

**MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, SEPTEMBER 20, 2007 AT 7:00 P.M. IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, ND**

Managers present: Mark Breker, Dan Jacobson, Richard Engst, Roger White and Jim Bosse. Absent None. Also present: Attorney Sean Fredricks, Dave Titus, Bismarck, Bernie Vculek, Oakes, Chad Engels, Moore Engineering, Inc., Dick Ruby, Milnor, Damon DeVillers, Interstate Engineering, Inc. and Gordon Paul Anderson, Lisbon.

Dave Titus explained the work that his company has completed on Drain No. 11 in sections 21, 22, 23, 27, and 28-130-57. He has also completed the 2005 FEMA repairs and channel improvements. He is working on Drain No. 3 and County Road # 14 and is waiting for the culvert to be made and delivered. Other work is pending on all the 2007 FEMA projects. Board members will review the Project Worksheets later this evening and sign off on the acceptable projects.

Richard Engst reported on the culvert in Milnor City that is too high. The contractor felt there was very little drop and it was not necessary to lower the culvert. The culvert was placed incorrectly and there is a problem at this site. The extension doesn't line up with the channel. The Milnor City Council would like to have the culvert lowered 5 inches and would like this Board to approve this work and pay one-half of the costs. There is approximately 1800 feet that need to be cleaned, the road would have to be cut and culvert reset. Dave Titus said there is 4" of water in the ditch and if the ditch is not cleaned on both ends the water will not drain. Damon DeVillers said that the deepest cut is 8/10 of a foot. Dave Titus estimated \$7,000-\$8,000 to do this project. Board members feel this was an error by the contractor and he should be responsible for the work. Richard Engst said the contractor is unwilling to talk to him about the problem. The city hired the contractor and should work with him to get this problem resolved. This Board agreed to pay one-half of the cost up to \$1600.00 and negotiate on the labor when the work is completed. Discussed placing sheet piling or concrete mats by the roadway. Mats would cost about \$3000. Another option would be to take out the culvert and angle it and place it at the correct elevation. Richard asked if Sundale Hutterian contractor would do the work correctly next year, will the Water Board pay one half of the cost. Tabled.

Those arriving at the meeting at 8:00 p.m. were Jerome Johnson, Roger Johnson, Max Fuxa, Sales Manager, Ellingson Drainage, Tom Mund, Scott Mund and Dennis Peterson. The Board proceeded to review Application to Drain No. 3178 for Gordon Paul Anderson. Mr. Anderson explained to the Board what has transpired since the August meeting and that he agreed to pay the expenses of an engineer to review the project. Mr. Chad Engels, Moore Eng., Inc. updated the Board on the survey he conducted and reported that with tile the water will run almost all the time at a low flow at approximately 350 gallons per minute. Mr. Engels indicated the water is sheet water since it is drainage of land not normally subject to standing water. Mr. Engels presented a topographic map and explained that the watershed area is well over 80 acres. Mr. Fuxa stated that most tile flow starts and stops with rainfall. The tile flow is designed to go to the north but any surface flow will go to the south and east. As a result of the tile outlet into the State Highway 32 ditch, water will flow north through the road ditch, then it will cross into the NW1/4-1-132-56 through a culvert. The parties agree that is water that would not normally flow into the Northwest Quarter. Roger Johnson stated that their land cannot hold any more water. Mr. Anderson feels the affects would be negligible. Mr. Fredricks said the state highway must be considered for any adverse affects and Chairman Breker reported that this project has been approved by NDDOT. Mr. Anderson proceeded to explain his findings on salinity, total runoff and other factors on tile drainage which should decrease peak flow and generally decrease downstream flow. Water quality was discussed and it was suggested that there are tile drains that could be tested. Mr. Anderson stated that any salinity issue would be temporary. Mr. Johnson indicated that any salinity will be damaging to his property. The Board concluded that there would be adverse affects to Roger Johnson's property. Motion to approve the permit with the following conditions: the normal conditions attached by the State Engineer's Office, Mr. Anderson must acquire flowage easements from the landowners in the NW1/4-1-132-56, written permission from NDDOT and all other necessary permits. (Bosse/Jacobson. Roll call vote: Aye: Engst, Bosse, Breker, Jacobson. Nay: White. Motion carried.)

Tom and Scott Mund met with the Board and Tom Mund asked the Board if they had investigated the Obstruction to Drain Complaint, which he had filed with the Board. Mr. Fredricks explained the four concerns that must be addressed. They are: 1) if there is a drain (artificial drain or channel) or a natural watercourse; 2) if there is an obstruction to the drain or watercourse (obstruction is a barrier to the drain or watercourse); 3) if the landowner caused the barrier by his "negligent act or omission"; and 4) if the barrier "materially" affects the free flow of waters in the watercourse or drain. Chad Engels had inspected the area earlier in the day and reported on the four concerns. For the first item, he said there is a meandering swale; for the second item, he referred to Mr. Mund's complaint which only refers to cattails, and indicated that the

Board could consider if cattails are an obstruction; for the third item, he said the Board could consider if cattail growth is a result of landowner's negligent act or omission; and for the fourth item, he said the cattails do materially affect the free flow of the drain. Mr. Engels explained that the landowner was more than willing to correct the problem. Mr. Mund stated that the real problem is a washed-out cattle crossing with two small culverts, and requested that the Board have its engineers investigate that issue more. Mr. Engels will investigate the washed-out crossing and culverts and will talk to the landowner about potential pipe sizes and elevations. The Board will consider this matter further at its next meeting.

Tom Mund and Scott Mund left the meeting at this point following a contentious discussion.

Mark Breker indicated he asked Chad Engels to investigate the Mund/Kuehn matter. The Board agreed, but decided to confirm. A motion to hire Moore Engineering, Inc. to inspect the situation with the Mund Obstruction complaint and provide the Board with a written report at the October meeting. (Bosse/White. Roll call Aye: White, Engst, Breker, Bosse, Jacobson. Nay: None. Motion carried)

Gary Thornberg, Havana and Chuck Anderson, Weber Township Board met with the Board to request permission to install a 36" squash by approximately 45' culvert placed across the township road between Sections 13, 14, 23 and 24-129-55 and provided some photos of the area. There is a concrete box approximately 400' from the intersection and this culvert would be added to this area (north/south) to make the water flow. A motion to approve 1/3 of the culvert cost. (Bosse/Jacobson, unanimous) Mr. Thornberg would like to clean out the road ditch and the Board provided an Application to Drain for him to complete and send to the State Engineer.

Bernie Vculek asked the Board about a Texas crossing on Drain No. 11 between Sections 14-23-132-58 where concrete piers from the old bridge are washed out. It was suggested to put rock in there but Mr. Vculek and Roger White suggested placing cement in there instead of rock because this has washed out. Roger White will continue working on this site.

Chad Engels explained the maintenance assessment on SCWC # 1 and the need to prepare a list with the benefited acres. He also discussed Drain # 4 reassessment and will meet with Dan Jacobson this fall to review the area.

Approve August 16 and 31, 2007 minutes and August financial statement. (Bosse/White, unanimous)

Received and reviewed a study prepared by Interstate Engineering, Inc. for the replacement of a structure approximately 5 miles south of Rutland and 1/2 mile east between Section 18 & 19-129-54. A motion to approve placement of a 42" x 40' culvert including installation and Weber Township, Sargent County and this Board each pay 1/3 of the culvert cost. (Jacobson/Engst, unanimous) Mark Breker will meet with the county commissioners on October 2 to explain the project and ask for their cost share.

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

57931 Jim Bosse	Travel and Dr # 11 tractor & cultivator	690.80
57932 Brampton Farm Service	Bosse/Hayen Dr # 11 seeding	331.60
57933 Mark Breker	Travel	249.30
57934 Crandall Construction	Frenier & Nelson Dam outlet	840.00
57935 Dave Titus Excavating	Dr #11 FEMA & cleaning work	148582.50
57936 Mike Engst	SCWC#1 grass seeding	120.00
57937 Richard Engst	Travel	205.20
57938 Randy Gibbon	SCWC#1 loading rock	60.00
57939 Gwinner Farmers Elevator	Dr # 11 winter wheat	44.94
57940 Interstate Eng.	Dr # 3 reassessment	2697.75
57941 Dan Jacobson	Travel	178.20
57942 Johnston Fargo Culvert	SCWC#1 culvert	2694.92
57943 Moore Eng.	Dr # 11 FEMA and 2007 flood	14796.08
57944 Ohnstad, Twichell Law Offices	Mund/Kuehn-\$95.75; Tom Mund - \$300;	
Paul Anderson permit-\$352 and General	\$500	1247.75
57945 White Company	Dr # 11 seeding CRP	150.00
57946 Roger White	Travel	193.05
57947 Whitestone Hill Twp	Culvert cost share	2577.73
57948 Wild Rice Soil Cons. Dist.	Dr # 11-drill rent	70.00
1141 Mark Breker	10 PD less 77.86 + meal	729.64
1142 Danny Jacobson	7 PD less 43.42 + meal	524.08
1143 Sherry Hosford	Sec. salary less 20.40	246.27
1144 Richard Engst	10 PD less 75.53	724.47
1145 Roger White	5 PD less 31.18 + meal	376.32
1146 James Bosse	12 PD less 109.10 + meal	858.40
DD Sargent County Bank	Withholding taxes	650.82

Meeting adjourned at 11:45 p.m.

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MARK BREKER - CHAIRMAN

ATTEST:

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SHERRY HOSFORD - SECRETARY