

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, APRIL 16, 2020 AT 8:25 A.M. IN THE COMMISSIONERS ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

In accordance with Governor Burgum's Executive Order No. 2020-16, the Board conducted this meeting via conference call only; the Sargent County Courthouse remains closed due to COVID-19. The Board provided public access to the meeting by providing call-in information on the meeting agenda.

Managers present via conference call: Todd Stein, Lucas Siemieniewski, Michael Wyum and Roger Zetocha. Absent: Bruce Speich. Also present via conference call: Chris Gross, the Board's engineer; Sean Fredricks, the Board's attorney; Paul Mathews, Dan Delahoyde, Bob Banderet and Darren Ptacek. Present at the courthouse: Sherry Hosford, Secretary-Treasurer and Sargent County Commissioners Richard Ruch.

Manager Wyum moved to approve the Board's March 19, 2020 minutes and the March 2020 financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills:

80239	Jerry's Backhoe Service	Dr#11-cleaning cornstalks and cattails	262.50
80240	Moore Eng. Inc.	General meetings-\$525.00; Silver Lake Feasibility Study - \$6,397.65; Shortfoot Creek-\$10,112.50; Dr#11-Design Engineering-\$5,025.00; Dr#11-ROW-\$1,623.30; Dr#11 RR Culvert Crossing and reassessment-\$3,834.70; Dr#12-Project Development-\$105.80; Dr#12-Design Engineering-\$28,375.00 =	TOTAL 55,998.95
80241	Ohnstad Twichell	General meetings-\$852.37; Gary Thornberg permit-\$414.20; Dr#11 Imp. Project -County JPA and bond counsel-\$535.16; Dr#12-JPA/Cost share/Review Estimate-\$779.00 =	TOTAL 2,580.73
17590	Sherry Hosford	Salary less taxes	557.65
DD	Sargent County Bank	Withholding taxes	725.09

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

**KELLEY-MATHEWS APPEAL:** The Board agreed that hiring a drone to fly this area is the best way to view what is going on on the ground level. The Board directed Moore Engineering, Inc. to fly a drone over this area, as well as the Southwest Branch of Dr#11 and Dr# 7 through Milnor City and to the east and south. Moore will have video or pictures from the drone flight for the Board's review.

**DRAIN NO. 11:** Chris reported Moore is still waiting for ND Game and Fish to make final decisions so Moore can finalize alignment. Sean met with the Sargent County Commission to discuss the proposed Joint Powers Agreement and the Commission asked Sean to modify the agreement to more clearly specify the Commission's ability to pre-pay their share if they choose. Sean made the requested revision; States Attorney Pfau and Commissioner Bill Anderson gave preliminary approval of the revised JPA. The revised JPA will be on the Commission's April 21 agenda. Manager Stein moved to approve the JPA for Dr# 11 with the County of Sargent, and to authorize the Chairman and Secretary to sign the agreement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

**DRAIN NO. 11 REASSESSMENT:** Chris asked if board members had decided on what information they would like to use for a reassessment. Several of the board members had questions and concerns about what data to use and asked Chris to provide more information/explanation of what each option includes for them to review. Before MEI can provide a cost for the reassessment, Chris is asking that the board define the parameters.

**DRAIN NO. 11 CROSSING BETWEEN SECTIONS 21 AND 28 IN HARLEM TOWNSHIP:** Darren Ptacek inquired about the replacement of culverts at this location. The board has not ordered the culverts but has a purchase order for 24' plus band of 112" x 75" CSPA. Chris will check with True North Steel to see if the price has changed and Luke and Roger will contact contractors to get estimates to do this project.

**DRAIN NO. 12 IMPROVEMENT PROJECT:** The Board is still waiting on the State Water Commission for a corrected Cost Share Agreement. Chris informed the board that the Plans and Specifications for this project are 95% complete and he recommended to the board that the Board authorize Moore to advertise for bids. Manager Wyum moved to authorize Moore Engineering to advertise for bids for the Drain No. 12 Improvement Project. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. Chris indicated bid opening will likely be at 2:00 p.m. on Tuesday, May 19, 2020, at the Moore Engineering, Inc., office in West Fargo. MEI will have time to review the bids and present to the board at their next regular meeting on May 21, 2020. Sean reported that he had sent the draft Drain 12 Joint Powers Agreement, regarding township and county road crossing improvements and costs, to the Sargent County Commission for their review and approval. Sean will make the same change to this draft JPA, to clarify the County's ability to pre-pay their share, and will send the revised agreement to the County. Manager Wyum moved to approve the JPA for Dr# 12 with the County of Sargent, with the addition of the pre-payment

language, and to authorize the Chairman and Secretary to sign the agreement. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

**SILVER LAKE DAM IMPROVEMENTS:** On an update regarding cost-share on the Silver Lake Dam Improvements, Mike and Chris reported that the SWC approved cost-share at 60%. The State Water Commission's cost-share agreement should arrive soon. Chris also told the board that the Outdoor Heritage Fund is considering additional cost-share for the project; the Outdoor Heritage Fund contacted Sargent County and granted an interview on May 8<sup>th</sup> for a 10-minute presentation on the proposed project. Ben Kugler from Moore has been working with Jerry Waswick, Chairman of the Sargent County Commission, and Sue Seelye, Park Manager, to prepare for the interview. Ben has prepared a draft presentation for the interview and Chris recommended that someone from the water board attend the interview as well to show the partnership between the two government bodies. Sherry agreed to attend the interview and to make comments as a resident/user of the park and also regarding the water board's sponsorship of the project.

**HEAD OF THE MOUNTAIN NATURE PRESERVE:** Kathy Duttonhefner, Natural Resources Coordinator/Biologist II with ND Parks and Recreation contacted the board with an update of the lease for Head of the Mountain Nature Preserve. The following items are areas that will need board assistance when Parks and Recreation are ready to proceed:

- Jolene Rieck – Chief of Planning and Programs will be working with the Attorney General's Office to seek a Lease Extension – perhaps only to end of 2020.
- This year ND Parks and Recreation have been directed to take a look at the Articles of Dedication and the ND Parks and Recreation's responsibilities. Sounds like we most likely will be making some changes prior to end of 2020. Changes will require public hearing and Governor's approval.
- In addition, Jolene, Justin Robinson, Northeast Regional manager, Tyler Modlin, Fort Ransom State Park Manager would like the opportunity to visit the Preserve with members of Sargent County Water Resource Board this summer, perhaps in July?
- Kathy's staff are currently revising the existing Head of the Mountain Natural Resource Plan.
- Tyler Modlin has concerns with the fencing being cut in each year. Repairing has become a regular occurrence.
- Tyler and Kathy D. will be joining in on the June Conference call.
- Natural Resource division staff will continue to treat noxious weeds for this year.

**SHORTFOOT CREEK RCCP PROJECT UPDATE:** A final Project Team Meeting has been scheduled for Wednesday, April 22 at 9:00 a.m., to decide which alternative(s) to recommend to this board.

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

1. Jason Arth \$50.00 – beaver removal south of Kurt Breker's

Manager Stein moved to approve the Richland-Sargent No. 1 bills. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

**MIKE ARTH, MILNOR REQUEST TO DRAIN WATER:** Sherry reported of a phone call with Mike Arth regarding a water problem on the township roadway between Section 5 and 6 in Herman Township. The landowner would like to dig a ditch and then plow in an 8-inch pipe to divert the water to Lake Fedje. Chris advised Mr. Arth to call the SWC and visit with Matt Lindsay about the possibility of obtaining an emergency surface drain permit.

Richard Ruch inquired about extending Dr# 9 and what the cost would be. The Board does not have current information on cost, but the Board included this project on the 2021-2023 State Water Commission Project Information and Planning list to ensure the project qualifies for State Water Commission cost-share, if funds are available.

Mike Wyum gave a brief recap regarding the State Water Commission's discussion on the economic analysis requirement for WRD cost-share requests, including the type of information WRDs must include, as well as projects the SWC staff identifies as having a b/c ration less than one. Mike and Chris also discussed the time delays often associated with meeting the SWC's economic analysis requirements.

With no further business to discuss, the Board adjourned the meeting at 10:17 a.m.

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LUCAS SIEMIENIEWSKI - CHAIRMAN

ATTEST:

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SHERRY HOSFORD, SECRETARY-TREASURER