

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 21, 2008 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND

Managers present: Mark Breker, Richard Engst, Dan Jacobson, Roger White and Jim Bosse. Absent None.

Approve July 17, 2008 minutes. (White/Jacobson, unanimous)

Approve the July 2008 financial statement and the following bills: (Jacobson/Engst, unanimous)

59544 James Bosse	Travel	72.75
59545 Mark Breker	Travel	50.40
59546 Coyote Fencing	Nelson Dam fence project	2560.25
59547 Crandall Construction	Dr # 12/blade spoil bank by R Lee	337.50
59548 Richard Engst	Travel	132.30
59549 City of Forman	Dr # 4 culvert	2681.98
59550 Heitkamp Construction	Dr # 12/blade spoil bank south of Lake Tewaukon	2295.00
59551 Dan Jacobson	Travel	69.75
59552 Langford Lumber Co.	Nelson Dam fence project	2099.37
59553 Moore Engineering	Joe Breker permit	477.50
59554 Ohnstad Twichell	Attorney fees - General-\$657.00 Breker tile -	
\$187.30, Dr # 11/pipeline easement-\$700.00 Drain No. 4-\$45.00		1589.30
59555 Red River Basin Commission	2008 funding	960.00
59556 Roger White	Travel	762.58
2325 Sherry Hosford	Sec. salary less taxes	246.27
DD Sargent County Bank	Taxes and withholding	42.93

UNFINISHED BUSINESS: The Nelson Dam fencing is complete for a total cost of \$4659.62. The cable in the drainage ditch by Rick Bosses' has been removed. The Bergh-McLaen Waterway repairs will begin on September 2, 2008 according to Sparky Engquist, county road supt.

The Silver Lake Dam study according to the engineer is currently working on a computer modeling for the project and when it is completed, he will be submitting his report to his engineering supervisor for review. There are two options that are being considered but nothing will be done in 2008.

The Board discussed the fence project for Head of the Mountain preserve. Mark Breker talked to Bill Huckell and Bill will do the fencing. The Secretary was instructed to contact Kathy Duttonhefner regarding cost-share agreements for the fencing and the kiosk.

The Board proceeded to review a request from a FEMA audit on Drain No. 3 (PW 2116). Mr. Dick Kupitz requested additional information and the Board reviewed the project and provided a breakdown of items to Mr. Kupitz.

Attorney Sean Fredricks arrived at the meeting at 8:20 p.m.

The Board next considered Milton McLaen's Application to Drain No. 3293 to install drain tile in Lot 7, Section 1, Township 129 North Range 55 LTL. This proposed tile drain system will discharge into an assessment drain. The Board's engineer has reviewed the proposed tile drainage system. Mr. Engels suggested that, because the drain will discharge into a legal assessment drain, no flowage easements are required downstream. Mr. Engels did raise some concerns regarding erosion in the Board's drain at the discharge of the tile drain, and he also recommended that the applicant install riprap upstream of the tile outlet, with fabric underneath. The Board concluded no public hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the tile will outlet into a legal drain, and there will not be any adverse impacts to downstream landowners. The Board reviewed and approved Mr. Engels' responses to the Section 89-02-01-09.2 questions. A motion was made to approve Application to Drain No. 3293 contingent upon the conditions attached by the State Engineer's Office, and contingent upon the following conditions attached by the Board:

- 1) that the applicant obtain written permission from the owner of any land, besides land owned by the applicant, on which the applicant will construct the tile system, if applicable;
- 2) that the applicant provide adequate erosion protection at the outlet(s) of the tile system;
- 3) that the applicant install riprap upstream of the tile outlet(s) with fabric underneath; and
- 4) that the applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

(Breker/White, unanimous). It appears that the area of tiling will be 20 acres while the drainage area affected appears to be 411 acres. The outlet from the

tile field will discharge into an Assessment Drain at the North West corner of the tile field by gravity.

Mr. Fredricks prepared and presented a Pipeline Easement for Trans Canada Keystone Pipeline LP, with the standard conditions typically contained in the Board's Utility Permits, for a ninety-nine year, non-exclusive easement under and across certain real property described as follows: Description of a 50 feet wide easement and right of way upon, over, through and across a property of Sargent County Water Resource District situated in the E1/2-11-129-58, said 50 feet wide easement and right of way being situated 25 feet either side of the herein described baseline, said baseline being more particularly described as follows: with all bearings and distances herein being grid, based upon the Universal Transverse Mercator (UTM), zone 14 north, as derived from a global positioning (GPS) survey performed by Universal Ensco, Inc. in June 2008; Commencing at a ½ inch iron rod found, marking the NE1/4 of said Section 11; thence South 88 degrees 54'36" west, to a point in the north line of said Section 11, a distance of 436 feet, to said **POINT OF BEGINNING** of the herein described baseline; thence South 29 degrees 57'46" west, partially across of said Section 11 a distance of 503 feet to an angle point of the herein described baseline: thence south 00 degrees 47'26" east, partially across of said section 11 a distance of 2,217 feet to a point of intersection with the centerline of a 50 feet wide water ditch. Water ditch crosses Keystone Pipeline at a bearing of south 89 degrees 56'48" west. Thence south 00 degrees 47'26" east continuing across said section 11, a distance of 2,635 feet to a point in the south line of said section 11, said point being the **POINT OF DETERMINATION** of the herein described baseline, from which a ½ inch iron rod with cap found marking the southeast corner of said section 11 bears north 88 degrees 41' 53" east a distance of 673 feet. Motion to approve said easement. (Jacobson/Breker, unanimous)

The Board received a request from Dickey Rural Networks for a utility permit for underground cable and fiber optics in the Milnor area. Attorney Fredricks will review the permit and return for Board action at the September meeting.

Approve the following maintenance assessment amounts for each drain for 2008 taxes: Drain No. 2 - \$1.50; Drain No. 4 (new assessment area for 2008 - \$1.00; Drain No. 8 - \$.25; Drain No. 9 - \$1.50; Drain No. 11 - \$1.00; Drain No. 12 - \$1.50; SC Water Channel Imp. District No. 1 - \$1.00; Tewaukon Watershed - \$1.00. (Jacobson/White, unanimous) Drain No. 3/now known as Richland Sargent Drain No. 1 will be assessed \$2.00 per benefited acre as per Joint Board action on August 18, 2008.

Commissioner Breker introduced the following resolution and moved its adoption:

**Red River Basin
Resolution of Support**

WHEREAS, we recognize that our actions today impact the legacy we leave the next generation;

WHEREAS, we realize that working together allows us to develop and implement creative solutions to problems that work toward the betterment of the whole basin;

WHEREAS, the Red River Basin Commission (RRBC) is a unique organization that facilitates a cooperative approach within the basin and as a well established forum for identifying, developing and implementing solutions to cross boundary issues;

WHEREAS, the RRBC has developed the Red River Basin Natural Resource Framework Plan (RRB-NRFP) through in-depth basin-wide consultation as a guideline to help unite the basin in achieving a collaborative and cooperative approach to land and water management within the basin;

THEREFORE, BE IT RESOLVED that the SARGENT COUNTY WATER RESOURCE BOARD hereby declares support for the RRB-NRFP in principle as a guideline for moving forward with a shared vision for the future;

BE IT FURTHER RESOLVED, that the SARGENT COUNTY WATER RESOURCE BOARD will do our part by implementing projects, programs, and actions in our area as we are able that will contribute to this shared vision.

Commissioner Engst seconded the motion. All managers voted aye, no one voted nay and the resolution was duly carried and adopted.

Bridge 127-20 (Breker Bridge) was discussed by the Board following a request from the county commissioners to cost share more than 50% of the local construction cost. Motion to cost share 50% of the total local cost of the bridge replacement not to exceed \$80,000. (Breker/Jacobson, unanimous) Further that the county commissioners be notified that this Board would like advance notice of any future bridges which the county plans to replace to get input from this Board before plans and estimates are prepared.

Meeting adjourned at 9:35 p.m.

JAMES BOSSE - CHAIRMAN

ATTEST:

SHERRY HOSFORD - SECRETARY