

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JANUARY 19, 2017 AT 8:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Roger Zetocha, Korey Martinson, Luke Siemieniewski and Todd Stein. Absent: None. Also present: Chris Gross, Board Engineer; Sean Fredricks, Board Attorney; Scott Mahrer, Forman; Paul Mathews, Cogswell; Bob Banderet, Cogswell; Gerry Bosse, Cogswell and Brian Vculek, Crete.

Luke Siemieniewski and Korey Martinson met with the county commissioners on January 17, 2017 and asked for removal of Richard Engst from the Sargent County Water Board. Also present at the meeting was Richard Engst and former water board member Mark Breker. Luke and Korey explained to the commission several incidents that Richard was involved in that were not authorized by board action and incidents which he failed to do as authorized by the board. Jayne Pfau, Assistant States Attorney informed those present what are grounds for removal from the board and also that the person removed may request a hearing. As information was being shared for a hearing, Richard Engst offered his verbal resignation and did not request a hearing. The county commission asked Richard for his resignation in writing and at this time are still awaiting the written resignation.

Approve December 15, 2016 minutes and December financial statement. Manager Zetocha moved to approve. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills. Manager Martinson seconded the motion. Upon roll call vote, the motion carried unanimously.

74407	Dickey-Sargent JT WRB	Administrative Expenses	996.60
74408	Landmark Drainage LLC	Dr # 7 payment #3	102,315.71
74409	Korey Martinson	Travel	108.32
74410	Moore Eng. Inc.	General-\$415.60; Shortfoot Creek Study-\$28,794.75; Dr#11-\$23,026.55; Dr#7I&S-7,154.72; Gwinner Dam - \$2,530.60; Dr#7-Culvert sizing - \$87.80; Mahrer/Ellefson Complaint-\$327.80; Greg Nelson Permit-\$87.80; Vculek permit-\$87.80; Dr#4-\$260.60 = TOTAL	62,774.02
74411	ND WRD	2017 Dues	475.00
74412	ND Water User's	2017 Dues	300.00
74413	Ohnstad Twichell	General-\$1,207.50; Dr#4-\$373.00; Dr#7 project-\$1,739.45; Dr#11 project-\$2,546.88; Gwinner Dam-\$1,476.00; Mahrer/Ellefson Complaint-\$108.00 =TOTAL	7,450.83
74414	Luke Siemieniewski	Travel	787.82
74415	Todd Stein	Travel	17.20
74435	Roger Zetocha	Travel	567.11
13079	Sherry Hosford	Salary less taxes	493.92
13080	Roger Zetocha	2 PD less 23.19 taxes	216.81
13081	Luke Siemieniewski	6 PD less 55.08 taxes	664.92
13082	Korey Martinson	4 PD less 66.55 taxes	413.45
13083	Todd Stein	2 PD less 18.36 taxes	221.64
DD	Sargent County Bank	Withholding Taxes	970.62

DRAIN NO. 7 CHANNEL IMPROVEMENT PROJECT: Chris informed the board that Sean Fredricks sent a letter to Landmark Drainage, LLC, Moorhead, MN regarding a Liquidated Damages Claim. The letter notified Landmark that the Board has the right to assess liquidated damages against Landmark for its failure to meet the substantial completion and final completion deadlines under the construction contract. The Board could assess up to \$2,000 per day. Chris also noted that due to the delay in the completion date, there will be additional engineering fees in order to provide an engineer at the job site until project completion. Chris recommended that the Board approve Payment No. 3 for \$102,315.71 which would leave a balance due to finish the project of \$195,959.53 plus retainage. Brent and Blake from Landmark arrived at the meeting and asked the board if they had any concerns on the project. Board members stated that safety was their biggest concern as well as assuring them that the road would be passable and usable this spring. The contractor stated that he has a gravel contractor lined up to place gravel on the road when and if it is needed.

MAHRER-ELLEFSON COMPLAINT: Luke reported that neither contractor was contacted by Richard to install the pipe plugs in the unpermitted drainage project as directed at the last meeting. Richard Engst did order the pipe plugs and charged them to his credit card and planned to assist Paul Ellefson in installing the plugs. The Board authorized Richard to hire a contractor at the December 2016 meeting and have the contractor do the work, not the landowner. Luke has talked to JAV Construction and they will do the work but now there is concern about being able to do the work under these weather conditions. Luke agreed to obtain the pipe plugs and invoice from Richard and contact JAV Construction to see if the work can be completed. The board is adamant that a contractor should do the work.

SHORTFOOT CREEK WATERSHED PLANNING PROJECT/NRCS: Chris informed board members that a planning committee meeting is scheduled for January 31, 2017 in Geneseo at 1:00 p.m. to review maps and preliminary alternatives for projects.

STORM LAKE MAINTENANCE DISTRICT: Karen Goff, PE, Dam Safety Engineer, ND State Water Commission recently verified that the location of the control structure or gate structure that is shown on their maps is the same US Fish and Wildlife structure that has been referred to as Storm Lake Dam. The NDSWC concluded that they had some inaccurate information in their database, including the location, and they will get that corrected to correspond to the USFWS structure. The board instructed Sean Fredricks to prepare a letter to all the agencies with this information and to put this project to rest.

RS # 1: Board members reviewed bills presented by the RS # 1 secretary for payment. Authorize payment of a bill for \$2,451.00 to Interstate Engineering, Inc. for services through January 7, 2017 and to Ohnstad Twichell for \$150.00 for a Utility Permit for Luke Siemieniewski and acknowledge date of upcoming meeting as January 24th at 9:30 a.m. in Wahpeton.

Sean Fredricks arrived at 9:00 a.m.

DRAIN NO. 7 CLEANOUT: During the recent cleanout of Drain No. 7, the contractor notified Luke that he felt the two crossings on the outlet end had culverts at higher elevations than necessary. The board requested Moore Engineering, Inc. to investigate and Chris informed the board that he had some survey documents from the past on these two sites. In reviewing it does appear that the four 60" culverts under County Road No. 12 are about 2 feet too high and at the township road crossing at 143rd Ave that the 2 48'-112"x75" arch pipe are also too high. There is a 30" culvert in the bottom to take the low flow at this site. Luke also noticed that the culverts under the county road are rusting out and in poor shape. The board agreed to inspect these two sites in the spring and asked Sherry Hosford to report to the commission on the culvert under the county road.

DRAIN NO. 11: Chris reported on the Drain No. 11 project that MEI is working with state and federal agencies and also on a timeline for the project. Eleven letters were resent to landowners who had not returned their NRCS 3rd Party Release form, which are necessary to obtain information on new or historic wetland certifications on the property. Sean provided some information on the Consultation Report for Drain No. 11 which includes data for the board to make to offers to landowners for cropland, non-cropland and pasture land for fee simple acquisition of acreage along the corridor of the project. Mr. Fredricks asked board members to review the recommendations and be prepared to discuss and decide on these values at the February 2017 meeting. Regarding another public meeting, Chris Gross would like to wait until the design is ready, comments from all agencies are received and a budget for the project has been established.

DRAIN NO. 11 REASSESSMENT: Chris provided a proposal for engineering services for a reassessment of Drain No. 11 to the board including the task, cost and schedule. MEI will help the Board conduct the requisite benefit analysis required to conduct the reassessment, provide technical aspects of GIS and computer drafting, and serving as the spokesperson for the board during the public hearing. The total engineering fee proposal was (not to exceed) \$22,500 with a completion date of July 20, 2017. Attorney Fredricks also provided a timeline which includes several regular scheduled board meetings, mailings to landowners, a Notice of Hearing for the public hearing, review and investigation of comments after the hearing and the board providing Chris Gross final direction and any modifications to the proposed Assessment List before the final adoption of the list in July. A cost for mailing and publishing notices was estimated at \$2,500. Board members discussed the last big reassessment was in 1983, followed by another one to bring in Tile Drain No. 16 in 1996 and a review of the southernmost portion of the drain in 2012 and feel it is necessary to proceed with the reassessment. Manager Stein made a motion to proceed with the reassessment based on the information provided from MEI and Ohnstad Twichell at today's meeting. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. Sean will prepare a Resolution for the Board's consideration at the February meeting to formally commence the reassessment process.

GWINNER DAM: The board invited the Ransom County Water Board and Todd Larson to the meeting today to once again discuss relocating the Gwinner Dam. Neither party attended the meeting. Chris had prepared letters for the board to consider including a cost-share request form to the ND State Water Commission for \$31,875.00 to breach the dam and a Notification to Breach/Remove the Dam to the ND State Water Commission and finally a letter to the US Army Corps of Engineers, ND State Regulatory Program Manager to seek comments or concerns they may have or foresee with the Gwinner Dam breach. Manager Stein made a motion to authorize the secretary to sign the above documents and send them out to the respective agencies. Manager Martinson seconded the motion. Upon roll call vote, the motion carried unanimously. The board still is interested in a retention dam and agreed to meet with Ransom County Water Board with Chris Gross in February to see if they have any comments on a retention dam.

CITY OF FORMAN FLOODWATER OUTLET PROJECT COST OVERRUN: The State Water Commission Project 1219 has prepared Amendment 1 to the above project to amend the original agreement to increase the amount paid by the SWC to Sargent County from \$348,070 to \$363,610 for additional costs

incurred in said project. Manager Stein made a motion to authorize the Chairman to sign the amendment. Manager Martinson seconded the motion. Upon roll call vote, the motion carried unanimously.

OVERHEAD STORAGE UNIT FOR DISTRICT OFFICE: Sherry made a request to purchase an overhead storage unit and printer stand for the district office at a cost of \$505.40. The unit and stand will provide additional work space in the office. Manager Zetocha made a motion to approve the purchase. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Meeting adjourned at 11:05 a.m.

LUKE SIEMIENIEWSKI - CHAIRMAN

ATTEST:

SHERRY HOSFORD – SECRETARY-TREASURER