

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, NOVEMBER 19, 2015 AT 9:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Luke Siemieniewski, Jim Bosse, Roger Zetocha, Korey Martinson and Richard Engst. Absent: None. Also present: Board Attorney Sean Fredricks (via teleconference); Chris Gross, Board Engineer; Brian Vculek, Crete; and Tom Jones, NRCS.

JULIE VCULEK, SUBSURFACE DRAIN APPLICATION FOR THE NW1/4-24-141-57: Brian Vculek was present at the meeting to present an Application to Install Subsurface Drain and explained the project to Board members. The outlet to the project is into a lake and the land area to be tiled is 130 acres. The project is adjacent to a county road and board members expressed concern for the roadway. The board engineer and attorney determined that a thirty day notice is not required and will review the project and record landowners and determine if this application is of statewide significance. The results will be reviewed by the board at the next meeting.

Application to Install a Subsurface Drain for Douglas Harris in the West Half of Section 29 in Denver Township

The Board reviewed an *Application to Install a Subsurface Drain* dated October 15, 2015, for Douglas Harris. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements, and the Board concluded therefore the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Applicant submitted this application to modify his proposed tile plan regarding the West Half of Section 29 in Denver Township, Sargent County, North Dakota. The original plan sought drainage of wetlands and the Board previously determined the original permit application met the “statewide significance” criteria under N.D. Cent. Code § 61-32-03.1 and Chapter 89-02-01 of the North Dakota Administrative Code. However, Applicant submitted the current application with a modified plan. Under the new application, Applicant seeks to install a drain tile system in the West Half of Section 29; this modified plan will impact seven smaller potholes in the West Half of Section 29 that are only seasonal in nature, and the project does not trigger any of the “statewide significance” criteria. The project will include a pump outlet that will discharge on the north boundary of Section 29 into the North Dakota Department of Transportation’s Highway 13 right of way.

Because the proposed project will discharge directly into NDDOT right of way, the Board provided a *Thirty-Day Notice* under N.D. Cent. Code § 61-32-03.1 to the North Dakota Department of Transportation. The Board will require Applicant to obtain permission from NDDOT to utilize NDDOT’s right of way.

According to records on file with the Sargent County Recorder’s Office, Applicant owns the West Half of Section 29 in Denver Township.

It was moved by Manager Zetocha and seconded by Manager Engst to approve *Application to Install a Subsurface Drain* dated October 15, 2015, for Douglas Harris in the West Half of Section 29 in Denver Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant obtain written permission from North Dakota Department of Transportation to discharge into, or otherwise utilize, any of its county highway right of way;
- 3) That Applicant install and maintain adequate erosion protection at any and all outlets into North Dakota Department of Transportation’s right of way;
- 4) That Applicant must operate the pump in the following manner:

Applicant cannot operate the pump from December 1 of each year until at least ten days after the spring runoff flood crest at the USGS flood gage in Rutland;

- 5) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 6) That Applicant notify the Sargent County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;

7) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Sargent County Water Resource District; and

8) That 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.

Upon roll call vote, the motion carried unanimously.

Approve the October 15, 2015 minutes and October financial statement. (Zetocha/Bosse, unanimous)

Motion to approve payment of the following bills: (Bosse/Martinson, unanimous)

72349	James Bosse	Travel	66.70
72350	Richard Engst	Travel	52.90
72351	Korey Martinson	Travel	110.98
72352	Moore Eng., Inc.	Engineering general fees - \$467.50; Dr # 4 – Hoistad-\$1,172.50; Dr # 11-\$2,516.40; Jackson Township/Quandt Brothers complaint - \$1,006.50 =	TOTAL 5,162.70
72353	Ohnstad Twichell	General - \$876.00; Kelley/Hemminger-\$289.00; Silver Lake Dam - \$283.00; Dr # 11-Paul Mathews-\$209.43; Kent Carpenter Tile-\$252.88; Doug Harris Tile-\$130.62; Theresa Erickson Surface Drain-\$51.00; Dr # 4 – Hoistad - \$1071.00	TOTAL 3162.93
72354	Quill Corporation	File folders	19.48
72355	Richland County WRD	August/September billing-RS #1	558.38
72356	Lucas Siemieniewski	Travel	92.00
72357	US Post Office	Postage due	1.10
72358	Roger Zetocha	Travel	115.00
11469	Sherry Hosford	Salary less 101.54 taxes	868.46
11470	Richard Engst	4 PD less 37.52 taxes plus 10.50 meal	452.98
11471	James Bosse	3 PD less 27.54 taxes	332.46
11472	Roger Zetocha	2 PD less 23.19 taxes	216.81
11473	Lucas Siemieniewski	3 PD less 27.54 taxes	332.46
11474	Korey Martinson	3 PD less 44.37 taxes	315.63
DD	Sargent County Bank	Withholding taxes	480.23

GWINNER DAM RELOCATION: Chris Gross provided a preliminary HEC-HMS modeling results of Site 4 and Site 7. Both sites were modeled with a 30 inch RCP principal spillway and a 200 foot earthen emergency spillway. Chris reviewed the frequency, duration, total rainfall, total runoff, inflow, outflow, peak storage and peak reduction for several year/hour events and the peak reduction for a common damage center (Milnor City). All sites reviewed included data of the peak flow and reductions at Milnor City. Both Site 4 and Site 7 have shown to be great sites to consider for retention. The next step is to contact landowners with an access agreement to enter their land to perform preliminary geotechnical analysis. Korey, Roger and Lucas agreed to contact the landowners to visit with them and explain the retention project and see if they would allow Braun Intertec to access their land. Sean will conduct deed searches on the land that is being considered to obtain names of all owners and draft access agreements. The Board will approve the access agreements at the December meeting.

RICK HOSITAD LITIGATION: Sean informed board members that the depositions are now scheduled for December 2nd with a request to be held in Forman. The trial date is set for February 24-26, 2016 in Forman.

DRAIN NO. 2: Richard reported that Comstock Construction Inc. is doing the work on Drain # 2 and has the crossing by Bruce Speich's completed. If the weather holds they are hopeful to get the Foertsch crossing completed. Richard informed the Board that there are 2 extra 30 inch by 30 foot culverts which will not be needed on this project and he had contacted Sparky Engquist, county road supervisor to see if the county would like to purchase these from the water board. Sparky indicated that the county plans to widen the road in this area and could use these culverts. Sherry will follow-up with Sparky and the other commissioners to see if their purchase will be OK'd.

DRAIN NO. 12: Comstock Construction Inc. is also planning to do some ditch cleaning on Drain No. 12 south of Geneseo. Earlier the board estimated that the area to be cleaned is approximately ¾ mile and it appears it is now closer to one mile. Amend earlier motion authorizing Comstock to do the ditch cleaning to from ¾ mile to one mile not to exceed \$9,000. Motion by Manager Engst and seconded by Manager Martinson. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 8: Chris reported that he has attempted to work with the Prindiville family on the project and has provided an opportunity for the Prindiville's to attend the last three meetings including this meeting. The Prindiville family also indicated they would provide the board with a letter explaining their concerns. To date, the board has not received this letter. With the board wanting to proceed with the project, they motioned to

authorize Moore Engineering, Inc. to develop a preliminary assessment district and a benefit list for the Board to review and approve. They further authorized Ohnstad Twichell to obtain a desktop appraisal of the land that will be needed for the project. The Board will contact the Sargent County Commissioners regarding the allocation of funds from surge money that was agreed upon earlier this year. Motion by Manager Zetocha and seconded by Manager Engst. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 11 ASSESSMENT DISTRICT EXTENSION INTO RANSOM COUNTY: Ransom County Water Resource Board contacted this Board on October 20th that they do not feel at this time that it would be beneficial to the landowners in Ransom County. After reviewing the map with the easements, they felt there is a vast majority of undrainable land in this area. Ransom County further stated that if this board would like to meet on this issue again that the landowners should be invited for their input.

DRAIN NO. 11 – LLOYD PTACEK CULVERT: Jim reported that Mr. Ptacek ordered the culvert and had it installed. No bill for this project has been received at this time.

DRAIN NO. 11 – CULVERT NO. 27: Jim reported that this culvert has caved in the center and needs replacement. Motion by Manager Bosse and seconded by Manager Martinson to replace this culvert according to the culvert study and authorize Dakota Improvement to install the culvert for a cost not to exceed \$1,500. Upon roll call vote, the motion carried unanimously.

IN THE MATTER OF THE COMPLAINT OF ILLEGAL DRAINAGE FILED BY BEVERLY KELLEY AGAINST RANDY HEMMINGER, DONALD RUST, PHYLLIS THOMPSON AND JAMES BOSSE: Attorney Fredricks explained the State Engineer returned the complaint to the Board's jurisdiction. The State Engineer "determined there is insufficient evidence to uphold or act against the District's dismissal of the Complaint." The Board found there was sufficient evidence to support its original finding that Mr. Rust adequately filled-in the unpermitted drainage and otherwise remedied the drainage, and that he restored both ditches to their previous condition. Sean prepared draft FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER for the board to consider. Motion to approve by Manager Zetocha and seconded by Manager Martinson. Upon roll call vote, voting aye: Zetocha, Martinson, Engst and Siemieniewski. Voting nay: None. Abstaining (based on previous conflict analysis): Bosse. Motion carried.

DRAINAGE COMPLAINT FILED BY JACKSON TOWNSHIP AGAINST QUANDT BROTHERS: Dan Delahoyde, Chairman of Jackson Township was unable to be present at today's meeting and John Quandt was not invited to the meeting, therefore the investigation by board members and Moore Engineering, Inc. was tabled until the next meeting when all parties will be invited to the meeting.

RICHLAND/SARGENT # 1 ADMINISTRATIVE AGREEMENT: Board members reviewed the agreement at a Special Meeting on RS#1 held in Wahpeton yesterday. Motion by Manager Zetocha and seconded by Manager Bosse to approve the Richland-Sargent Joint Water Resource District Administration Agreement. Upon roll call vote, the motion carried unanimously.

STORM LAKE OUTLET PROJECT: Motion to authorize the Chairman to sign an Agreement for Cost-Share Reimbursement for the Storm Lake Outlet Project between the Red River Joint Water Resource District and this board. The project includes developing a federal maintenance district in accordance with the NDCC 61-16.1-40.1 for purposes of improving, maintaining, and operating the Storm Lake Outlet Project, as more specifically identified in Member's cost share request to the Joint Board dated October 15, 2015. The Joint Board has approved cost-share for the project up to a maximum of \$22,915.75. Motion by Manager Zetocha and seconded by Manager Engst. Upon roll call vote, the motion carried unanimously.

JANUARY 2016 MEETING DATE: Due to the absence of the Secretary for the month of January a request was made to not hold a regular meeting during the month. A special meeting may be called if necessary.

Meeting adjourned at 12:45 p.m.

LUCAS SIEMIENIEWSKI – CHAIRMAN

ATTEST:

SHERRY HOSFORD – SECRETARY-TREASURER