

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MARCH 21 2019, AT 8:00 A.M. IN THE COMMISSIONERS ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

Managers present: Lucas Siemieniewski, Todd Stein, Michael Wyum, Roger Zetocha and Bruce Speich. Absent: None. Also present: Chris Gross, the Board's engineer and Sean Fredricks, the Board's attorney and Sherry Hosford, Secretary-Treasurer. The following residents and landowners were present: Paul Mathews, Robert Banderet and Gerry Bosse.

Manager Stein moved to approve the Board's February 21, 2019 minutes and February financial report. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Wyum moved to approve renewal of CD No. 14417 for an additional twelve months at 1.75% interest. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously

Manager Zetocha moved to approve payment of the following bills and transfer of funds (\$110,000.00) from Drain No. 7 to Drain No. 7 I & S Fund:

78452	Moore Engineering, Inc.	General Services - \$340.00; Shortfoot Creek Study-\$8,845.00; Dr#11-\$170.00; Brummond-Lubke Dam-\$26,942.30; Silver Lake Dam Feasibility Study - \$14,871.50=	TOTAL	\$51,168.80
78453	Ohnstad Twichell	Silver Lake Dam JTP Agreement-\$1,071.00; Bernie Vculek permit-\$156.15; Tom Heimbuch permits-\$486.20; Steve Kasowski permits-\$141.00; Brummond-Lubke Dam Project-\$100.05=	TOTAL	\$1954.40
78454	Lucas Siemieniewski	Travel		64.96
78455	Starion Bond Services	Dr# 7 Bonds		195,678.25
78456	Todd Stein	Travel		9.28
78457	Michael Wyum	Travel		11.60
78458	Roger Zetocha	Travel		29.00
16090	Sherry Hosford	Salary less taxes	560.48	1,639.52
DD	Sargent County Bank	Withholding taxes		723.52

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

BRUMMOND-LUBKE DAM: Chris Gross reported that the plans will be signed today and ready for bid. Manager Speich moved to authorize Moore Engineering, Inc. to advertise for bids for the Brummond-Lubke Dam Improvement Project. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. Sean had prepared a Temporary Easement with Boyd P and Teresa R Brummond for purposes of excavation and permanent removal of excavated dirt, soil, clay, silt and other materials and for other easement rights for purposes of the project. Manager Speich moved to authorize Chairman Siemieniewski and Secretary-Treasurer Hosford to sign said easement. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously. An Application to Construct or Modify a Dam Application has been forwarded to the Office of the State Engineer and this has been sent out to several agencies for a 45-day comment period.

SILVER LAKE DAM: Luke reported that he and Todd had met with the commissioners and park board on Tuesday, March 19th and the Joint Powers Agreement was signed by both boards. Chris reported that it has been a tough winter for obtaining geo-tech information and MEI plans to wrap up the feasibility study and provide a report to the Board in April. Luke indicated that the commission and park board were concerned about the road project that will be completed this year around Silver Lake and Luke assured them that anything that may or may not be proposed with the dam, except for repairs, may not happen for many years until funding is obtained.

DRAIN NO. 11/TILE 16: Chris Gross received a box of files from the Secretary for the tile south of Cogswell and will be reviewing the information for the Board to consider.

BANDERET VS SARGENT COUNTY WATER RESOURCE DISTRICT NO. 20180253: The Board received notification that the ND Supreme Court affirmed the District Court's decision to dismiss the complaint regarding Robert & Laurie Banderet, et al, v. Sargent County Water Resource District, et al. There have been articles published by several news outlets that are unfair and inaccurate toward the Board actions. The Board asked Sean to prepare a memo to address this inaccurate information and to circulate it to the news agencies that published articles.

APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM NO. 2019-03 FOR THOMAS, CHAD, AND JOSH HEIMBUCH IN THE SOUTHWEST QUARTER OF SECTION 7 IN BRAMPTON TOWNSHIP:

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2019-03* dated February 19, 2019, for Thomas, Chad, and Josh Heimbuch; Chad and Josh Heimbuch arrived at the meeting to discuss the application. Under the application, Applicants seek to install a 162-acre drain tile system in the

Southwest Quarter of Section 7 in Brampton Township, Sargent County, North Dakota. The project includes a single pump outlet located in the northeast corner of the Southwest Quarter of Section 7; the tile discharge will flow west along the north boundary of the Southwest Quarter of Section 7 through an open ditch; the tile discharge will flow through an existing culvert under 120th Avenue SE and will outlet into an existing open ditch along the south boundary of the Northeast Quarter of Section 12 of Southwest Township; the discharge will continue to flow west through the open ditch until discharging into legal Drain No. 11.

No THIRTY-DAY NOTICES were necessary since Applicants own the Southwest Quarter of Section 7 and the south 100 feet of the Northeast Quarter of Section 12, the entire first mile of the tile discharge. More specifically, Thomas and Kathleen Heimbuch own the Southwest Quarter of Section 7 of Brampton Township, and Josh Heimbuch owns the south 100 feet of the Northeast Quarter of Section 12 of South West Township.

Manager Stein moved, and Manager Speich seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-03* dated February 19, 2019, for Thomas, Chad, and Josh Heimbuch in the Southwest Quarter of Section 7 in Brampton Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-03, 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 Brampton Township at any and all outlets into Brampton 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 District.

Upon roll call vote, the motion carried unanimously.

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

- 1) That Applicants obtain written permission from the Brampton Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches; to install, operate, and maintain buried pipe in any of its township road ditches; or to bore through its township road;
- 2) 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
- 3) 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. 11 CHANNEL IMPROVEMENT PROEJCT: Moore Engineering, Inc., will move forward with development of the Drain No. 11 Improvement Project. Moore will continue with the hydrology and hydraulic analysis, plans will be further developed, and meetings with landowners that are affected by right of way acquisition will also need to start when the final design is further along. Chris indicated that the final project design is months away from being completed. Moore will work with Ohnstad Twichell regarding right of way acquisition. The cost share is in place with the State Water Commission. Chris answered questions of new Board members on the project design and proposed work to improve drain efficiency. The project will begin in Section 8 of Taylor Township and move north and west approximately 12 miles to the north side of Meszaros Slough. Todd reported that he had visited with the railroad regarding the culverts under the railroad line west of Cogswell. Todd felt they are onboard with this project and changing the culverts but would not do so until 2020. Ohnstad Twichell will request updated land appraisals.

SCANNING MINUTES: Sherry reported that scanning minutes to the website has been completed – 482 pages – 43 years of minutes and 9 hours of scanning – all minutes are now available on the website. To view the minutes – go to Sargent County.com; Click on Departments, next click on Water Resource District and Minutes. In upper right hand corner you will see "Minutes"- Click "View all Minutes". All years will pop up and then you can select which year you want to search. Once you select which year you want, it may take a few minutes for all to download and then you can scroll down the page and see all the minutes for said year. If you have any problems, please let Sherry know. This will take you to all approved minutes for

the water board for 63 years.

DICKEY-SARGENT JOINT BOARD: Sherry Hosford, Secretary-Treasurer DSJTWB provided DSJTWB bills for consideration and approval as follows:

1. DVEC \$130.00 (Utilities)
2. Ohnstad Twichell \$292.50 (Settlement Documents)
3. Moore Engineering, Inc. \$170.00 (Request for info from Steve Hansen)

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

NOTICE FOR TILE PERMITTEES WITH PUMPS: Board members approved placement of the following notice in the Sargent County Teller and the Dickey County Leader for two weeks: Take notice that the Sargent County Water Resource District prohibits landowners with tile projects from operating tile pumps until further notice due to the flood emergency in the County.

OTHER BUSINESS: Water Manager Training in West Fargo on the morning of Friday, March 29, from 10:00 a.m. to noon. This would fulfill Board member training obligations.

With no further business to discuss, the Board adjourned the meeting at 9:30 a.m.

LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

SHERRY HOSFORD - SECRETARY-TREASURER