

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, FEBRUARY 20, 2020 AT 8:00 A.M. IN THE COMMISSIONERS ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

Managers present: Todd Stein, Lucas Siemieniewski, Bruce Speich, Michael Wyum and Roger Zetocha. Absent: None. Also present: Chris Gross, the Board's engineer; Sean Fredricks, the Board's attorney; Sargent County Commissioner Richard Ruch, Robert Banderet, Paul Mathews and Sherry Hosford, Secretary-Treasurer,

The meeting was called to order by Lucas Siemieniewski and the Board proceeded to organize for 2020.

The Oath of Office was signed by Lucas Siemieniewski and Roger Zetocha both reappointed for three-year terms ending February 1, 2023.

Nominations for Chairman. Motion for Lucas Siemieniewski. No other nominations. Motion to cast a unanimous ballot for Siemieniewski. Stein/Speich. Upon roll call vote, the motion carried unanimously.

Nominations for Vice-Chairman. Motion for Michael Wyum. No other nominations. Motion to cast a unanimous ballot for Wyum. Speich/Stein. Upon roll call vote, the motion carried unanimously.

Roger Zetocha arrived at this time.

The following appointments were made: Re-appoint Sherry Hosford as Secretary-Treasurer. **DICKEY/SARGENT JOINT BOARD** – Members- Zetocha, Siemieniewski and Stein and alternates – Wyum and Speich; **RED RIVER JOINT BOARD** – Member-Wyum and alternate - Siemieniewski; **RICHLAND/SARGENT # 1** – Members – all; **TRI-COUNTY BOARD** – Member – Speich and alternate - Siemieniewski. Upon roll call vote, the motion carried unanimously. Appoint Sean Fredricks, Ohnstad Twichell Law Office as the Board Attorney. Speich/Wyum. Upon roll call vote, the motion carried unanimously.

Approve 2020 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/Zetocha, unanimous)

Manager Speich moved to approve the Board's January 16, 2020 minutes and the January 2020 financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills:

| | | | |
|-------|---|---|-----------------|
| 80071 | Dell Marketing LP | Computer Software | 265.24 |
| 80072 | Moore Eng. Inc. | General meetings-\$350.00; Gary Thornberg Permit-\$87.50 | Silver Lake |
| | Feasibility Study - \$1,050.00; Shortfoot Creek-\$15,912.50; Dr#11-Design Engineering-\$3,350.00; Dr#11-ROW-\$8,490.50; Dr#11-Wetland Mitigation-\$1,865.00; Dr#11 Culvert Crossing-\$87.50; Dr#11-Files to H2overviewers and Jerry Meade meeting-\$1240.00 | Dr#12-Project Development-\$1,293.65; Brummond-Lubke Dam Imp. – closeout- \$140.00 = | TOTAL |
| | | | 33,866.65 |
| 80073 | Ohnstad Twichell | General meetings-\$559.00; Kelley-Mathews-\$686.00; Steve Kasowski permit-\$420.35; Steve Kasowski permit-\$403.25; Dr#11 Imp. Project –public meeting, road crossings and abstracts-\$1,073.00 = | TOTAL 3,141.60 |
| 80074 | Lucas Siemieniewski | Travel | 37.95 |
| 80075 | Bruce Speich | Travel | 46.00 |
| 80076 | Todd Stein | Travel | 108.10 |
| 80077 | Michael Wyum | Travel | 372.03 |
| 80078 | Roger Zetocha | Travel | 28.75 |
| 17467 | Sherry Hosford | Salary less taxes | 557.65 1,642.35 |
| 17468 | Roger Zetocha | 1 PD less 9.18 taxes | 110.82 |
| 17469 | Lucas Siemieniewski | 2 PD less 18.36 taxes | 221.64 |
| 17470 | Todd Stein | 3 PD less 27.54 taxes | 332.46 |
| 17471 | Bruce Speich | 2 PD less 18.36 taxes | 221.64 |
| 17472 | Michael Wyum | 6 PD plus one meal less 55.88 taxes | 674.62 |
| DD | Sargent County Bank | Withholding taxes | 983.73 |

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

WILD RICE SOIL CONSERVATION DISTRICT SUMMER WORKERS: Kelsey Hedlund, District Technician, Wild Rice Soil Conservation District met with the Board to discuss hiring summer workers again in 2020. In the past the Board has initially approved 200 hours and if necessary increased the hours. Board members agreed that there will be work for the summer youth and the Board will determine where the locations are during the annual inspection. Sherry informed the Board that 322.25 hours were worked in 2019 and 306 hours in 2018. The Board committed to another 200 hours for 2020 and will visit if more hours are necessary.

DRAIN NO. 11: Chris reported that landowner meetings on the Drain No. 11 Improvement Project have been very productive and many issues have been resolved. One landowner has a concern on placement of berm and that will be resolved soon and allow Moore Engineering, Inc., to proceed with obtaining information for the right of way legal descriptions and Purchase Agreement preparation. Chris also informed the Board of his meeting with Jerry Meade on the Wildlife Preserve and Mr. Meade plans to take his ideas back to the Tewaukon Refuge Fish and Wildlife contact and then visit with Chris again to go over the potential project. The **railroad culvert** has been delivered north and west of Cogswell and according to Chris the railroad wants to get this installed before spring runoff. Chris has provided the railroad with the culvert size and specifications and will also provide the survey information for proper elevation placement of the culvert.

DRAIN NO. 11 REASSESSMENT: Board members continued the discussion on the reassessment of Drain No. 11. Updated information has been provided by the H2 OverViewers and there is still concern by the board of the cost. The updated cost per acre is \$1.65. Drain No. 11 consists of 204,160 acres for an estimated projected cost of \$336,864.00 to complete the reassessment. A lengthy discussion followed to consider other options at a lesser cost. Luke will attend a meeting in Bismarck on April 13th or 14th with state legislators and State Water Commission personnel and other county water board members to discuss reassessment needs in North Dakota and the possibility for cost-share for reassessments. One of the Board's concerns is due to the cost of this process, it would bankrupt most of the county drains if North Dakota adopted the Minnesota viewer process for conducting assessment and reassessment benefit analysis. Moore Eng., Inc. (MEI) had been working on the reassessment when the litigation against the Board was filed, so MEI does have data that has been prepared. With the existing data, Moore would have to conduct additional work, and Moore would also want the Board to provide some direction in terms of the level of review; Moore could similarly conduct on-the-ground reviews and more detailed inspections at more cost to the drain, though still less than H2OverViewers, but the level of specificity is up to the Board. This project has to be affordable and with all the new technology since Drain No. 11 was last reassessed, Board members feel that this could be accomplished using the current data, adding more data sets and information that Sargent County will have available in December 2020 from The Sidwell Company. If landowners within the drain would like to provide to the Board information for additional layers, the information can be taken into consideration during the reassessment process. Once the Board and Chris talk through the level of specificity, Chris can prepare an engineering proposal.

Application to Install a Subsurface Water Management System No. 2020-01 for Gary Thornberg in the Northwest Quarter of Section 26 in Weber Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-01* dated February 6, 2020, for Gary Thornberg; Mr. Thornberg and Jerry Woytassek were present to discuss the project and the application. Under the application, Applicant seeks to install an additional 25-acres of drain tile to supplement the existing 75 acres of tile in the Northwest Quarter of Section 26 in Weber Township, Sargent County, North Dakota. The project will discharge via a gravity outlet in the northeast corner of the Northwest Quarter of Section 26; the outlet will connect to the tile systems in Section 23 previously permitted by the Sargent County Water Resource District under Permit Nos. 3601 and 3602 for Mr. Thornberg.

Because the project will connect to Applicant's existing system in Section 23 on property owned by Applicant, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1.

According to records submitted by Applicant, Gary and Mary Ann Thornberg own the Northwest Quarter of Section 26 where Applicant will install the tile system, as well as the downstream property in Section 23 previously tiled by Applicant, the system that will act as the outlet for Applicant's project in the Northwest Quarter of Section 26.

Manager Stein moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-01* dated February 6, 2020, for Gary Thornberg in the Northwest Quarter of Section 26 in Weber Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-01, subject to the following condition:

- 1) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant consider complying with the following:

- 1) 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; and

2) 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.

DRAIN NO. 11 JOINT POWERS AGREEMENT WITH THE SARGENT COUNTY COMMISSION:

Bill Anderson and Richard Ruch, representing the county commission, were present to review the process for entering into a Joint Powers Agreement (JPA) with the water board for several crossings that will be improved during the Drain No. 11 Improvement Project. Sean Fredricks explained that, under ND law, counties have to pay 40% of the costs of crossing improvements to county or township roads necessary to accommodate a legal assessment drain. In this case, rather than requesting an up-front lump sum payment, the Board wanted to offer the County options in terms of timing of payment, and to make these payments over time. Under the JPA, the County would agree to pay the Board for its 40% share of all county and township crossing improvements for the Drain 11 project over the course of six years, and the Board would include the County's share in the Board's bond package. If the county prefers to pay back its share in a single lump-sum payment, the County can certainly do that. Crossings have been identified and the County portion is estimated at \$200,546.98. A draft JPA was prepared by Attorney Fredricks and will be emailed to Jayne Pfau, SC States Attorney and Damon DeVillers, Interstate Eng., the county engineer for their review.

DRAIN NO. 12 IMPROVEMENT PROJECT: The State Water Commission approved cost-share for the Drain 12 project at the SWC's meeting on February 13. Manager Wyum moved to authorize Secretary Hosford to sign, upon receipt, the Cost-Share Agreement with the State Engineer, and to authorize Moore Eng., Inc. to develop Final Plans, Specifications and Bid Packets for the project. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. Bid opening is planned for early May and project length should not exceed 4-6 weeks. The Board directed Sean Fredricks to prepare a Joint Powers Agreement for the County regarding crossing improvements necessary to accommodate the Drain.

SILVER LAKE DAM IMPROVEMENTS: Michael Wyum and Chris Gross attended a meeting in Bismarck at the State Engineer's Office requesting 75% cost-share of the project's eligible costs to install a toe drain at Silver Lake Dam as recommended by the feasibility study. During the meeting the staff informed Michael and Chris that they had downsized the request to 40% based on their determination that this is not a dam safety project but rather a recreation project. This reduction in funding will be a significant hardship for Sargent County and the Sargent County Park Board. Chris noted the study identified that there is uncontrolled seepage conditions in the dam embankment which would, in fact, cause a safety issue for the dam. Installing the toe drain would alleviate the concern of uncontrolled seepage through the dam embankment while maintaining the pool for recreational use and continuing the protection to upstream structures. Chris addressed the committee and explained why the project should qualify for 75% cost-share; the committee did indicate that they could discuss the request again at their March subcommittee meeting. In the meantime Chris suggested that a cost share application be prepared and submitted to the Outdoor Heritage Fund for funding of this improvement project. Application deadline is March 13.

MIKE LARSON, LARSON HELICOPTER SPRAYING, PERHAM, MN: Mike arrived at the meeting to report on past spraying practices that he has done for Sargent County. He has done spraying for most of the counties in eastern ND as well as MN counties from Canada to Fargo and prefers to do the spraying the end of July and into August. While drains are hard to get to, Mr. Larson feels that he has a good hold on spraying and this does reduce the number of times that a drain needs to be sprayed. In the past this Board has provided Mike with maps of the drains to be sprayed in June after the Board completes their annual inspection of the drains and dams and then Mike will do a fly over and mark the spots to be sprayed. The cost per mile has not changed—a copy of this 2020 prices is on file in the office- and he appreciates working for Sargent County and hopes to continue doing so.

STATE WATER COMMISSION 2021-2023 WATER DEVELOPMENT PLAN: The board reviewed a listing from the 2019-2021 Project Information and Planning Form. Board members were in agreement to remove Drain No. 12, Silver Lake Dam Repairs, and Gwinner Dam from the list and add the following: Drain No. 9 Extension, Drain No. 8 Channel Improvement, Drain No. 7 through Milnor City and east to State Highway 13, Drain No. 16, Brampton Greenway, and Drain No. 11 Reassessment. A copy of the project planning form will be provided to Sherry for the board's files when they are completed by Moore. Manager Stein moved to authorize Moore Engineering, Inc. to prepare the 2021-2023 Water Development Plan and submit to the ND State Water Commission. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

DICKEY-SARGENT JOINT WATER RESOURCE DISTRICT: Sherry Hosford, Secretary-Treasurer for DSJWRD provided DSJWRD bills for consideration and approval as follows:

1. Ohnstad Twichell \$141.56 (Professional Services)
2. DVEC \$130.00 (Electricity)
3. Terracon \$800.00 (October 2019 testing)
4. Moore Eng. Inc. \$425.00 (Expense breakdown, meeting and settlement agreement)

Manager Zetocha moved to approve the DSJWRD bills. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

RICHLAND-SARGENT NO. 1: Prior to adjournment, the board had a brief phone call with Monica Zentgraf, Secretary regarding bond payoff amounts that were discussed at a prior joint board meeting.

With no further business to discuss, the Board adjourned the meeting at 11:38 a.m.

LUCAS SIEMIENIEWSKI - CHAIRMAN

ATTEST:

SHERRY HOSFORD, SECRETARY-TREASURER