

## **SARGENT COUNTY WATER RESOURCE DISTRICT**

### **Meeting Minutes**

**Thursday, May 15<sup>th</sup>, 2025 at 8:26 a.m.**

The Sargent County Water Resource District met on Thursday, May 15<sup>th</sup>, 2025, at 8:26 a.m., in the water resource district board room at the Sargent County Courthouse in Forman, North Dakota. The following Board members were present: Chairman Luke Siemieniewski, Todd Stein, Bruce Speich and Michael Wyum. Also present were Wendy Willprecht Secretary/Treasurer, Nathan Trosen, Moore Engineering, landowner Richard Ruch, Rutland Township Chairman Dan Pearson, Carol Peterson and Terry Dusek from the City of Milnor. The following were also present: Sean Fredricks, Katie Schmidt, and Stephen Hilfer, Ohnstad Twichell, appeared virtually; and Leon Mallberg.

### **Minutes**

Manager Speich moved to approve the April 17<sup>th</sup>, 2025, meeting minutes; the March 2025 financial statement; and the April 2025 financial statement. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Bills**

The Board considered the following bills:

**Ohnstad Twichell-** Mtg./Readi Tech permit/utility permit/correspondence/NDDDES agreement

**Total: \$2,451.00**

**Moore Engineering**(January-April invoices)- Silver Lake Dam-NDSWC/RRJWRD Cost-share \$5445.00/Proj. site visit \$3989.15; Engineering fee-testify/Mtgs. \$11,315/Permits \$1462.50/Mileage \$518; SFC-NRCS Step 7 \$23,306.25/Mileage \$128.80; Drain No. 8-NDDDES cost-share \$1462.50/Mileage \$126.70; Drain No. 11-maps/correspondence/NDDDES request Cogs. Tile \$630.00; Drain No. 7-ROW City of Milnor \$225.00; Tewaukon-EAP research \$702.50; Drain No. 9 ext.-Milestone 100 & 101-\$36,830; Wild Rice River Study-hydrological study/model/plans \$512.50

**Total: \$86,653.90**

Manager Stein moved to approve the bills as presented. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

### **UNFINISHED BUSINESS:**

#### **Drain No. 11:**

1. Crossing Reimbursement-Sargent County: No update.

Landowner Richard Ruch said that there are about 4 miles in the drain improvement area that need spraying for trees. He noted that some trees are almost 2 ft. high. The Board Managers will inspect the area during the upcoming drain tour this summer.

**Drain No. 4:** No update.

#### **Drain No. 2:**

1. There is no update from County Road Supervisor, Tim Faber, regarding the rip rap project.
2. The Board discussed the erosion encroaching upon a nearby well. There is sloughing at the site of the well in addition to sloughing in two spots west of the well. Chairman Siemieniewski said the

landowner is not willing to participate in the expense of erosion repair.

**Drain No. 7 - Hall Township (Maintenance District Petition):** Chairman Siemieniewski said there has been no update on the petition and that it does not appear there is enough interest to pursue.

**Drain No. 9 Extension:**

Trosen said that Moore Engineering's certified wetland specialist conducted preliminary wetland determinations and found a water surface elevation for the slough that may be acceptable by the NRCS. Moore also updated the grading upstream of the slough to accommodate the estimated wetland determination elevation.

A public information meeting has been set for June 25<sup>th</sup>, 2025 at the Cogswell Hall at 1:00 p.m. Moore Engineering & Ohnstad Twitchell will handle the solicitation of the meeting.

**Drain No. 9:**

1. Manager Stein talked with the landowners along the drain in Section 20 regarding the buck brush and duck ponds. Stein said that he obtained permission for the Board to do a clean out of the area that should help flow. It was decided to wait until winter to remove/grind/shred the buck brush.
2. Dakota Valley Electric Utility Permit(s) Request-DVEC has requested utility permits to install a new line under Drain 9 at two locations. Trosen recommended the permits include a condition of burying the lines 6 ft. below the current drain bottom. Fredricks and Trosen prepared Utility Permits accordingly and DVEC returned signed permit applications. A motion was made by Manager Speich and seconded by Manager Wyum to approve the DVEC utility permits. Upon roll call, the motion carried unanimously.

**Wild Rice River Maintenance District:**

Work is currently on hold; Moore is waiting for the preliminary design of the improvements to Drain 9 to be completed before proceeding.

**Drain No. 8:**

The SCWRD received funding through the NDDES for a proposed study of the drain. The City of Rutland would like to bury the drain using a smaller pipe and potentially a pump. Cost-share is at 75% for this study. The city would like to know how much water gets to the drain before a project would be started. Trosen said Moore Engineering will survey the area soon to better estimate the drain's watershed. It was decided that after the survey, Trosen would attend a city meeting with Manager Wyum to discuss the findings.

**Cogswell Tile:**

The NDDES has this project on its final review list but has not yet approved cost-share.

**Drain No. 12:**

A motion was made by Manager Wyum and seconded by Manager Stein to move \$117,944.29 from the Drain No. 12 Maintenance fund to the Drain No. 12 I & S fund. Upon roll call, the motion carried unanimously.

**Short Foot Creek:**

Trosen has been working with the NRCS on updating the plan with the comments received after the last public information meeting. The comment period is closed. Trosen said we are able to move forward with the final plan, and the final draft will ultimately be sent to the NRCS headquarters. Trosen noted that the staff at the NRCS has been reduced recently which may slow down the process.

**Crooked Creek:**

A motion was made by Manager Speich and seconded by Manager Stein to transfer \$1,834.37 from the general fund into the Crooked Creek fund. There is no further action on this project. The transfer will zero out the Crooked Creek account. Upon roll call, the motion carried unanimously.

**Silver Lake Dam:**

1. Moore Engineering continues to work on the project design.
2. Sue Seeley, park manager at the Silver Lake Recreation Area, reached out to Administrator Willprecht stating there was sloughing occurring along the dam. Trosen said that Brady Woodard from Moore Engineering went out and inspected the area. Mr. Woodard concluded this is the same area as what was observed last fall and therefore improvements to this area are included in the proposed project. Trosen suspects the sloughing is in part due to the wave action that is causing erosion.

**Intermountain/DVEC Utility Permits:**

Intermountain has applied for utility permits along Drain No. 11, Cogswell Tile, and RS1. Dakota Valley Electric has applied for utility permits along Drain No. 9. A motion was made by Manager Stein and seconded by Manager Speich to approve the permits for Intermountain and DVEC, and to direct Secretary-Treasurer Willprecht to issue emails or notices to Intermountain and DVEC to request reimbursement of the Board's costs of considering, preparing, and processing the permits. The motion was seconded by Manager Speich. Upon roll call, the motion carried unanimously.

**Drain Tour**

The managers will inspect the east half of the county (RS1, Drains No. 2, 7, 8, 12 and dams) on June 19<sup>th</sup>, and the west half of the county (Drains No. 11, 9 & 4) on June 25<sup>th</sup>.

**NEW BUSINESS:**

**Drain No. 7 - City of Milnor Walking Trail:** Carol Peterson, Milor Economic Developer and Mayor Terry Dusek approached the board about creating a walking trail throughout the City of Milnor adjacent to Drain 7. Carol said they are looking at starting by the creek near the golf course. The path would be primitive with no black top or pavement. Signage would be placed along the path. Terry Dusek said there might be areas where gravel is thrown down to help surface the path, and that Doosan's Day of Doing could be utilized to help clear the path. Peterson added the path would need sculpting and that one of the biggest hurdles would be going across the railroad tracks, adding that a culvert may need to also be put in.

Chairman Siemieniewski said he thinks the path would be a great idea, as long as it doesn't affect the maintenance of Drain No. 7. Attorney Fredricks advised the Board to execute an access agreement with the City of Milnor to ensure the parties are clear in terms of liability. Carol agreed an agreement would be a good idea. Manager Speich made a motion to direct Attorney Fredricks to draft an access agreement relating to Drain No. 7. Manager Stein seconded the motion. Upon roll call, the motion carried unanimously.

Nathan Trosen said that the SCWRD has an 80 ft. ROW coming into Milnor and a 70 ft. ROW on the outskirts of town. Trosen found a letter dating back to 2021 where the previous waterboard administrator had drafted a letter to the City of Milnor discussing ownership of the ROW within City limits. Trosen suggested the City look into this issue further. Trosen added that Drain No. 7 has been in place for over 80 years.

**Emergency Action Plan Updates:**

EAPs for both the Nelson and Brummond-Lubke Dams are due to be updated. Trosen met with the DWR Dam Safety staff to discuss changes to EAP requirements to be compliant with the State's updated dam safety standards. DWR staff indicated that updates to the hydraulic modeling completed on the previous EAP will not be required for the new EAPs at this time. Trosen estimated each EAP update will cost \$7,500 and recommended to apply for 80% cost share with the State Water Commission. Manager Speich motioned to direct Moore to submit cost share requests for EAP updates to both the Brummond-Lubke Dam and Nelson Dam. The motion was seconded by Manager Wyum. Upon roll call, the motion carried unanimously.

### **Spillway Inspections:**

Moore obtained a quote from Lakes Area Jetting to televise the principal spillway conduits for Nelson and Brummond-Lubke Dams. The quote totaled \$4,000 and the work would be completed in one day. The contractor believes they would have time to complete the televising inspection on another dam in the same trip if desired. Manager Stein motioned to have the contractor complete the televising inspection on Nelson, Brummond-Lubke, and Frenier Dams with the total not to exceed \$5,000. The motion was seconded by Manager Wyum. Upon roll call, the motion carried unanimously.

### **Rutland Township Culvert Cost Share Request**

Dan Pearson, Chairman for Rutland Township, approached the board about cost-share for three culverts the township needs to replace. Pearson anticipates replacing the culverts with the same size that will be removed (1-48"x40', 1-48"x44' and 1-36"x60'). The SCWRD told Pearson that even if the culverts are replaced with the same size, a hydrologic study still needs to be done to assure that stream crossing standards are met. Chairman Siemieniewski reminded Pearson that the SCWRD will cost-share a 1/3 of the cost of the culverts (not installation) and only upon review of the Township's hydrologic study.

Manager Wyum made a motion to reimburse the Township for 1/3 of the costs of purchasing the culverts (and not installation costs), but conditioned upon receipt of the hydrology study and confirmation by Nathan Trosen that the culverts comply with the North Dakota Stream Crossing Standards. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously.

### **Bridges**

Trosen reported that flex funding is coming available through the NDDOT. The funding is available for township and county improvements. The initial expected funding amount available has now been tripled compared to the previous biennium. It is anticipated that the NDDOT will give guidance on the funding program and applications in the near future. Trosen said that bridge repair should qualify for the funding. Trosen will continue to update the district as information becomes available.

### **Budget**

The board reviewed all information provided regarding the budget for 2026. The Board noted that the Drain 11 levy would be the maximum amount even in the absence of the Board's bond repayment obligations in light of all of the issues on the rest of the drain, including culvert and erosion issues.

Manager Wyum moved to approve all levies and the budget as attached to these minutes. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously.

### **Joint Board Agreement**

Last fall the Dickey-Sargent WRD asked the DWR and the Attorney General's Office if they would permit the district to consider and approve surface drain permits that discharge into or otherwise impact the Jackson or Lovell Drains. Under state law, the WRD with the majority of the land impacted by a surface drainage project must consider and approve a surface permit but the state considered Dickey-Sargent's request and

indicated they would permit the change to allow Dickey-Sargent to consider and approve those permit applications as long as Dickey and Sargent modify the Dickey-Sargent joint board agreement to give Dickey-Sargent that specific authority. The board waited for the Legislative Session to conclude to see where we stand with joint WRDs; the Legislative Session is now a wrap and we can now proceed with an amendment of the Dickey-Sargent Joint Board Agreement.

Attorney Fredricks prepared the language and submitted it to DWR for their review and they have since signed-off on the language. The Board can consider the joint board agreement next month. In the meantime, Attorney Fredricks prepared a consent/waiver letter for consideration by all three WRDs (Dickey, Sargent, and Dickey-Sargent). Manager Speich moved to approve the consent/waiver letter on behalf of the Sargent County WRD and to authorize Chairman Siemieniewski and Administrator Willprecht to sign it. Manager Wyum seconded the motion. Upon roll call, the motion carried unanimously.

### **Dickey-Sargent Joint Board**

#### **DSJTB bills for approval:**

<b>DVEC - electricity -</b>	<b>\$ 150.00</b>
<b>Ohnstad Twichell-Readi Tech permit/correspond.</b>	<b>\$ 238.00</b>
<b>Moore Engineering-Mtgs.</b>	<b>\$ 225.00</b>

#### **April 2025 Financials:**

Maintenance Account Balance:	<b>\$ 55,592.57</b>
Improvement Account Balance:	<b>\$340,478.77</b>

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

APPROVAL:

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Luke Siemieniewski, Chair

ATTEST:

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Wendy Willprecht  
Secretary-Treasurer