

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JUNE 21, 2007 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Dan Jacobson, Richard Engst and Jim Bosse. Absent Roger White.

Kathy Duttonhefner, John Kwapinski and Justin Parks, ND Parks and Recreation attended the meeting to discuss the Resource Management Philosophy and Strategies for Head of the Mountain Nature Preserve. NDPR approved management activities for 2007 and requested a 5 year lease. This would give them an opportunity to plan for management activities. After discussion a motion to approve the five year lease and plan as presented. (Bosse/Jacobson, unanimous)

Kerwin Kostad, Land Dept./Senior Land Agent with TransCanada Pipeline project met with the Board to introduce himself and explain the pipeline project. The pipeline will be located along Drain No. 11 in Section 1,2,11,14,23,26 and 35 in Southwest Township. The Board discussed a utility permit which the Board will require before construction begins, which is scheduled for May 2008. The pipeline will be located 4-5 feet below the grade line of the road ditch and drain. Mr. Kostad questioned #3 on the permit and suggested 180 days instead of 30 to remove any right of way scars including reseeding. The Board will discuss his suggestion with Attorney Fredricks. Mr. Fredericks, upon arrival, indicated that he prefers to leave the 30 days to be sure the work gets completed on a timely basis.

Attorney Sean Fredricks arrived at the meeting at 9:10 p.m.

Tom and Scott Mund met with the Board to discuss tile drain Permit No. 3141 that Tom Mund applied for in September 2006 and got it approved. Permit No. 3156 was applied for but with conditions. He reviewed all the meetings and hearings and questioned the investigation of the Board and minutes of this Board. A lengthy discussion followed on why this Board made the determination that they did on No. 3141 and on No. 3156. The Board explained that other drain permits approved by this Board required flowage easements. Mr. Fredricks indicated that North Dakota law requires water resource districts to consider if proposed drainage will result in adverse affects to downstream landowners. In this case, the Board previously concluded that the proposed drainage would result in flows over the SE ¼ of Section 30-132-53 that exceed the natural flow, which may result in more water for longer periods of time. The Board concluded the SE ¼ of Section 30-132-53 would be adversely affected and that a flowage easement should be a condition to Mr. Mund's permit.

Sparky Engquist, County Road Supt. met with the Board to request culvert sizing on three locations. 1) County No. 12 in Section 6-131-53 - an approach with 2 18" requires removal of one 18" and replacement with a 24". The water is threatening the roadway and the 24" culvert would help relieve some of the water. 2) Another situation at Concordia cemetery in Section 9-131-54 with a lot of water backed up with no culverts between the sections. The water is jeopardizing County # 1. Sparky is requesting 18" culverts between Sections 10 & 15-131-54 on Co. # 1 and 9 & 10-131-54 on the township road in the county right of way and between 15 & 16-131-54 on the township road in the county right of way. (All in Shuman Township) 3) On County # 4A between Section 3 & 4-131-57 and along the road ditch the water has overflowed the roadway four times this year. The 18" culverts are not handling the water and there are approaches that are unnecessary so he proposes to remove the approaches and replace the 18" with 24" in the county road and place a 30" diagonal culvert at the west end between Section 4 & 9-131-57, remove a 30" between Section 8 & 9-131-57 and replace with a 36", 4) East of Rutland there is a problem with a culvert near Grant Gulleson's between Sections 21 & 28-130-54 (Ransom Township) and he requests permission to install an 18" and also an 18" culvert in an approach on the north side of the road to remove water from the county roadway. Motion to approve placement of the above culverts. (Engst/Bosse, unanimous)

Kevin Bopp, President, Forman Golf Course met with the Board to explain water problems at the golf course. Mark Breker viewed the course and the water is flowing through a culvert in the state highway but it flows too slowly. Water is higher this year than it has ever been and they have contacted FEMA. The Forman Golf Course Board would like the Water Board to be aware of their problem and hope that something can be proposed for a long term fix.

Approve May 17, 2007 minutes as amended and May financial statement. (Jacobson/Engst, unanimous)

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

57437 Jim Bosse	Travel	19.32
57438 Richard Engst	Travel	56.70
57439 David Hofer	2 Beaver removal (SCWC#1)	100.00
57440 Dan Jacobson	Travel	10.08
57441 Ohnstad Twichell	DR#3-\$511.45, Tewaukon Watershed/\$625.00	
General-Attorney fees/\$625.00 and General-\$729.99		2491.44
57442 Craig Speich	SCWC # 1	200.00

57443 Weber Township	Cost share on culverts	702.40
57508 Mark Breker	10 PD less 77.86 +\$7.50 meal	729.64
57509 Danny Jacobson	4 PD 25.06 +\$7.50 meal	302.44
57510 Sherry Hosford	Sec. salary less 20.40	246.27
57511 Richard Engst	3 PD less 18.94 + \$7.50 meal	228.56
57512 Roger White	3 PD less 18.94 + \$7.50 meal	228.56
57513 James Bosse	2 PD less 12.24	147.76
DD Sargent County Bank	Withholding taxes	332.13
57534 Mark Breker	Travel	213.78
57536 Roger White	Travel	51.24

Weber Township sent a letter requesting an interpretation from this Board and the county commissioners why the denial of cost share on a culvert in an approach and repairs to the state line roadway. The commissioners are researching who has responsibility of these roadway issues.

The meeting recessed at 11:30 p.m. until June 25, 2007 at 7:00 p.m.

The meeting reconvened at 7:00 p.m. on June 25 with the following present: Mark Breker, Dan Jacobson, Richard Engst, Roger White and Jim Bosse. Absent none.

The fence around Nelson Dam needs to be replaced. The Board inspected it during the Annual Dam Inspection and decided to visit with NRCS and the Nelson's to view the fence. Mark will schedule a meeting with both parties.

Mark reported that the improved project for PW# 985 has been approved by Dept. of Emergency Services/FEMA This is the project in Section 27-130-57 on Drain NO. 11. Board members agreed that it may be a short time until the water recedes before Dave Titus can do the work. Sherry will visit with Sandy Hanson, EMS about the PW and proceeding with the improved project. Mark has been contacted that FEMA representatives will be in Sargent County tomorrow to look for preliminary damage resulting from the May and June excess rainfalls. The Board placed a phone call to Steve Perry, FEMA, and he indicated they would like to go inspect the damage to the drains and make a preliminary damage assessment amount to try to get a Presidential Declaration. Mark scheduled a meeting with Mr. Perry.

Joe Breker will disc up all the spoil bank that Dave Titus Excavating left at the Nelson Watershed project and Crandall Construction will blade all of it to prepare it for seeding.

Board members met on May 24 with the Ransom County Water Board to discuss cost share on culverts that are located on the county line between Bale Township (33-133-56) and Whitestone Hill Township (6-132-56). The Ransom County Water Board would like to place 2 36" with an existing 36" for the west tributary and add two 30" culverts for the east tributary. Motion to cost share 50/50 with Ransom County Water Board for culverts, installation and rip rap on county line work over and above what FEMA doesn't cover and not approve their request for culverts between Sections 27/28 in Bale Township, which is the Dead Colt Creek Channel. (Jacobson/Engst, unanimous)

Discussion followed on lodging rates for Board members. The following resolution was introduced and moved for adoption. (Bosse/White, unanimous)
 WHEREAS, lodging reimbursement rates are set by state legislation at \$50 plus applicable taxes but by county board resolution a higher amount may be reimbursed, and
 WHEREAS, many convention motels do not offer state rates and Board members are required to pay amounts in excess of state rates,
 NOW THEREFORE BE IT RESOLVED, the Sargent County Water Resource Board approves actual lodging reimbursement for Board members and suggests that Board members request amounts be direct billed to the Water Board to eliminate any taxes.
 Voting aye: Bosse, White, Engst, Jacobson and Breker. Nay: None. Resolution was duly declared carried and adopted.

Application to Drain #3178 from Gordon Paul Anderson to install drain tile in 45 acres of SE1/4-2-132-56 was reviewed by the Board. Board members set a time to do a site inspected and instructed the Secretary to send the application to drain to Attorney Fredricks for his review and comments and schedule him for the July meeting.

Kingston Township Board of Supervisors is requesting cost share for a 36" culvert between Section 27 and 34. The existing culvert was washed out and needs replacing. Mark Breker inspected the site and agreed that a replacement is necessary. Approve 1/3 cost share of said culvert that is not paid by FEMA. (Bosse/Jacobson, unanimous)

The Board reviewed a Hydraulic Study prepared by Interstate Eng. Inc. for bridges 135-5.0, 135-5.1, 136-5.0 and 136-5.1 over the Wild Rice River east and west of Section 25-132-53. Several options were listed for the commissioners to consider in correcting these problems.

Other business included discussing easements versus deeds and instructed the Secretary to contact Attorney Fredricks to get further information. Also

discussed seeding grass for Doug and Janel Rubey. Richard Engst received price quotes from Agassiz Seed and will keep the Board posted on the project.

Sandy Hanson sent a letter regarding water problems in Cogswell City. Mark Breker visited the city on June 20, 2007. Dan Jacobson and Jim Bosse are checking to see if the tile is working and will continue with the investigation.

Proposed Assessment Boundary maps, prepared by Mike Bassingwaite, Interstate Eng., Inv. For Richland Drain # 11 and Sargent Drain # 3 were reviewed. Board members felt at this time the boundary is correct.

Meeting adjourned at 9:45 p.m.

MARK BREKER - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY