

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 18, 2005 AT 8:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

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

Sandy Hanson, Sargent County Emergency Manager met with the Board to provide an update on FEMA investigations. Sandy reminded the Board of the RRBC bus tour on August 22 to discuss future flood damage reduction measures in the Wild Rice Watershed. She also stated that Sept. 9 is the date for inspections with FEMA of Water Board damage sites. Moore Engineering, Inc. has agreed to accompany Board members and FEMA to view the areas. Sandy asked the Board to prepare a map of the areas that should be inspected.

Approve July 21, 2005 minutes and financial statement. (White/Jacobson, unanimous)

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

53026 Mark Breker	Travel	60.62
53027 Computer Professionals	Drain Maintenance program	750.00
53028 Dan Jacobson	Travel	48.90
53029 Ohnstad, Twichell	Attorney fees	87.50
53030 Randy Ptacek	Travel	16.68
53031 Red River Basin Commission	Bus Tour sponsorship	75.00
53032 Sundale Hutterian	Refuge spoil level and Tewaukon Watershed cleaning	3352.50
53033 Roger White	Travel	77.59
53097 Mark Breker	6 PD less	27.54 332.46
53098 Danny Jacobson	3 PD less	13.77 166.23
53099 Sherry Hosford	Sec salary less	20.40 246.27
53100 Richard Engst	6 PD less	27.54 332.46
53101 Randy Ptacek	2 PD less	9.18 110.82
53102 Roger White	3 PD less	13.77 166.23
DD Sargent County Bank	Withholding taxes	225.47

OLD BUSINESS: Still waiting for information from Damon DeVillers, Interstate Engineering, Inc. on Bill Gaukler application. The Nepstad culvert and Bridge 114-21 will be submitted for FEMA inspection. Mark reported that Crandall Construction installed several loads of rock on the Texas crossing on the Wild Rice River because Mike Kulzer was unable to cross to combine his crop. Several other areas are to wet and will be carried over until they are dry enough to do the work. The Tewaukon Watershed spoil bank was leveled by the Hutterites and the bill presented for payment. They cleaned from the county road south to Joe Breker's project and the spoil area in the refuge was leveled.

Sherry reported on the Head of the Mountain Nature Preserve lease and she was informed that ND Parks and Recreation are working on the lease and have completed a full assessment of the boundary fence and noxious weeds. They plan to have the draft lease out for the Board to review this month.

The Board inspected the N1/2-7-132-56 requested by David Totenhagen. If a larger culvert is installed it will drain water on the neighbors. In a normal year, the 18-inch culvert should be sufficient. If any culvert change is requested, the Whitestone Hill Township Board must be contacted. The Board feels that if the affected landowners could come to a mutual agreement, this problem would be resolved.

The Nathe-Wyum and Malady/Lunneborg Lake Area was discussed for a possible diversion project. The Board feels that the landowners need to approach this Board with a request to proceed and what the project should entail.

Richard Engst reported on the Darwin Heley Application to Drain in the SE1/4 of SE1/4-28-132-54. Mr. Heley has already mitigated these areas and has been approved by NRCS. He plans to tile the wetland into the existing drain by deepening the drain and filling in the wetland. There should be no affect to downstream landowners. The Board reviewed the application and completed the evaluation sheet. Approve Application to Drain No. 3072 to Darwin H. Heley, Lidgerwood, ND. (Jacobson/Engst, unanimous)

The Board completed a Natural Resources Framework Plan Questionnaire for Red River Basin Commission.

The Board prepared a map for Midwest Helicopters, Larimore, ND to spray areas of the drains for maintenance.

NEW BUSINESS: The Silver Lake Shore Stabilization project will have the bid opening on August 23 at 7:00 p.m. Bids are due to the office at 4:00 p.m. the same day. Approve Amendment No. 1 to the Agreement for Cost Participation by the ND State Water Commission in the Silver Lake Bank Stabilization Project to replace "2005" in line 1 of said agreement to "2007". (Jacobson/Engst, unanimous)

The Board received a copy of a letter addressed to Milnor City from Jack Lalor, Assistant Tewaukon Refuge Manager, regarding the recent flooding in Milnor City. Several areas were addressed and some suggestions made to help reduce future flooding.

Approve the following assessment amounts for each drain for 2005 taxes: Drain No. 2 - \$1.50; Drain No. 3 - \$.25; Drain No. 4 - no levy; Drain No. 8 - \$.25; Drain No. 9 - \$.50; Drain No. 11 - \$.50; Drain No. 12 - \$.50; SC Water Channel Imp. District No. 1 - no levy; Tewaukon Watershed - \$.50 (Engst/White, unanimous)

Sherry Hosford asked the Board for permission to purchase a computer drain maintenance program from the software company serving Sargent County. The cost of the program is \$750 and will allow entry of the benefit factor one time and inputting the amount per acre agreed upon each year by the Board. Currently, an amount for each parcel on each drain must be entered every year following the decision by the Board on assessment amounts. Approve purchase of the program. (Ptacek/Jacobson, unanimous)

Board members accompanied Janet Bradbury, on the annual dam inspection on June 14. All installed drains and watershed dams were inspected and Janet revisited some sites on July 21 which could not be reached in June because of high water. The channels are in good condition and working properly. Trees and leafy spurge in the waterways were sprayed by a helicopter in the summer of 2004. Only one tree at Bergh-McLaen waterway showed signs of life. Janet reported on the July 21 revisit, she found only one "No Farming" sign along the brood/duck pond buffers. There is also large cottonwood in the channel on the south of 30-129-56. An excellent grass stand and vegetation are present at Brummond-Lubke Dam, following short-term grazing the summer of 2004. Janet has discussed a grazing plan with Boyd Brummond, prepared by Ron Herr. Nelson Dam inspection noted the rip-rap which was installed to prevent further erosion on the dam was effective and the water make was as high as ever seen after rains this year. The Board agreed to contact Allen Nelson and agree to purchase fencing materials and ask that he do the installation. Janet also inspected Drain No. 12 and found it in good shape and all drains are functioning properly and free from debris.

Jeff Breker asked permission to put up hay below Frenier Dam. Roger Nelson inquired about haying. Mark indicated to both that it was OK to proceed.

Roger White and Randy Ptacek inspected an area in Denver Township between Section 23 and 14 where the road has caved in. Roger will talk to Mike Kelly about making repairs.

Randy Ptacek made a request on behalf of his brother for a culvert in Section 27-130-58 along Drain No. 11 to enable him to get to his land on the south side of the drain. The Board discussed installing a Texas crossing instead of a culvert. This is along the legal drain but it is not on a section line. The Board felt the landowner should pay for the crossing.

Richard discussed Drain No. 2 and the need to seed some grass. There is some grass starting to grow with weeds but a lot of places are starting to wash. The drain is working well but the excavating that was done earlier was pushed back on Bob Nelson's pasture. Ideally a fence would solve some the problems. Richard agreed to go down and clip the weeds to make it look better.

Duane Breitling provided several Attorney General Opinions dealing with managing water runoff to avoid damage to real property. He suggested that each Board member review a copy of this opinion so that they are generally familiar with this information.

Meeting recessed to Tuesday, August 23 at 7:00 p.m.

The Sargent County Water Board reconvened at 7:00 p.m., Tuesday, August 23 with the following members present: Mark Breker, Dan Jacobson, Roger White and Richard Engst. Absent: Randy Ptacek. Dave Rush, Red River Riparian Commission called the Board at 7:15 p.m. via conference call.

One bid was received for the Silver Lake Stabilization Project from Heitkamp Construction Co., Inc., Wahpeton for a total of \$114,828. Mr. Rush proceeded to discuss some noticeable differences on several bid sheet items, namely #5, #6, #8 #9, #10, #11, #14 and #15. The engineers cost estimate was \$105,210. The Board was hopeful that the bid would be closer to said estimate. Mr. Rush indicated that the Board could re-bid the project, explaining to Mr. Heitkamp the need for more bids, or negotiate with Heitkamp on the items that the Board is questioning. The project is scheduled to begin 20 days after signing a contract and completion date is 180 days. The Board discussed funding needs and instructed Mr. Rush to meet with Heitkamp and the sub-contractor to negotiate and prepare a contract for the Board to review. Mr. Rush will be in contact with Secretary Hosford or Chairman Breker. The Board also discussed the high level of water at Silver Lake at the present time due to excessive rain. Board members will contact the Tewaukon Refuge Manager and inquire about possibly lowering the lake as per an agreement on file with this Board.

Dana Banish, Cayuga and Cari and Gene Wefel, Wahpeton arrived at the meeting to discuss a culvert that has been installed in a township road between Duerr West Township, Richland County and Kingston Township, Sargent County.

Mark Breker inspected the site today and noted that a 36" squash pipe (42"x29") was installed by Duerr West Township without a permit, permission or notification of landowners, Kingston Township or either Water Board on 8/22/05. Ms. Wefel filed a written complaint with the Richland County Water Board and a copy was forwarded to this Board for their review and action. Mark talked to Duane Breitling, Board Attorney and he indicated that the township should have contacted the Richland County Water Board and landowners downstream prior to installation. The culvert was not sized and it appears to be installed too deep. The water will jeopardize Sargent County Road #14 as this excess water is next to this roadway. The Township Road Miles map located in the Auditor's Office indicates that Duerr West Township maintains this mile of roadway.

Mark feels the water that originally flowed into SC Lateral to Drain No. 3 will now be diverted to the culvert that was installed between Section 1-129-53 and Section 6-129-52. The culvert will allow the water to create its own channel instead of flowing into the drain.

Dana Banish would like this culvert plugged now to enable him a chance to till his land this fall.

Gene Wefel also indicated that land he owns in Sargent County will be affected by the level of water in Drain No. 3. Both Mr. Banish and Mr. Wefel filed written complaints with the Sargent County Water Board objecting to the installation of the culvert installed between Section 6-129-52 and Section 1-129-53.

The Board agreed to contact Mr. Breitling to get information on who has jurisdiction over this area and also possibly set up a meeting with Richland County Water Board on Monday, August 29 to discuss the problem.

Meeting recessed subject to call by the Chairman.

MARK BREKER - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY