

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JULY 17, 2008 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

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

Approve June 19, 2008 minutes. (Jacobson/Engst, unanimous)

Approve the June 2008 financial statement and the following bills: (Jacobson/Breker, unanimous)

59372 Daniel Bishoff	Beaver removal - Dr # 9	250.00
59373 James Bosse	Travel	158.85
59374 Mark Breker	Travel	32.40
59375 Richard Engst	Travel	64.80
59376 Sherry Hosford	Plant	46.63
59377 Dan Jacobson	Travel	124.20
59009 Ohnstad Twichell	Attorney fees - General-\$998.60, Bogart/Mund-	
\$600, Breker/Woytassek-\$94, Breker Tile-\$120 Drain No. 4-\$1233.52		3046.12
59379 Doug & Janel Ruby	Tree removal (SCWC#1)	350.00
59010 Roger White	Travel	220.05
2207 Mark Breker	4 PD less 24.48	295.52
2208 Danny Jacobson	5 PD less 30.60	369.40
2209 Sherry Hosford	Sec. salary less taxes	246.27
2210 Richard Engst	3 PD less 18.36	221.64
2211 James Bosse	5 PD less 30.60	369.40
DD Sargent County Bank	Taxes and withholding	251.01

UNFINISHED BUSINESS: Dan, Jim and Mark met at Nelson Dam and made arrangements to have the fence replaced. Coyote Fencing/Chris Smith, Britton, SD will do the fencing. Sherry will contact Larry Bontjes with Red River Rural Telephone to see if the work on Drain No. 3 has been completed. Mark accompanied Tom Jones, NRCS to complete the annual dam inspection. A final inspection report was prepared but a copy has not been made available.

The Board discussed cost share request from Sargent County Commissioners for Bridge 127-20.0 (Breker Bridge). The replacement project includes installing two lines of 10 ft x 10 ft concrete box culvert with road realignment to the west. Motion to pay 50% of the local construction cost of the bridge, specifically this will not include any engineering costs, fencing relocation costs, right of way costs, temporary easements or utility relocation. (Breker/Jacobson, unanimous). According to the engineering estimate the construction cost is \$400,000 with an 80% share of Federal Aid.

Forman City Council visited with Dan Jacobson about replacing a 36" x 100' culvert east of Odean Reinertson's home and crossing under the Maple Ave E near Anderson Body Shop. Agree to reimburse the city for the culvert with the city responsible for installation charges. (Jacobson/Engst, unanimous)

Chad Engels, Moore Eng. arrived at the meeting and presented a final assessment map for Drain No. 4 reassessment. The Board reviewed the changes suggested by Mr. Engels based on comments at the reassessment hearing, and the Board's proposed changes from its June meeting. The Board discussed the percentage apportionments and the proposed boundary of the assessment district and concluded it fairly and accurately reflects the benefits to each parcel in the district.

Jim Nickeson, Veblen, SD sent a letter to the Board regarding land he owns in the SE1/4-16 in Tewaukon Township. The NW1/4 has a small field that has now had a new creek established in the past two years. The creek jumped out of its banks and a totally new wash is being established. Mr. Nickeson feels his neighbor to the west has cleaned his creek and it has caused more water to come faster than before. The best part of this tract now has a deepening creek that is causing him to almost bury equipment getting to the poorer land. Mark Breker agreed to investigate this area and visit with Mr. Nickeson.

Sean Fredricks, Attorney, arrived at the meeting at 8:20 p.m. Mr. Fredricks presented the documents for Drain No. 4 Reassessment.

Manager Breker introduced the following resolution and moved its adoption:

RESOLUTION CONFIRMING THE ALTERED ASSESSMENT LIST
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, the Sargent County Water Resource District reassessed Drain 4 in accordance with North Dakota law; and

WHEREAS, as required by law, the Board published notice and sent mailed notices 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 that has benefited since the establishment of Drain 4, and, held a public hearing on June 16, 2008; and

WHEREAS, the Board determined that certain alterations are necessary from the reassessment list adopted by the Board prior to the hearing to more equitably assess the property in the District; and

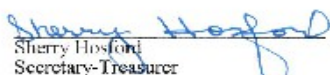
NOW THEREFORE, BE IT RESOLVED that the assessment list attached to this resolution, which has alterations from the list adopted by the Board prior to the hearing, is hereby adopted, approved, and confirmed as the reassessment list for Drain 4.

BE IT FURTHER RESOLVED that the benefits to all tracts or parcels of land within the assessment district will exceed the cost that will be assessed against each tract or parcel of land.

BE IT FURTHER RESOLVED that the Board execute the Certificate attached to the Special Assessment List stating that the assessments are true and correct assessments of the project as confirmed by the Board of Managers of the Sargent County Water Resource District, and that the Secretary execute the Certificate attached to the Special Assessment List stating the list is correct as confirmed by the Board and the Special Assessment List has been filed in her office.


James Bosse, Chairman

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 manager voted aye: Breker, Engst, Jacobson, and Bosse. The following Managers voted nay: none. The following Managers were absent and not voting: White. The majority having voted aye, the motion carried and the resolution was duly adopted.

The Board received a letter from Doug and Janel Ruby, Milnor. The Ruby's letter was in regards to spraying that the Water Board hired done along Milnor Drain # 7 on the Ruby property in the fall of 2006. Following the spraying, in the spring of 2007, there were many dead trees and bushes that needed to be cleaned up. There was no cleanup in 2007 and in the June 2008 the Ruby's hired Sheyenne Valley Tree Service to remove the trees and shrubs that were dead along the banks as a result of the spraying. The bill for \$350 was included for the Board's consideration. After reviewing the easement that the Board has with the Ruby's it was noted that the Board failed to inform the Ruby's of the spraying and approved to pay the bill. (Breker/Engst, unanimous)

Joe Breker and Milt McLaen met with the Board to discuss a project that they are proposing. The project involves installing tile in Lot 7 Section 1-129-55 (Tewaukon Township). This 32 acre field is owned by Milt McLaen. The outlet is proposed for the northwest corner of said lot. Mr. Breker has currently been approved for two other tile projects, one to the west and one to the east. Mr. Breker and Mr. McLaen are asking what has to be done to proceed with the project. Chad Engels, Engineer, and Sean Fredricks, Attorney, reviewed the map and questioned the project and total acres that drain. Mr. Breker and Mr. McLaen indicated the physical area tiled will be 20 acres, and agreed that more than 80 acres of watershed will ultimately drain into the tile. The project will require a drainage permit. The tile will discharge directly into a legal drain; therefore, the project will not likely require any flowage easements. Sean Fredricks suggested that they make an application to the ND State Water Commission for the permit. Mr. Breker and Mr. McLaen indicated their contractor will be near the area soon, and they would like to install the tile as soon as possible. Mr. Fredricks indicated that if the landowners install the tile project before the landowners submit a drainage application, or before the Board can approve the permit (after review and conditions from the State), they do so at their own risk. The landowners understood the risk. Mr. Fredricks explained the Board has no control over what conditions the State places on a proposed permit. The discharge for the tile drain will likely be one foot below the existing channel bottom, which will require some deeper grading. Mr. Engels indicated any grading could cause erosion and bank stability issues, and warned that erosion controls,

including riprap (even upstream) will be necessary. The Board indicated the erosion/bank stability protection issues would likely be a condition to any permit. Also discussed placing a culvert by the Ken Hamilton farm in the S1/2 of 18-129-54 (Weber Township).

Joel Roehl, Professional Vegetation Management, BASF, met with the Board to discuss spraying legal drains in Sargent County. He distributed brochures on Clear cast to control cattails and several other weeds. Applications can be made near desirable hardwood vegetation, controls the entire plant, including the root system, minimal soil residual allows for re-colonization of desirable species, and minimal irrigation restrictions. Mr. Roehl also explained the benefits of Habitat including lower active ingredient per acre, controls the entire plant, including the root system, and allows for re-colonization of desirable species, less water and coverage required for control and wide window of application. Mr. Roehl suggested using both products. The Board will discuss what product to use and contact Midwest Helicopters about spraying the drains.

Joe Breker returned to the meeting with a few more questions. He presented a blank flowage easement regarding his previous permit (conditioned upon obtaining downstream flowage easements). Mr. Fredricks indicated the downstream landowner largely controls the terms of any flowage easement. Mr. Breker also has received correspondence from the Corps of Engineers. Tile projects do not typically require COE permits. Joe also would like to tile 3 or 4 acres where sharp ravine bottoms are eroding and it stays wet. It is hard to cross and the tile will eliminate this problem. According to Mr. Breker, this project would only drain approximately 20 acres of drainage. Mr. Fredricks and Mr. Engels indicated projects that drain fewer than 80 acres do not require a permit.

The Board reviewed the 2009 budget and moved to approve \$235,500 for the General Fund and request a mill levy increase from 2.65 to 3.25 to generate approximately \$10,000 in additional tax money and the following for the individual drains: #2-\$1,000, #4-\$2,000, #8-\$1,000, #9-\$5,000, #11-\$15,000, #12-\$5,000, Water Channel #1-\$10,000 and Tewaukon Watershed-\$10,000. (Breker/Jacobson, unanimous)

Richard Engst reported on sloughing in the bottom of Drain No. 7 through Milnor City. Mark Bogart is building a new home east of Ruby Apiaries and will be moving an existing steel building to allow for the placement of the home. Richard suggested that the drain should be cleaned on the bottom and the back slopes before the home is delivered. He talked to the Sundale Hutterites and they agreed to do the work. Authorize Richard Engst to coordinate this project and comply with the right of way that the Board has for Drain No. 7.

Meeting adjourned at 11:00 p.m.

JAMES BOSSE - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY