

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MARCH 19, 2020 AT 9:08 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 via phone conference; Sherry Hosford, Secretary-Treasurer; John Quandt, Robert Banderet and Paul Mathews.

Manager Wyum moved to approve the Board’s February 20, 2020 minutes and the February 2020 financial statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Zetocha moved to approve payment of the following bills:

80195	Moore Eng. Inc.	General meetings-\$612.50; Gary Thornberg Permit-\$175.00	Silver Lake Feasibility Study - \$2,319.56; Shortfoot Creek-\$1,160.00; Dr#11-Design Engineering-\$3,350.00; Dr#11-ROW-\$1,120.00; Dr#11-Wetland Mitigation-\$2,732.50; Dr#11 RR Culvert Crossing-\$882.50; Dr#12-Project Development-\$1,234.82; =	TOTAL	13,586.88
80196	Ohnstad Twichell	General meetings-\$1,059.75; Kelley-Mathews-\$123.00; Gary Thornberg permit-\$52.00; Dr#11 Imp. Project –County JPA, bond counsel, crossings, right-of-way-\$3,582.50 =		TOTAL	4,817.25
80197	Lucas Siemieniewski	Travel			88.55
80198	Bruce Speich	Travel			69.00
80199	Starion Bond Services	Dr # 7 - Final-Bond of 2014-\$91,567.50 and Bond of 2016-\$107,873.75			
80200	Todd Stein	Travel			88.55
80201	Michael Wyum	Travel			72.45
80202	Roger Zetocha	Travel			57.50
17590	Sherry Hosford	Salary less taxes	557.65		1,642.35
17591	Roger Zetocha	2 PD less	18.36 taxes		221.64
17592	Lucas Siemieniewski	2 PD less	18.36 taxes		221.64
17593	Todd Stein	3 PD less	18.36 taxes		221.64
17594	Bruce Speich	2 PD less	18.36 taxes		221.64
17595	Sherry Hosford	DSJTB Administrative fees less taxes	87.48		970.02
17596	Michael Wyum	3 PD less	27.54 taxes		332.46
DD	Sargent County Bank	Withholding taxes			1,097.55

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

**KELLEY-MATHEWS APPEAL:** No update on this item. Manager Zetocha drove by the site and could not see anything at this time.

**DRAIN NO. 11:** Chris reported that Moore is working with the Game & Fish regarding the north two miles, and cannot finalize the alignment until they come to an agreement. Once they can finalize the alignment, Moore can draft final legal descriptions for the right of way, and Ohnstad Twichell can finalize the purchase agreements. The Sargent County Commission has not yet approved the Joint Powers Agreement regarding the County’s share of crossing improvements; the Board will wait to approve the JPA until the County approves, in case the County requests any modifications. The JPA would simply allow the Board to include the County’s share of the crossing improvements (40% of township and county road drain crossings, after SWC cost-share), as opposed to a lump-sum payment.

**DRAIN NO. 11 REASSESSMENT:** Chris provided a handout to the Board with available Shapefiles that could be used for Reassessment. He asked board members to review prior to next month and decide which items should or should not be considered for the Reassessment. Landowners in the assessment area are encouraged to contact board members with suggestions of what parameters should be considered. It was suggested that there be a pre-meeting prior to the public hearing for the Reassessment to afford the public to provide input regarding their benefits from Drain 11. This will not likely be held until June due to the coronavirus (COVID-19) in our region.

**DRAIN NO. 12 IMPROVEMENT PROJECT:** The cost share agreement with the SWC has been received and signed, however, there appears to be some discrepancy in the total amount approved. Josh Hassell, MEI is visiting with the SWC to find out why there is a difference. Once that has been resolved the agreement will be returned to the SWC. Sean has prepared a Joint Powers Agreement with the Sargent County Commission and will send that to the State’s Attorney and Interstate Engineering. Similar to the Drain 11 JPA, the JPA would simply allow the Board to include the County’s share of the Drain 12 crossing improvements (40% of township

and county road drain crossings, after SWC cost-share), as opposed to a lump-sum payment. Chris will provide an updated cost estimate that Sean can provide to the County with the JPA.

**SILVER LAKE DAM IMPROVEMENTS:** On an update regarding cost-share on the Silver Lake Dam Improvements, Mike and Chris reported that the SWC changed the amount from 40% to 60% which is still below the 75% cost-share the Board anticipated. Chris informed the Board that the Sargent County Commissioners are on board to contribute 50% of the Local Share of 25%. MEI worked with the park manager and completed an application to the Outdoor Heritage Fund (OHF) for grant monies for the Silver Lake Dam Improvements. A grant request for \$95,550.00 was requested plus matching funds of \$177,450.00 for a total of \$273,000.00. (40% SWC, 35% Outdoor Heritage Fund and 25% local dollars). Motion by Manager Wyum to authorize Sherry Hosford-Secretary-Treasurer to send a letter to Moore Engineering, Inc. authorizing them to forward the application to the OHF on behalf of Sargent County. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously. There is a meeting on April 9 with the SWC to further discuss the total cost share from the SWC. Chris asked that a couple water managers plan to attend the meeting, more than likely, via conference call on that day.

Commissioner Richard Ruch arrived at 10:35 a.m.

**SHORTFOOT CREEK RCCP PROJECT UPDATE:** The USDA sent a letter to the Board serving as the official closeout of the agreement for RCCP funds by USDA. The \$500,000 amount has been expended and USDA has determined that the terms and conditions have been met and all funds have been expended. The Board must retain certain records for a period of three years. The SWC also requested a progress report to the commission once every four years. Pat Downs, MEI, provided information that states: The watershed planning program has been progressing since the approval of cost-share in March of 2016. The project is in the final stages of selecting project alternatives and submitting the final Watershed Plan to the NRCS. It is estimated the planning effort is 80% complete as of March 6, 2020. There have been some delays while working through the official reporting needs and other requirements that have changed or are still changing with the NRCS. We have been periodically submitting for cost-share reimbursement from the ND SWC as the planning has progressed. The completion date of the planning effort with the NRCS is targeted for August 31, 2020. We are asking for a contract extension of one year to allow us to complete the NRCS planning process. Chris would like to schedule a Project Team meeting, but out of concern regarding the coronavirus, Chris will wait 3-4 weeks before scheduling a meeting.

**Amendment of Subsurface Water Management Permit No. 2019-08 for John Schroeder in the East Half of Section 7 in Southwest Township**

On July 18, 2019, the Board approved *Application to Install a Subsurface Water Management System No. 201908* for John Schroeder regarding a 310-acre drain tile system in the East Half of Section 7 in Southwest Township, Sargent County, North Dakota. The Board provided a NOTICE OF DECISION dated August 1, 2019, to the parties of record and to the North Dakota State Engineer's office. At the Board's meeting on March 19, 2020, John Quandt appeared in person on Mr. Schroeder's behalf, and offered a request to amend Permit No. 2019-08. Mr. Schroeder is requesting permission to relocate the project outlet from the southeast corner of the Northeast Quarter of Section 7, to the new location in the northwest corner of the Northeast Quarter of Section 7. The pump will still discharge directly into the Lovell Improvement Project, a project permitted under SURFACE DRAIN PERMIT NO. 4757.

Lovell Improvement Project LLC, owns the property for one mile downstream of the outlet, and Mr. Quandt provided a completed and signed "Notarized Letter of Approval" from Lovell Improvement Project LLC. As a result of the Notarized Letter, no THIRTY-DAY NOTICE was necessary to any downstream landowners under N.D. Cent. Code § 61-32-03.1.

Manager Speich moved, and Manager Zetocha seconded the motion, to approve an amendment to *Subsurface Water Management Permit No. 2019-08* for John Schroeder in the East Half of Section 7 in Southwest Township, and to authorize the Secretary-Treasurer to sign an amended *Subsurface Water Management Permit No. 2019-08*, subject to the following conditions:

- 1) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) That Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District.

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.

**RICHLAND-SARGENT NO. 1:** Monica Zentgraf, Secretary-Treasurer RS #1 provided the following RS #1 bills for consideration and approval as follows:

1. Interstate Eng., Inc. \$899.60 (Const. Eng. through 2-29-2020)
2. Interstate Eng., Inc. \$586.00 (2019 FEMA work)

Manager Stein moved to approve the Richland-Sargent No. 1 bills. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

**HAZARD MITIGATION TEAM KICK-OFF:** Roger Zetocha attended a kick-off meeting on March 10 representing this Board to assist in updating the Sargent County Plan for mitigation, prevention, protection, preparedness, response, and recovery. The purpose of the plan is to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters. Sargent County has a plan but needs updating as it will expire in April. Roger will plan to attend upcoming meetings to assist with completion of this project.

Richard Ruch informed the Board that the county commissioners met today and will be meeting every Tuesday due to the coronavirus and have closed the courthouse to the public and will have their meetings online via Go to Meeting Application.

With no further business to discuss, the Board adjourned the meeting at 11:00 a.m.

---

LUCAS SIEMIENIEWSKI - CHAIRMAN

ATTEST:

---

SHERRY HOSFORD, SECRETARY-TREASURER