

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, FEBRUARY 16, 2017 AT 8:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Lucas Siemieniewski, Roger Zetocha, Todd Stein and Korey Martinson. Absent: None. Also present: Board Attorney Sean Fredricks; Chris Gross, Board Engineer; Gerry Bosse, Bob Banderet and Paul Mathews.

The meeting was called to order by Sherry Hosford, Secretary-Treasurer and the Board proceeded to organize for 2017.

The Oath of Office was signed by Lucas Siemieniewski, Geneseo and Roger Zetocha, Stirum-reappointed for three-year terms-expiring February 1, 2020.

Nominations for Chairman. Motion for Lucas Siemieniewski. Stein/Zetocha. No other nominations. Motion to cast a unanimous ballot for Siemieniewski. (Stein/Zetocha. Motion carried.)

Nominations for Vice-Chairman. Motion for Roger Zetocha. Martinson/Stein. No other nominations. Motion to cast a unanimous ballot for Zetocha. (Martinson/Stein. Motion carried.)

Re-appoint Sherry Hosford as Secretary-Treasurer. (Zetocha/Stein, unanimous)

Approve 2017 meeting dates on the third Thursday of each month beginning at 8:00 a.m. All dates and times will be on file in the County Auditor's Office. (Stein/Martinson, unanimous)

Approve following appointments to other boards which members serve: DICKKEY/SARGENT JOINT BOARD – Members- Zetocha, Siemieniewski and Stein – alternates – Martinson; RED RIVER JOINT BOARD – Member – Siemieniewski – alternate Martinson; RICHLAND/SARGENT # 1 – Members – all; TRI-COUNTY BOARD – Member – Martinson – alternate Siemieniewski. Zetocha/Stein. Upon roll call vote, the motion carried unanimously.

Approve January 19, 2017 minutes and January 2017 financial statement. Zetocha/Martinson. Upon roll call vote, the motion carried unanimously.

Approve payment of the following bills: Zetocha/Stein. Upon roll call vote, the motion carried unanimously.

74466	Korey Martinson	Travel	75.44
74467	Moore Eng. Inc.	Mahrer/Ellefson-\$85.00; Dr # 11 - \$10,044.10; Shortfoot Creek-\$32,589.05; General fees-\$628.80; Dr# 7 culverts-\$967.55; Dr#4-\$1124.10; Gwinner Dam-\$1652.55; Dr#7 Channel Imp.-\$2,784.91; = Total	49,876.06
74468	Ohnstad Twichell	General - \$949.00; Mahrer/Ellefson-\$954.00; Dr#11-\$559.60; Dr#7-\$1891.85; Dr#4-Hoistad-\$352.00 = Total	4706.45
74469	Quill.com	File pockets	49.99
74470	Lucas Siemieniewski	Travel	329.56
74471	Todd Stein	Travel	449.40
74472	Roger Zetocha	Travel	128.40
13199	Sherry Hosford	Salary less 493.92 taxes	1506.08
13200	Roger Zetocha	4 PD less 66.55 taxes	413.45
13201	Lucas Siemieniewski	4 PD less 36.72 taxes	443.28
13202	Korey Martinson	4 PD less 66.55 taxes	413.45
13203	Todd Stein	4 PD less 36.72 taxes	443.28
DD	Sargent County Bank	Withholding Taxes	1032.34

GWINNER DAM: Chris Gross reported that the State Water Commission (SWC) had some questions on cost share percentages and his office is providing SWC with a breakdown of probable cost to breach the dam. At 3:00 p.m. today Roger, Korey and Chris are meeting with members of the Ransom County Water Board to discuss a further study of a retention project in Ransom County. The intent of the meeting is to gather comments and gauge if there is any interest by the Ransom County WRD to enter into a joint powers agreement if a retention project was to move forward. The board will also discuss the Drain No. 11 reassessment that is ongoing and again ask the Ransom County WRD if they would participate in taxing landowners in Ransom County WRD for the benefit they receive from Drain No. 11. Roger, Korey and Chris will report back at the next meeting. Sean Fredricks provided a draft sample Access Agreement to enter upon landowners' properties for purposes of conducting the dam breach of Gwinner Dam. The Board will review and discuss when the Board is prepared to proceed with landowner interaction.

DRAIN NO. 7 CHANNEL IMPROVEMENT PROJECT: Chris Gross discussed overage for engineering services due to the contractor not completing the project on schedule. He wanted the board to be aware of excess engineering fees. The Board previously preserved their rights to assess liquidated damages against the

contractor. The Board can make final decisions on L.D.s later, and can recover its costs for engineering, legal, and other expenses from liquidated damages.

DRAIN NO. 8: Luke Siemieniewski visited with Bill Anderson, Rutland regarding the Jacobson Plumbing and Heating bill. Mr. Jacobson is seeking an additional \$1300 from this board for work that he did within the city limits of Rutland for a crossing across Drain No. 8. Board members authorized the work done by Mr. Jacobson not to exceed \$6,000. Mr. Anderson will read over minutes from this board, visit with the Rutland City Council and schedule a meeting with of members of this board, Mr. Jacobson and Rutland City Council.

DON AND WILL RUST AND CHAD HEIMBUCH SUBSURFACE APPLICATIONS: The Rust's and Chad Heimbuch arrived at the meeting at 8:30 and each explained their proposed projects in Section 7, 8, 10, and 18 in Brampton Township. Portions of these projects could complement each other. The Rusts had not completed the paper work but did provide maps for their two projects. They were given paper work to complete. Chad Heimbuch had completed the paper work for both Section 8 and 18 and will decide whether to continue as one project or split into two projects. Chris Gross and Sean Fredricks reviewed the maps and made comments about the procedure for drainage projects. When final paper work has been submitted the secretary will forward to everyone.

MAHRER-ELLEFSON COMPLAINT: Paul Ellefson arrived at the meeting at 9:00 a.m. to discuss the pipe plug which he installed on one of the culverts in the unpermitted project located in Section 7 of Shuman Township. Mr. Ellefson provided pictures of the pipe plug and said he was not aware of a second site needing to be plugged. Mr. Fredricks informed Mr. Ellefson that a letter dated October 3, 2016 addressed to Loren Ellefson clearly stated the two sites that must be plugged. Mr. Ellefson claimed he was not aware of what Shuman Township planned to do with their drainage project. Mr. Ellefson feels that none of his water will flood the Mahrer's, and has offered to remove the pump. Mr. Fredricks indicated that damages are not required under the drainage complaint statute so impacts to the Mahrer's is inconsequential from a statutory perspective. As the water is very deep at this time at the second site that needs to be plugged, board members agreed that due to safety reasons, the second plug should be installed this spring when weather conditions allow. Mr. Ellefson asked if he could install the plug himself and board members felt that the first one was installed correctly and they authorized Mr. Ellefson to install the other site in the spring. When this has been completed, Mr. Ellefson agreed to provide pictures to the board and the board will determine if the Ellefson's has met their obligations regarding the complaint.

DRAIN NO. 11: A cost-share agreement from the SWC was reviewed. Manager Martinson move to authorize the Chairman to sign the agreement. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. The amount of the cost share is \$1,417,967. Board members discussed the Consultation Report regarding right of way values for the Drain No. 11 project, which included maps, sale data, and the appraiser's conclusions regarding values for the right of way interests necessary for the project. The board would like to review the proposed amounts and table their decision until the March meeting.

DRAIN NO. 11 REASSESSMENT: Chris Gross provided a series of maps for board members to review outlining the current assessment district, watershed boundary and other drain assessment districts that are adjacent to Drain No. 11 district. He also provided a map with the existing percentage benefits for each parcel and outlying areas from 1, 2, 3, and 4 miles. Board members inquired about pulling some Dickey County land into the Drain No. 11 assessment district also. After much review and discussion board members agreed that additional maps showing fish and wildlife easements; productivity index map; land use with the top five types of use; shaded relief map with elevations; and another percentage map with percentage of total area at 100% would be helpful tools for the board to view and for landowners to understand. Chris will prepare these maps for the board to review in March. The Board indicated May 18 would likely be the date for the public hearing on the reassessment, but will formally set the hearing at a future meeting.

SHORTFOOT CREEK WATERSHED PLANNING PROJECT/NRCS: Chris informed board members that another planning committee meeting is scheduled for March 2, 2017 in Geneseo at 1:00 p.m. to prioritize alternative sites.

DRAIN NO. 7 CULVERTS: The culverts, on Drain No. 7 which may be too high in County Road # 12 and the township road to the west might be some of the problems but it appears that there is work needed south and east of the outlet to the drain. If landowners are interested in discussing an extension to Drain No. 7, they could be invited into an upcoming meeting to discuss the process. Board members will talk to landowners and invite them to the March meeting at 10:00 a.m. to see what the interest is for a drain extension. Regarding replacing the culverts, Manager Zetocha made a motion to authorize Moore Engineering, Inc. to conduct a hydrology study and provide a recommendation of concrete box culverts for the county road site and the township crossing. Manager Martinson seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 4: Chris updated the board on the land agreement with Forman City and Rick Hoistad. The Forman City Attorney, Jayne Pfau, is working on the problem and will be in touch with Chris.

ACKNOWLEDGEMENT OF SECTION 1619 COMPLIANCE: In order for this board to better partner with the NRCS in the planning and development of flood damage reduction projects and conserve the State's

natural resources, it is necessary to share cooperators and land user information between NRCS and this board. To do this and insure proper security of Personally Identifiable Information, NRCS requires acknowledgement by this board of the requirement of Section 1619. Motion by Manager Stein and seconded by Manager Martinson to authorize the Chairman to sign the Compliance Agreement. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION FOR ATTORNEY CONSULTATION REGARDING POTENTIAL LITIGATION WITH PAUL MATHEWS AND OTHER LANDOWNERS REGARDING THE DRAIN 11 IMPROVEMENT PROJECT:

Chairman Siemieniewski read the Executive Session script prepared by the Attorney General, and the Board recorded the Executive session. The legal authority for closing this portion of the meeting is NDCC 44-04-19.1 regarding attorney consultation to discuss litigation threatened by Paul Mathews and other landowners regarding the Drain 11 project. Motion by Manager Zetocha and seconded by Manager Martinson to go into Executive Session. Upon roll call vote, the motion carried unanimously. The Board asked members of the public to leave at 11:48 a.m. The Board went into Executive Session, and those in attendance were Luke Siemieniewski, Roger Zetocha, Todd Stein, Korey Martinson, Sherry Hosford, Sean Fredricks, and Chris Gross. The Executive Session adjourned at 12:21 p.m. and the public was invited back into the meeting room.

MOORE ENGINEERING BILLING SCHEDULE: Chris Gross presented a copy of the 2017 billing rates for the Board.

RS # 1: Board members reviewed bills presented by the RS # 1 secretary for payment. Authorize payment of a bill for \$11,375.80 to Interstate Engineering, Inc. for services through February 4, 2017 and to Ohnstad Twichell for \$1,051.61 for services through January 21, 2017. Placed a call to Monica Zentgraf, Secretary for RS#1 to discuss Phase II project and a conference was scheduled for February 21 at 9:30 a.m.

Meeting adjourned at 12:50 p.m.

LUKE SIEMIENIEWSKI - CHAIRMAN

ATTEST:

SHERRY HOSFORD – SECRETARY-TREASURER