

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 17, 2006 AT 8:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Dan Jacobson, Roger White, Randy Ptacek and Richard Engst. Absent none.

Milton McLaen met with the Board to discuss an easement on a portion of Government Lots 5,6,7 and 8 in Section 18-129-54 described as a strip of land 80 wide lying 40 feet on either side of the centerline of the outlet channel of Tewaukon Watershed Dam T-7 containing 11.7 acres. The Board would like to clean this area and are asking Mr. McLaen for an easement. He is concerned about the spoil bank and the trees. The Board assured him the spoil bank will be removed as well as old spoil bank that is present and all the trees will be removed. Mr. McLaen noted there is CRP along the ditch but the Board feels they can work with NRCS to remain in compliance with the Farm Program. Mr. McLaen agreed to sign the easement in consideration of one dollar with a bottom width of ten feet and a flow depth of one foot. William Gulleson has 0.8 acres, which is a portion of Government Lot 8-Section 7-129-54 in the north end and he also indicated to Mark Breker that he would sign the easement with the same stipulations. Dave Titus will be contacted to proceed with the work.

Trace Hanson, Wild Rice Soil Conservation District, met with the Board to present information on testing sites in Sargent County for annual geometric mean fecal coliform bacteria, phosphorus and total suspended solid concentrations. A five-year comparison was presented to the Board. This is funded by the State Health Dept. through the 319 program. Trace also presented a proposal to plant trees, shrubs and grasses by Frenier Dam for Jeff Breker, who would like to enhance and establish 2.3 acres of primitive area along Frenier Dam to be used as an educational tool for classes, clubs (example: Boy Scouts and 4-H Clubs) and family recreation as well as enhance the wildlife habitat. The 319 Program and Lake Agassiz would fund this. The Board owns this land and cash rents it to Jeff Breker but there is concern about liability issues. The insurance agent will be contacted to check on liability and get back to Ms. Hanson.

Motion to approve the July 13, 2006 minutes and financial statement. (Engst/Ptacek, unanimous)

Larry Dahl met with the Board to discuss easements that exist on Drain No. 9 and the easements state that the spoil bank would be put on both sides because at the east end it is very deep and had to be tapered and put on both sides. There was plenty of room to put the spoil on the north side and he offered to work with the Bishoff's but no cooperation could be agreed upon. The Board is responsible for enforcing the easements that are perpetual and Larry felt he could have shut this project down. He decided to work with the contractor and was very pleased with the work that was completed. He encouraged the Board to review the easements and tell the landowners what is in the text of the easements and not to pit neighbor against neighbor. On another issue, he would like to know what could be done with the tree roots along the drain mixed into the dirt and the contractor agreed to come in and hand pick the roots if they have to be removed. This problem will be taken care of for Mr. Dahl.

Dave Titus met with the Board to review bills for work completed on Drain No. 9, the Texas crossing between Section 14 and 23 in Taylor Township and work on FEMA projects. Mark also discussed a project to fix a culvert problem that is causing problems on County No. 3 in Section 21-130-57. Mr. Titus suggested placing clay and riprap in this area to reduce the erosion on the county road. He provided cost estimates for concrete pads to be used instead of rip rap in some areas of drains that is washing out. The Board is interested in installing these between Section 9 and 16-131-57. Dave will contact Dan and go to the site to measure the amount of pads needed to complete this work.

Dave Titus completed the work for a crossing between Section 14 and 23 in Taylor Township as per a request from Harlan Klefstad by placing a rock crossing in this area. Total cost was \$1620.

The Board received notification from Response and Recovery, Region VIII that the level of the environmental review on Section 27-130-57 (Bosse/Hayen) has not been determined. Letters have gone forward to the appropriate parties regarding impact concerns. It was also noted that an Application to Drain must be completed for this area. John Wirries and Mark Breker completed the application and mailed it to the Office of the State Engineer. Application to Drain No. 3135 has been reviewed by the Office of the State Engineer requesting a permit to re-dimension a 1 mile segment of Dr #11. The purpose of the project is to rebuild the drain changing the side slopes of the channel to be more stable. The flow should remain the same as before as culverts will not be removed or changed in the affected section-line roads. This project was determined to not be of statewide or interdistrict significance; therefore it is the responsibility of the Water Board to review this application to drain. The Board reviewed the application, completed the evaluation sheet which includes eight factors considered by the Board in the review of the application. Motion to approve the application. (Jacobson/Engst, unanimous) Mark Breker also signed a request for cost share

participation for Drain No. 11 in Section 27-130-57 to the ND State Water Commission. The NDSWC is meeting to consider the request.

The Lease Agreement and Articles of Dedication for the Head of the Mountain Nature Preserve have been reviewed and a Certificate of Insurance approved from NDIRF. Approve the revised lease and articles as presented and send to ND Parks and Recreation. (Engst/Ptacek, unanimous) The lease states that an annual meeting shall be held no later than June 30th to discuss Nature Preserve planning and management issues. This meeting has been requested to NDPR.

Board members met with Dave Rush, Red River Riparian Council, the SC Park Board and the county commissioners on August 1 at 9:00 a.m. to discuss the final inspection of the shore line stabilization project. Board members discussed their concerns and funding. RRRC will pay 60% on the total project including the additional \$16,105, Red River Joint Water Board has allocated \$11,700 towards their share of 10% of the local cost and ND State Water Commission has agreed to 50% of the local share not to exceed \$23,338. The Park Board agreed to monitor and inspect the project on an annual basis and report any concerns or necessary repairs. Park employees will repair the damage to the gabion area on the west shore line, which will entail filling in wash out holes on west bank with rock, clay and black dirt. This will be covered with fabric. The Water Board will complete an annual report to the ND Regulatory Office on the condition of the project. The Board reviewed the letter prepared by Dave Rush dated July 2, 2006 regarding required maintenance as well as limited mowing conditions that was a requirement of the US ACE 404 permit. All concerns have been addressed. Authorize the Chairman to sign the letter acknowledging the requirements. (Jacobson/Engst, unanimous)

Gerald Friskop, Milnor, ND completed an application to clean and maintain existing ditches along north and east side of his farmstead in the NE1/4-24-132-53 and the east ¼ mile of Section 13-132-53. He proposes to remove an unnecessary approach north of farmstead. He noted that downstream individuals have no objection to the project. Approve said project. (Engst/Ptacek, unanimous) A copy of the application was sent to Richland County.

The Sargent County Commissioners requested cost share on Bridge No. 135-06 located 5 miles south and 2 miles east of DeLamere over the Wild Rice River on a township roadway. There is some concern about the plans for another bridge 127-20 (Clarence Breker) that the commissioners are also requesting cost share so Mark will talk to Damon DeVillers, Interstate Eng., Inc. to visit about placement of the bridge before the Water Board makes a decision. Tabled.

Richard Engst provided an explanation as to why no cost share was received from the State Water Commission to replace the culverts in the Tri-County Drain. The state does not participate in maintenance projects--only providing cost share for those culverts installed as part of a drain project. The county commissioners will get a copy of this information.

The Red River Joint Water Resource Board has requested \$9027 from Sargent County for the 2007 budget year. The commissioners will consider this amount at the Preliminary Budget meeting.

Whitestone Hill Township Board sent a letter to this Board regarding David Totenhagen's request for changes affecting water flow from the NW1/4-7-132-56. Whitestone Hill Township Chairman Jim Asche indicated Ransom County residents expressed concern that drainage has already been increased to an excessive level and they requested that the Ransom and Sargent County Water Boards meet to establish a drainage plan to protect drains from silting and the county line road from damage before any further drainage be allowed. Mark Breker scheduled a meeting with Ransom County Water Board on August 21.

Interstate Engineering, Inc. provided two engineer's opinion of probable cost for Drain No. 3 and Short Foot Creek crossing Co. # 14 south of Geneseo. One estimate is to replace the existing culvert with same size, same location and same length for \$36,074.50. The second is to replace with one line of 12'x5' reinforced concrete box culvert-skewed for \$97,856. The county commissioners are in favor of the second option and FEMA has been at the site to write up a PW for funding under the 2006 disaster and also an improved project.

Todd Stein, Paul Mathews and Gerry Bosse requested all culverts located in the watershed area of the Kraft Slough. Culvert maps from each township involved will be sent to Dave Breker, NRCS as per their request.

Sparky Engquist and Steve Wyum met with members of the Water Board to discuss the upcoming road project on Co. # 7 west of Havana. Tile Drain Nos. 19 and 14 crosses under this roadway and the county would like to put in equalizer culverts on this road before they resurface and felt this would be a good time to make improvements to the tile drain. The tile was installed in 1920 and limited information was available at the meeting. The Secretary was instructed to research both Drain 14 and 19 and provide information at the September meeting.

Approve payment of the following bills: (White/Ptacek, unanimous)

55460 Mark Breker	Travel	258.57
55461 Richard Engst	Travel	82.68
55462 Heitkamp Construction	Final on Silver Lake Shore Line	16,105.00
55463 Dan Jacobson	Travel	108.42
55464 Johnston Fargo Culvert	Dr# 9-4981.12 and Drain #11	760.57
55465 Ohnstad, Twichell	Dr # 11-(Bosse/Hayen easements)	330.00
55466 Randy Ptacek	Travel	78.78
55467 Roger White	Travel	227.76
55534 Mark Breker	13 PD plus meal less	125.22
55535 Danny Jacobson	10 PD plus meal less	77.86
55536 Sherry Hosford	Sec salary less	20.40
55537 Richard Engst	5 PD plus meal less	31.18
55538 Randy Ptacek	5 PD plus meal less	31.18
55539 Roger White	6 PD plus meal less	37.30
DD Sargent County Bank	Withholding taxes	585.65
55544 Dave Titus Excavating	Tewaukon Watershed TX crossing	1620.00
55545 Dave Titus Excavating	Drain No. 9 cleaning	44820.00
55546 Dave Titus Excavating	Drain No. 9 tree removal	34712.50

Meeting adjourned at 12:15 a.m.

MARK BREKER - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY