

MINUTES OF THE SPECIAL MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, MARCH 23, 2017 AT 10:00 A.M., IN THE COMMISSION ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

The WRD managers present were: Luke Siemieniewski, Roger Zetocha, Todd Stein and Korey Martinson. Absent: None. Also present were Don and Will Rust, Cogswell; Chris Gross, board engineer; Sherry Hosford, Secretary-Treasurer; Bob Banderet and Paul Mathews.

Chairman Siemieniewski called the meeting to order at 10:00 a.m.

Manager Stein made a motion "Fixing the time at which to adjourn this meeting" at 11:00 a.m. Manager Zetocha seconded the motion and motion carried.

The purpose of the meeting was to consider a permit to drain application filed by Rust Family LP located in the NE1/4 of SE1/4-10 and NW1/4-11-129-57 in Brampton Township and also a Utility Permit for a project in the NE1/4-35-130-57 in Sargent Township and to review information on determining the percentage assessments for reassessment of Drain No. 11.

**RUST FAMILY LP APPLICATION TO INSTALL A SUBSURFACE DRAIN IN THE NE1/4 OF SE1/4-10-129-57 AND NW1/4-11-129-57:** Due to the application only being delivered today at the meeting, the board was unable to act on this permit and will carry over until the April regular meeting.

**RUST FAMILY LP UTILITY PERMIT:** Don Rust presented a tile plan regarding a tile project the Rust's plan to install in the Northeast Quarter of Section 35 of Sargent Township, property owned by Rust Family Limited Partnership. The project outlet will be a single gravity outlet that will discharge into Sargent County Drain No. 11. The project is less than 80 acres and, therefore, does not require a subsurface permit under N.D. Cent. Code § 61-32-03.1. However, because the project will include an outlet into Drain 11, the project will require a *Utility Permit*. Manager Zetocha moved to approve a Utility Permit for Rust Family LP, and Rust Management LLC, to discharge into Sargent County Drain No. 11. Manager Martinson seconded the motion. Upon roll call vote, the motion carried unanimously.

**DRAIN NO. 11 REASSESSMENT;** Chris Gross reported to the board that he had looked at the Web Soil Survey and has determined the processing of this data is likely not going to provide a worthy tool for making decisions on benefits. His recommendation is to use the Productivity Index (PI) as a measure of soil quality for benefit analysis. Discussion followed on looking at some holding areas to view what percentage they would be placed into and Chris explained that there is a common method used with percentages that include exempt property such as Fish and Wildlife land; Game and Fish land; cemeteries; pasture land; and then the Proximity to the drain. Manager Zetocha plans to have someone fly the drain with him and compare the map to aerial findings.

Luke mentioned that at the Spring Township Officers meeting the townships asked how they can help to get the railroad culverts upgraded. Chris commented that the townships could ask the railroad to clean out the existing culverts but as far as lowering that is probably not going to happen unless it is part of a drainage project.

Board members continued to review the maps and looked at Proximity to the drain and the PI as the means for reassessing the drain.

Chris had an easement map with easements shown and concludes that grassland easement still get drainage benefits but wetland easements would not, so consideration should be given to those lands when determining percentage benefits. The 2014 crop info maps has been overlaid with the Proximity map and PI map and Chris suggested that the board pull out water parcels and use aerial imagery to update these areas.

The board was asked to choose the method they are comfortable with. Moore Engineering, Inc. will then break it down to the boundaries by taking the tax roll and entering every parcel within the boundary and get the numbers for PI and Proximity. The formula is critical because this is the information that would go to the public hearing in May. In order to stay on schedule to have a reassessment completed by September, Chris suggested that a method be chosen today and then the map can be viewed at the next regular board meeting. If changes are then needed, the board could make them prior to the hearing.

Much discussion continued on Proximity to the drain and that the higher grounds are provided an outlet and the flat land takes longer to drain. Chris suggested these five areas to consider: 1)How to set the Proximity; 2) How to set benefit percentage for Proximity; 3) How to dissect the PI; 4) How to set benefit percentage for PI; and 5) Weighted equally or Proximity higher or PI higher.

As the time was 11:00 a.m. Chairman Siemieniewski asked for a motion to suspend the rules and set a new time for adjournment. Motion by Manager Zetocha to suspend the rules and set a new time for adjournment.

Manager Stein seconded the motion and motion carried. Manager Martinson moved to fix the time at which to adjourn to 11:30 a.m. Manager Stein seconded the motion and motion carried.

Board members asked both Bob Banderet and Paul Mathews if they had any comments on the formula. Paul stated that he felt the board was too rushed and they need additional time to study the information. He feels the board is uncomfortable with this process. Chris Gross asked what more could be studied. Manager Zetocha stated that he is not uncomfortable with the process but that he is trying to be fair and get all the information that is necessary to make this decision. Manager Stein says he is comfortable and doesn't feel he can learn anymore from this process. Manager Zetocha still plans to fly the drain and verify in his own mind what he discovers from the air. Chris Gross indicated that any changes can be implemented to the maps at the April meeting. Paul Mathews asked if the engineer could pull a few parcels in each township and compare the various methods to see what they look like and Chris agreed he could do that and provide those results to the board for review.

The board agreed to use a weight of 40% for proximity and 60% for PI. Under the Proximity method-.5-1 mile from drain=100%; 1-1.5 mile from drain=95%; 1.5-2 miles from drain=90%; 2-2.5 miles from drain=80%; 2.5-3 miles from drain=75%; 3-3.5 miles from drain=70%; 3.5-4 miles from drain=40%; 4-8 miles from drain=25%; over 8 miles=10%. Productivity Index method – 80-100=100%; 60-80=80%; 40-60=60%; 20-40=40%; 0-20=20%. Water parcels will all be valued at 0. These two methods will be applied to each parcel in a pro-ratio method. Easement land was not decided upon and will be discussed at the April meeting.

The meeting adjourned at 11:28 a.m.

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LUCAS SIEMIENIEWSKI – CHAIRMAN

ATTEST:

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SHERRY HOSFORD – SECRETARY-TREASURER