

DRAFT

These are DRAFT minutes, subject to amendment before final approval by the Sargent County Water Resource District.

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, OCTOBER 17TH, 2024 AT 8:00 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

In attendance: Chairman Luke Siemieniewski, Managers Michael Wyum, Bruce Speich, Todd Stein and Roger Zetocha. Also in attendance was Wendy Willprecht Secretary/Treasurer, Nathan Trosen, engineer for Moore Engineering, landowners Jerry Meide and Miles Thompson. Present via video conference were Attorneys Sean Fredricks and Stephen Hilfer of Ohnstad Twichell. Also participating via Teams were PH (“unverified” on Teams) and Leon Mallberg. County Highway Superintendent Tim Faber participated briefly by phone.

Manager Wyum moved to approve the September 19th, 2024 regular meeting minutes. The September financial statement was not available. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Zetocha moved to approve payment of the following bills:

Ohnstad Twichell- Water topics committee/meetings/bond discussion \$4,601.94;B Vculek App. \$1,235.13;T. Speich App. \$909.40;Drain No. 11-Improv. Proj. \$90.00;Drain No. 7-correspondence \$123.89

Total: \$6,960.36

Moore Engineering-Mtgs./Hall Twp. petition \$2,173.28;SFC-Task 6 \$3,305.00;Drain No. 4-assessment list \$512.50;Drain No. 11-assessment list/landowner support letter \$1,502.50;Drain No. 7-assessment list \$1,127.50;Tewaukon Watershed-facility location map/DWR inspection of Silver Lake \$900.00;Drain No. 9 Ext.-studies/reports/field survey \$9,000.04;Wild Rice River Feas. Study-studies/reports/field survey-\$1,560.00

Total: \$20,080.82

Austin McLaen-2 beavers near Crooked Creek

Total: \$100.00

Larson Helicopter, LLC-Spraying-Drain No. 2 \$802.50; Drain No. 4 \$375.00; Drain No. 8 \$356.25; Drain No. 9 \$1,440.00; Drain No. 11 \$5,441.25; Drain No. 7 \$3,337.50

Total: \$11,752.50

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

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| | Lucas Siemieniewski | Travel | \$ 37.52 |
| | Todd Stein | Travel | \$ 10.72 |
| | Michael Wyum | Travel | \$ 13.40 |
| | Roger Zetocha | Travel | \$ 33.50 |
| | Bruce Speich | Travel | \$ 26.80 |
| DD | Lucas Siemieniewski | PD | \$ 205.00 |
| DD | Todd Stein | PD | \$ 205.00 |
| DD | Michael Wyum | PD | \$ 205.00 |
| DD | Roger Zetocha | PD | \$ 205.00 |
| DD | Bruce Speich | PD | \$ 205.00 |
| DD | Wendy Willprecht | Sec-Treas -Salary | \$ 3,000.00 |

Drain No. 11:

Project: No update.

Cost-share reimbursement request to the Sargent County Commission: There has been no update on this matter.

Tim Locken: Locken owns land in the SE ¼ of Section 33 in Harlem Township. He is interested in installing three intercept pipes to drain his land into Drain No. 11. Chairman Siemieniewski said that once all the harvesting is done, the board and the landowner’s renter could inspect the area.

Locken inquired when the entire Drain No. 11 project will be completed and is willing to financially invest in the project, if the opportunity arises.

Beaver Dams: Manager Stein said that there are two beaver dams that need to be removed. Jerry Bohnenkamp is currently not available to do the removal. Manager Zetocha said there is also a beaver dam on Drain 11 under Highway 13 that needs to be removed. Zetocha has been working with the NDDOT on this particular dam. Chairman Siemieniowski called Sargent County Highway Superintendent Tim Faber during the discussion to see if a contractor the County has been working with is still in the area and could help with the beaver dam removals. Tim informed the Board that the contractor completed their work with the County and is no longer in the area.

The Board decided to take a look at the dams after harvest and will then develop a plan for removal.

Jerry Meide & Miles Thompson South Lateral:

Mr. Meide and Mr. Thompson discussed their proposed project to realign a portion of the South Lateral again with the Board. Trosen explained that, in order to do a drain realignment project, they would need to follow the statutory process which involves a vote among the benefitting landowners. Trosen added that the process to determine the benefit of a drain project/improvement is lengthy and costly, and the SCWRD cannot use drain funds on projects that are not part of the original footprint of the drain design. Therefore, it was suggested that Mr. Meide and Mr. Thompson put up a petition and bond for the project if they wish to have the District perform the preliminary engineering required. It was also recommended that they can hire their own engineer to perform the preliminary engineering.

Chairman Siemieniowski noted that, based on recent drain projects, it could cost as much as \$450,000-500,000 per mile to accomplish what Meide is suggesting. This was reinforced by Trosen stating that Drain No. 11's most recent improvement project cost around \$480,000/mile. Trosen added that smaller drains would most likely be at least \$250,000/mile. Meide said there needs to be about a 1 ½ miles of digging. Attorney Fredricks reminded Meide that there needs to be a public bid for construction and the Board cannot simply use Meide's proposed contractor.

Trosen suggested that Meide hire an engineer and bring his project design back for the SCWRD to review. At the current time, the district is not clear exactly what Meide is proposing or trying to accomplish. Attorney Fredricks added that along with the preliminary design, the District would be in a position to acquire the necessary permits for this type of project from the state and USACE. Fredricks added there is a great deal of foot work to do prior to proceeding with a vote.

Chairman Siemieniowski noted the district has to follow applicable law before proceeding with any project. Fredricks said that the SCWRD will need a bond or petition and assurance that the project is viable from a regulatory perspective. The board needs bond dollars before investing time in the project or studying the proposed project design.

Manager Zetocha asked Meide to do the leg work, talking to landowners and presenting a design to the board. Trosen said the bond amount for a project like should be no less than \$50,000-60,000, to cover the expenses for surveys, hearings, check points, etc. Trosen added that the bond amount could end up being more depending upon what the permitting agencies require.

Thompson said that the ditch, in the condition it is in, is not maintainable. He added that ditches are maintainable with higher ground. Siemieniowski told Thompson and Meide to sell their idea to the neighboring landowners and maybe they would come up with an even different plan. A plan that would benefit all in the area in question.

Trosen concluded the conversation by saying that he, Attorney Fredricks, and the SCWRD simply want Meide and Thompson to know the process that it takes to pursue a project such as this, and the anticipated cost associated with it.

Drain No. 4: No report.

Drain No. 7: There is no project update.

Hall Township (Maintenance District Petition)- No update.

Drain No. 9 Extension:

Trosen from Moore Engineering said the survey is done. The existing condition drawings are complete and they are currently working on the hydraulic model and the proposed design.

Wild Rice Maintenance District:

Trosen from Moore Engineering said the survey is done. The existing condition drawings are complete. Moore is currently working on developing proposed grades.

Tewaukon Watershed

No update.

Drain No. 8: Trosen said we have not received an update on this project from the Department of Emergency Services.

Cogswell Tile: Trosen said we have not received an update on this project from the Department of Emergency Services.

Drain No. 2: No update.

Drain No. 12: No update.

Short Foot Creek: The SWC held a meeting on 10/10/24. Josh Hassell of Moore Engineering attended. Trosen said the last cost-share agreement extension granted was on 2/11/2021 which resulted in a 4-year end date of 2/11/2025. The project received a second extension request that will extend the agreement to 2/11/2026. The goal is to get the final plan to the NRCS by spring 2025. Moore hopes to set a date for an agency meeting around December.

City of Stirum: No report.

NEW BUSINESS:

OLD BUSINESS:

Silver Lake Dam: The State did an inspection of the dam. They felt there was noticeable erosion by the outlet structure. To get a better look at the area, the board hired Pro Landscapers to mow the area down. Brady Woodard of Moore Engineering inspected the area yesterday. Woodward suspects wave action has caused erosion along the face of the slope along the wet side of the dam. He believes the erosion issue could be fixed with rip rap. Trosen will come up with a plan of where to place the rip rap and the cost associated with it. Trosen will reach out to the state to see if there is any chance of cost-share for a project like this. He said cost-share tends to be less for recreational dams. Manager Stein made a motion to have Trosen survey the erosion area and quantify how much rip rap is necessary for the erosion project, and the cost associated with it. The motion was seconded by Manager Wyum. Upon roll call, the motion carried unanimously.

Ransom County Assessment: The Ransom County Auditor, Nicole Gentzkow, notified the Board that the Ransom County Water Resource District has denied the Sargent County Water Resource District request for assessment reimbursement for Drains 7 and 11 and Ransom will not levy any assessments against Ransom County properties. Has been in contact with an attorney in Bismarck with water experience who would be interested in looking at this issue for the SCWRD. The SCWRD has requested assessment reimbursement for two years from Ransom County, only to be denied each time. The hope is to have the attorney call into a future meeting to further discuss this matter. Attorney Sean Fredricks is conflicted out on this issue as he represents both the Ransom and Sargent County Water Resource Districts.

DICKEY-SARGENT JOINT BOARD

DSJTB bills for approval:

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| DVEC - electricity - | \$ 232.00 |
| Moore Engineering- prepared 2024 bond/maint. assessment list | \$ 307.50 |

Manager Wyum made a motion to pay the Dickey-Sargent Joint Board bills. Manager Zetocha seconded the motion. Upon roll call, the motion carried unanimously.

September 2024 balances not available:

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|---------------------------------|----|
| Maintenance Account Balance: | \$ |
| Improvement Account Balance: | \$ |
| Special Assessment-Drain No. 11 | \$ |

The next Dickey-Sargent Joint Board meeting will be held in November 21st, 2024.

**Richland-Sargent Drain #1
Maintenance Fund Financial Statement**

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|---|-------------------|
| Marshall Braaten-drain maintenance | \$7,875.00 |
| Larson Helicopter-spraying | \$ 592.50 |

Manager Speich made a motion to approve the bills. Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

The September 2024 financials were not available:

The Sargent County Water Resource District did not enter into executive session due to the discussion during the open meeting portion of Drain No. 11.

The meeting adjourned at 8:58 a.m.

Lucas Siemieniowski, Chairman

Wendy Willprecht, Secretary/Treasurer