

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 20, 2020 AT 8:09 A.M. IN THE CONFERENCE ROOM ON SECOND FLOOR AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

Managers present: Todd Stein, Michael Wyum and Roger Zetocha Absent: Lucas Siemieniewski and Bruce Speich. Present via phone conference: Sean Fredricks, the Board’s attorney and Chris Gross, the board’s engineer. Others present at the courthouse: Sherry Hosford, Secretary-Treasurer, Bob Banderet, landowner and Sargent County Commissioner Richard Ruch.

Manager Stein moved to approve the Board’s July 16 and 27, 2020 minutes and July financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Zetocha moved to approve payment of the following bills:

80784	Hadley Bosse	Dr# 11 beaver removal	\$50.00
80785	Forum Communications	Silver Lake Dam Imp. Bid notice	\$298.80
80786	Moore Eng. Inc.	General meetings-\$1,007.50; Kelley-Mathews complaint-\$92.50; Roger Bopp Permit-\$205.00; Silver Lake Design Eng. - \$11,865.00; Shortfoot Creek-\$9,383.45; Dr#4-Inspect drain leak-\$338.85; Dr#7-Project Development-\$8,636.65; Dr#11-ROW-\$3,717.50; Dr#11-Legal Descriptions-\$10,287.50; Dr#11-Utility Relocation-\$232.50; Dr#11-Culvert replacement-\$360.00; Dr#9 – Watershed Map - \$232.50; Dr#12-Const. Engineering-\$7,200.90; = TOTAL	\$53,559.85
80787	Ohnstad Twichell	General meetings-\$890.76; Kelley-Mathews-\$1,420.49; Russ Martinson permit-\$604.70; Rick Hoistad permit - \$630.60; Jeff Breker permit - \$765.90; Dr# 7 – Affidavit of publication-\$159.80; Dr#9 Extension - \$430.50; Dr#11 Imp. Project –Easements, Purchase Agreements and Abstract review-\$8,494.00; Dr#12-Resolution-\$471.50 = TOTAL	\$13,868.25
80788	The Teller	Silver Lake Dam Imp. Bid notice	275.56
80789	Starion Bond Services	Dr#12 Bond Setup	900.00
80790	Todd Stein	Travel	40.25
80791	Wahpeton Daily News	Silver Lake Dam Imp. Bid notice	375.84
80792	Michael Wyum	Travel	34.50
80793	Roger Zetocha	Travel	57.50
18174	Sherry Hosford	Salary less taxes	557.65 1,642.35
18175	Roger Zetocha	2 PD less 18.36 taxes	221.64
18176	Todd Stein	4 PD less 36.72 taxes	443.28
18177	Michael Wyum	3 PD less 27.54 taxes	332.46
DD	Sargent County Bank	Withholding taxes	890.33

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

DRAIN NO. 11: Chris reported there are a total of 18 Purchase Agreements (PA) necessary for this project. Several PA’s are out and three have been signed and returned and more going in the mail today or tomorrow. The Board has approved the acre values for each PA but must also approve individually as they are signed and returned. The William E. Kurschat Trust PA has been signed and returned. Manager Zetocha moved to approve the William E. Kurschat Trust Purchase Agreement. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. A Progress Update request for the State Water Commission regarding the SWC’s cost-share approval will be mailed next week for the SWC to review at their October 2020 meeting.

DRAIN NO. 11 CROSSING BETWEEN SECTIONS 21 AND 28 IN HARLEM TOWNSHIP: The culverts are ready for delivery and the contractor plans to be at the site next week. MEI will coordinate the placement of the culverts.

DRAIN NO. 11 REASSESSMENT: The next portion of this process will be done in person with Chris and board members. Due to the absence of two board members today, this will carry over until the September meeting.

APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM FOR BRUCE BOSSE: The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-07*, dated August 5, 2020, and filed August 6, 2020, for Bruce Bosse. Under the application, Applicant seeks to install a 63-acre drain tile system in the Northeast Quarter of Section 8, in Brampton Township, Sargent County, North Dakota. The project will discharge via a gravity outlet that will connect to a pipeline that serves as the

outlet for the tile project the Sargent County Water Resource District approved for Thomas, Chad, and Josh Heimbuch under SUBSURFACE WATER MANAGEMENT SYSTEM PERMIT NO. 2019-01. The pipeline commences in the east road ditch of 122nd Avenue and runs under 122nd Avenue and west across the Northeast Quarter of Section 8 until discharging in an open ditch along the half section line between the Northeast Quarter of Section 8 and the Northwest Quarter of Section 8; from there, the tile discharge flows south in the open ditch until reaching the half section line in Section 8 and flowing west in an open ditch. Applicant and the Heimbuchs have entered into an agreement regarding the parties' joint outlet.

Because Applicant and the Heimbuchs, the owners of the tile line and the owners of the downstream property in the West Half of Section 8, entered into an easement agreement, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 613203.1.

According to records submitted by Applicant, Jodi A. Bosse and Bruce E. Bosse, co-Trustees of the Jodi A. Bosse Revocable Living Trust, own the Northeast Quarter of Section 8. Thomas and Kathleen Heimbuch own the West Half of Section 8.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-07*, dated August 5, 2020, and filed August 6, 2020, for Bruce Bosse in the Northeast Quarter of Section 8 in Brampton Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-07, subject to the following condition:

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 Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply 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.

APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM FOR JASON

BOSSE: The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-08*, dated August 5, 2020, and filed August 6, 2020, for Jason Bosse. Under the application, Applicant seeks to install a 129-acre drain tile system in the Southwest Quarter of Section 6, in Taylor Township, Sargent County, North Dakota. The project will discharge via a single gravity outlet located along the south boundary of the Southwest Quarter of Section 6; the outlet will discharge directly into Sargent County Drain No. 11, a legal assessment drain owned and operated by the Sargent County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 613203.1. Further, because the project will discharge into Drain 11, under Section 61-32-03.1, the Board cannot require Applicant to obtain any consent from downstream landowners. The Board can, however, require Applicant to install and maintain erosion protection at the outlet into Drain 11.

According to records submitted by Applicant, Jason Bosse owns the Southwest Quarter of Section 6 of Taylor Township.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-08*, dated August 5, 2020, and filed August 6, 2020, for Jason Bosse in the Southwest Quarter of Section 6 in Taylor Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-08, 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 provide, install, and maintain riprap at any and all outlets into Sargent County Drain No. 11.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply 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. 7: Chris has completed the topo of the drain and the Preliminary Design. The scope is to have 1-2 foot of depth in the drain. The county road department has requested a box culvert at the location of the drain crossing on County Road 12 between Sections 13 and 14 in Milnor Township. The cost of the proposed box culvert would be \$261,000. MEI is working on the Economic Analysis for cost share and also a Surface Drain Permit has been requested.

APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM FOR NEIL PLANTEEN: The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-04*, dated May 27, 2020, and filed June 17, 2020, for Neil Planteen and Nancy Planteen. Under the application, Applicants seek to install a 162-acre drain tile system in the Southwest Quarter of Section 32, in Sargent Township, Sargent County, North Dakota. The project will discharge via a pump outlet located in the northwest corner of the Southwest Quarter of Section 32, into the east road ditch along 121st Avenue SE; the discharge will flow north in the east road ditch, along the west boundary of the Northwest Quarter of Section 32, under 95th Street SE, and will continue to flow north along the west boundary of the Southwest Quarter of Section 29. The original application submitted by Applicants contemplated a project that would flow north along the west boundary of the Northwest Quarter of Section 32, then would turn west and would flow in the south road ditch along 95th Street, along the north boundary of the Northeast Quarter of Section 31; the Board originally provided THIRTYDAY NOTICES to the owners of the Northeast Quarter of Section 31. However, Applicants modified their proposed project plan.

Applicants obtained "Notarized Letters of Approval" from the downstream landowners in the Northwest Quarter of Section 32 and the Southwest Quarter of Section 29; with that in mind, no THIRTY-DAY NOTICES were necessary to those downstream landowners under N.D. Cent. Code § 613203.1. Applicants have obtained permission from Sargent Township to discharge into the Township's road right of way.

According to records submitted by Applicants, Neil and Sara Planteen and Nancy Planteen own the Southwest Quarter of Section 32; Neil and Sara are purchasing Nancy Planteen's share via contract for deed. With regard to downstream properties, Glen and Mavis Thompson own the Northwest Quarter of Section 32; Victor Thompson owns the South Half of the Southwest Quarter of Section 29; and Gwendolyn Wildlife, LLP, owns the North Half of the Southwest Quarter of Section 29.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-04*, dated May 27, 2020, and filed June 17, 2020, for Neil Planteen and Nancy Planteen in the Southwest Quarter of Section 32 in Sargent Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-04, subject to the following conditions:

- 1) that Applicants notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) that Applicants provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Sargent Township at any and all outlets into Sargent Township's road right of way; and
- 3) that Applicants must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants comply with the following:

- 1) that Applicants 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 Applicants 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. 12 IMPROVEMENT PROJECT: Chris will follow-up on the corrected cost share agreement with the SWC. The bond sale is complete and an Interest and Sinking Fund has been set up with the drain accounts for the project costs and repayment of the bonds. Due to COVID, the delivery of the box culvert has been slowed down but the contractor plans to begin the work right after Labor Day.

SILVER LAKE DAM IMPROVEMENTS: Bids for the project were opened on August 10th. Four contractors submitted bids and the low bid was D. L. Barkie Construction, Inc., West Fargo, ND. The bid was \$194,665.00 with the Engineer's Opinion of Probable Cost at \$201,305. Chris has worked with this contractor and recommends the low bid be accepted. Manager Stein moved to accept the bid from D. L. Barkie, Inc. and authorize the Vice-Chairman to sign the Notice of Award. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. Project completion date is October 16, 2020.

HEAD OF THE MOUNTAIN PRESERVE TOUR: Manager Wyum gave a brief report on the July 16th site visit with five officials from ND Parks and Recreation. The NDPR will be in touch with this board to move forward with any changes to the lease.

SHORTFOOT CREEK RCCP PROJECT UPDATE: NRCS will schedule a meeting in two weeks with MEI to discuss any wetland impacts and then move forward to create a mitigation plan. Chris then explained that the findings go into a report and then by October 31, MEI will submit a final report to NRCS for their approval and recommendation of how this project should proceed. There is 100% funding to move towards Final Design.

DRAIN NO. 9 EXTENSION: The \$5,000 bond funds were delivered to the board this morning. Richard Ruch and Chris will be in touch to review changes made to the original extension location. The Board will use the bond dollars to pay for MEI to determine if the existing drain will handle the new water; to study options for where the drain should be located; to conduct a public meeting; and to apply for 40% cost share funding from the SWC for a Feasibility Study. Landowners would then be asked to provide more bond money to conduct the Feasibility Study if the decision is made to move forward.

CROOKED CREEK WATERSHED PLAN PROPOSAL DAM SITE: Following the meeting with NRCS and others on July 27, 2020 an application for Project Information and Planning Form was completed and submitted for review by SWC staff. Another letter was sent to USDA – NRCS, State Conservationist Mary Podoll requesting consideration for FY2020 funding for this project.

Crooked Creek is a tributary to the Wild Rice River Watershed which has experienced significant flood damages to croplands and both public and private infrastructure. The Wild Rice River has been studied previously to identify the potential for building impoundment structures to reduce damages from flooding. The most recent study, completed in 2013, was the Wild Rice River Detention Study which identified 28 potential impoundments. One of those impoundments is located in the Crooked Creek Watershed and is a potential alternative. In addition to flood damage reduction, the SCWRD along with the Sargent County Park Board see a need for additional recreation within the county. Currently, there is only one significant recreational facility in the county which is known as Silver Lake Dam Recreational Area. As this is the only facility of its kind, it is constantly filled to capacity and is difficult at times to find availability for those that desire to use the facility. Therefore, there is a need for more public access to camping, fishing, hiking, mountain biking, bird watching, and hunting which this project would provide.

As Local Sponsors of the Crooked Creek Watershed, the Board understands the requirements of local sponsorship are as follows:

1. The Board understands that this is a local project and that the role of USDA-NRCS is to provide federal technical and financial assistance to the Local Sponsor in order to carry out the project. As Local Sponsors, the Board will be fully engaged in the planning process and decision-making aspects of this endeavor.

2. The Board understands that several guidance documents will be jointly developed throughout this project that defines the roles and responsibilities of the Sponsor and the NRCS. These documents may include a Memorandum of Understanding, Cooperative Agreement, Watershed Agreement, and a Project Agreement. Additional documents may be developed as needed.

3. The Board understands that the local Sponsors are responsible for obtaining real property rights associated with this project. Such real property rights may require the use of eminent domain if such rights cannot be obtained through good faith negotiations. The Board is willing to use such authority if necessary.

4. The Board understands that the local Sponsors are responsible for the non-federal cost share of this project.

The need for additional flood control is very evident in the Crooked Creek Watershed. Recent floods in the watershed consists of flood damage to county and state roads and bridges, side slope erosion on the Crooked Creek on numerous sites, and flooded cropland. Additionally, these floods have forced landowners to complete emergency measures to protect homes and farmsteads.

Todd and Luke met with the county commissioners on August 4th and the commission was very supportive of the Water Board proceeding with this project.

Chris explained that this information will be reviewed by all parties and ready for this board in September.

CULVERT ISSUE IN SECTION 23-JACKSON TOWNSHIP: Manager Stein reported on a culvert that should be lowered in this location. Todd has checked it over a few times and also had a contractor look at the problem. Todd will visit with Donald Rust to see what other options may be taken.

RICHLAND-SARGENT NO. 1: The Richland-Sargent Joint Board provided the following RS #1 bills for consideration and approval as follows:

1. Interstate Engineering, Inc. - Services through July 18, 2020 - \$473.40

Manager Zetocha moved to approve the Richland-Sargent No. 1 bill. Manager Stein 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. DVEC – Electricity | \$1745.00 |
| 2. Moore Eng. Inc. – WAPA on Dr#1 | \$ 167.50 |

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

MEETING ACCOMODATIONS AND MEETING LOCATION AND ADVERTISING FOR SECRETARY-TREASURER POSITION: The county commission is concerned about the lack of social distancing during Water Board meetings and suggested that meetings be conducted in accordance with CDC guidelines. The Water Board has access to video conferencing through Ohnstad Twichell and will move this equipment to the second-floor conference room for upcoming meetings. Richard mentioned that the commission may ask the water board to relocate to the former Social Service Eligibility Technicians office on second floor. The Human Resource Officer, recently hired by Sargent County could then be located in the current office used by the Water Board and Veteran’s Service Officer. Sherry asked about advertising for a replacement for Secretary-Treasurer for her pending retirement. The board asked her to prepare a job description and determine how many hours this position would require in the future and bring to the September meeting.

TEWAUKON WATERSHED DITCH CLEANING: Joe Breker recently spoke with the water board and asked if some ditch cleaning could be done in Section 5 of Tewaukon Township. Mike Anderson has prepared an estimate of the various types of work that he could do and an estimate of \$4,000. After reviewing the proposed work, Manager Stein moved to authorize up to \$4,000 for Mike Anderson to conduct excavator work in three different areas to clean out the silt along this drain to allow the water to flow its natural course. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

With no further business to discuss, the Board adjourned the meeting at 10:20 a.m.

MICHAEL WYUM – VICE CHAIRMAN

ATTEST:

SHERRY HOSFORD, SECRETARY-TREASURER