30/acre on 53.8 acres of CRP. (Breker/Engst, unanimous)

The Sargent Central Envirothon Team won for a second year in a row a trip to Envirothon finals in Ashville, NC. The group is a student group that competes in environmental and water competitions, including competitions in aquatics. The Sargent Central Envirothon Team is requesting financial support for educational

purposes. Manager Jacobson moved that the Board contribute \$500.00 to support water education for the Envirothon Team. Manager White seconded the motion. The motion passed unanimously.

Milnor City sent a letter thanking the Board for their help during the recent flood. They appreciate the Board's input, suggestions and participation in the important decisions made on such an immediate basis. Milnor City feel that they would have fewer problems in the future in the four culverts SCWC#1 were larger and they are requesting that the Board replace the culverts with larger box culverts. Motion to authorize Chad Engels to do a hydrology study on the four crossings in Milnor. (Engst/Breker, unanimous)

Chad Engels reviewed the results from the Drain No. 4 camera study where the culvert has collapsed and looks like an entrance in the middle about 860' from the outlet. There was a joint separation and very little debris. At the inlet end the culvert was collapsed so the camera could not go through there. This can happen if a pipe is not installed/bedded properly. Forman City did the project in 1995 and received monies from FEMA. There is only one way to fix it and that is to replace the damaged areas. Other options were discussed including rerouting the water to the south side of Forman or running the water along the railroad. Board members will try to get the camera back to see if more damaged areas are found. Authorize Chad Engels to prepare two alignments using LiDAR (Jacobson/Engst, unanimous)

The Board read a letter soliciting views on County Road # 10 structure replacement located south of Rutland. The county plan to replace 2 existing structural plate arch pipes (each approximately 11 feet wide by 7 feet high) with concrete box culvert(s) or other similar structure(s). All construction is anticipated to take place within the existing County Road easement which is 75 feet on either side of the existing roadway centerline and should not interfere with Drain No. 8. No comments were made from this Board.

2009 Request for Public Assistance paperwork has been signed by Jim Bosse. FEMA representative will arrive in the county soon and Roger White and Richard Engst both agreed to meet with FEMA to make inspections of the sites. Mark Breker will look over in the eastern part of the county for additional sites.

Jim Bosse explained a problem where culverts have been installed in the road located between Section 9 and 16 in Sargent Township on Drain No. 11. The township agreed to submit this site to FEMA for repair/replacement.

Richard Engst explained some sites on Drain No 7 (SCWC#1) through Milnor City and washouts that occurred this spring. He made some suggestions on the crossings. Milnor City has built a four foot dike along the drain thru the golf course which continues on the north side of First Street out to Drain No. 7 (SCWC#1). The city also placed a dike on the south side of the railroad tracks and later this summer they will construct a dike on the north side of the tracks. Chad Engels will conduct a hydrology study through Milnor City.

Mark Breker reported on Drain No. 12 east of Mike Paczkowski's that the county road department cleaned out the ditch this spring to remove ice and snow and they bent the culverts. Mark Breker talked to Commissioner Mike Walstead.

Mark Breker informed the Board of a meeting regarding the RS# 1 of a culvert blocked with straw and mud. He made the repairs himself.

Discussed the Board per diem allowed by the ND Legislative. Motion to increase to \$120 per meeting effective when allowable (August 1, 2009). (Breker/Engst, unanimous) Motion to increase the Secretary monthly salary to \$316.67. (White/Jacobson/unanimous)

Meeting adjourned at 11:00 p.m.

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JIM BOSSE - CHAIRMAN

ATTEST:

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SHERRY HOSFORD - SECRETARY