

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JANUARY 18, 2018, AT 9:30 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Lucas Siemieniewski, Roger Zetocha, Bruce Speich and Todd Stein. Absent: Korey Martinson. Also present: Sean Fredricks, Board Attorney and Chris Gross, Board Engineer; Robert Banderet, Cogswell; Paul Mathews, Cogswell; and Board Secretary-Treasurer Sherry Hosford.

ENGINEERING INTERVIEW: Moore Engineering, Inc. was the only firm that submitted a proposal for engineering services to the Sargent County Water Board, and the Board invited Moore to interview. Nicholas Gludt, PE, Moore Engineering, Inc. (MEI) ND Regional Manager/Vice-President was present for the interview portion of the meeting. Mr. Gludt thanked the board for allowing MEI the opportunity to work with the board. Chris Gross presented a handout and highlighted areas including: mission statement, values, professional qualifications, qualifications of personnel, time and budget requirements, experience on water projects, and work that MEI has conducted for this board. The Board previously approved an INITIAL REPORT and a SECOND REPORT regarding the engineering selection process required under the North Dakota State Water Commission's Cost-Share Policies. Following the interview, the Board members completed an evaluation of Moore Engineering, Inc., in a FINAL REPORT. Motion to select MEI as the Sargent County Water Board's engineering firm, to approve the FINAL REPORT (attached to these minutes), and to provide written notice of the Board's decision to the North Dakota State Engineer (along with a copy of the FINAL REPORT). (Speich/Stein) Upon roll call vote, the motion carried unanimously.

Approve December 21, 2017, minutes and December 2017 financial report. Manager Zetocha moved to approve. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills:

76469	Moore Eng. Inc.	General-\$340.00; Shortfoot Creek Study - \$17,241.84; Dr#11 Litigation-\$160.00;		
			= TOTAL	\$17,741.84
76470	ND Water Resource Ass'n	2018 Dues		675.00
76471	ND Water Users Assn	2018 Dues		300.00
76472	Greg Nelson	Drain application refund		76.20
76473	Ohnstad Twichell	General-Don Rust Tile-\$33.00; Engineering Selection-\$277.50; Short Foot Creek Study-\$104.70; Dr# 4-Hoistad-\$244.50; Dr#7-\$327.08 Dr#11-198.00;		
			=TOTAL	\$ 1,184.78
76474	Sargent Co. Treasurer	Dr#4 City Specials - \$154.13; Dr#7 City Specials - \$210.36	=	\$364.49
76475	Lucas Siemieniewski	Travel /Conference registration/Lodging		824.93
76476	Bruce Speich	Travel		27.25
76477	Todd Stein	Travel		8.72
76478	Roger Zetocha	Travel		54.50
14478	Sherry Hosford	Salary less taxes	507.05	1692.95
14479	Roger Zetocha	Per Diem less taxes	54.89	425.11
14480	Lucas Siemieniewski	Per Diem less taxes	45.90	554.10
14481	Todd Stein	Per Diem less taxes	45.90	554.10
14482	Bruce Speich	Per Diem less taxes	18.36	221.64
DD	Sargent County Bank	Withholding Taxes		991.68

Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 4: Sean Fredricks reported to the Board that the real estate transactions contemplated by the Purchase Agreement between the Board and the City of Forman, and under the Settlement Agreement signed by the Board, the City, Rick Hoistad, and the other parties that were involved in the litigation, are now complete. The City of Forman disputed their obligation to reimburse the Board for costs associated with the project as required under the parties' Joint Powers Agreement. Sean indicated the Settlement Agreement did not supersede the terms of the Joint Powers Agreement so the City is responsible for all costs, with the likely exception of costs directly resulting from the Hoistad litigation. The Board will not pursue reimbursement of those litigation costs from the City.

EMERGENCY ACTION PLANS: Plans are prepared for both Brummond/Lubke and Nelson Dams and are awaiting the final meeting of local personnel that will be involved in any emergency concerning these dams. A Doodle Poll has been sent out to those personnel and asked for dates and times that are preferred. According to Chris only four have responded and eight did not respond and none of the dates work for a meeting. Chris has decided that he will meet with those individuals one on one, hand out the plan; and will meet with the entire group if a flood event becomes imminent in the future.

SHORTFOOT CREEK STUDY UPDATE: A Landowner meeting for property owners in the Park Lake area will be held in Geneseo on Friday, February 2, 2018 at 10:00 a.m. Information will be shared from some

agencies that also own land in the area and the Project Coordinator hopes to layout the direction for proceeding with some further study in the area.

RS# 1: Board members were reminded of three upcoming meeting dates – January 30, March 13 and April 10, 2018. Interstate Engineering, Inc. also presented a bill for payment for \$4,703.40 – services from June 11, 2017 to January 13, 2018. Manager Stein moved to approve payment of the bill seconded by Manager Speich. Upon roll call vote, the motion carried unanimously.

GWINNER DAM BREACH: Chris Gross reported that due to the overrun on the Gwinner Dam Breach project (\$11,547.88), the Board may be eligible for additional cost -share for the project. The Board authorized Chris to prepare a letter and supporting documentation to submit to the ND State Water Commission to request additional cost-share.

STATE WATER COMMISSION 2019-2021 WATER DEVELOPMENT PLAN: There is a deadline of March 23, 2018, for identifying potential water development projects, the timing of their implementation, and estimated costs for projects in Sargent County, for inclusion in the State's Water Development Plan. Board members will be prepared at the February or March meeting to name any projects that should be included in this plan.

DRAIN NO. 11: Manager Siemieniewski inspected the south lateral on Drain No. 11 and indicated that with the new Heimbuch project water is flowing out of the lateral. Luke feels that a clean-out may be necessary from County Road #3 by Meszaros Slough south to the Heimbuch project. The Board tabled the matter. Luke also reported that the old tile on Drain No. 16, now known as Drain # 11, is broken and caving in. The new tile was placed adjacent to the old tile and the farmer has to drive around these areas. Questions were asked on how deep the new tile was placed and when the project was completed and why the old tile was not removed. Tabled for additional information.

CHAD HEIMBUCH: Mr. Heimbuch requested cost share for 2 36-inch x 100 foot culverts under Co. Road #5 for water to flow under the county road and into Drain No. 11 for his project. Sean Fredricks indicated the anti-gifting clause of the North Dakota Constitution prohibits political subdivisions, like water resource districts, from providing public funds to private parties for private purposes. With that in mind, the Board cannot legally contribute to Mr. Heimbuch's project. Manager Speich moved to deny the request for cost share. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

CITY SPECIAL ASSESSMENT TAXES ON CERTAIN LANDS IN DRAIN NO. 7 ASSESSMENT AREA AND DRAIN NO. 4 ASSESSMENT AREA: Sherry inquired about 2017 tax statements received from the Sargent County Treasurer regarding city special assessments on parcels purchased for the Drain # 7 Improvement Project and the Drain No. 4 land acquisition. The Auditor's Office has removed the real estate taxes for these parcels but feels that the water board should pay the special assessment for streets and sewer. Sherry agreed to contact both Milnor and Forman City to request payoff amounts for these city specials.

Meeting adjourned at 11:20 a.m.

LUCAS SIEMIENIEWSKI - CHAIRMAN

ATTEST:

SHERRY HOSFORD
SECRETARY-TREASURER