

SPECIAL MEETING MINUTES
SARGENT COUNTY WATER RESOURCE DISTRICT

Monday, April 4th 2022

Sargent County Courthouse - Forman, North Dakota

8:00 A.M.

Managers present: Chairman Luke Siemieniewski, Roger Zetocha, Todd Stein, Bruce Speich and Michael Wyum. Also in attendance were Nathan Trosen, Moore Engineering; Commissioner Richard Ruch and Wendy Willprecht, Secretary/Treasurer. Others present via video conference were Sean Fredricks of Ohnstad Twichell, P.C., the Board's Attorney; Josh Hassell, Moore Engineering; Charles Carvell, Pearce Durik Law Office; Bob Banderet; Leon Mallberg; Dale and Bonnie Mallberg; Lynn Kaspari, Ransom County Gazette and Carolyn Ehman.

Drain No. 11 Project

Nathan Trosen, Moore Engineering presented an updated cost estimate for Drain No. 11. Due to delays caused by litigation, the project's construction costs have gone up over a million dollars since 2016, in addition to legal and engineering costs associated with the various challenges to the project over the past six years. With the current financial resources available for Drain No. 11 the Board elected to advertise for bids as follows:

- 1) Base Bid to include the first 4 miles; and
- 2) Bid the remaining project for each additional mile on a per-mile basis.

A motion was made by Manager Wyum and seconded by Manager Zetocha to authorize advertisements for bids as discussed above, with the ability for the Board to hold bids up to of 90 days. Upon roll call vote, the motion carried unanimously. Nate Trosen and Moore Engineering will advertise in both the *Sargent County Teller* and the *Fargo Forum*. The ads will run three times in each paper.

Trosen asked about staking construction limits on the land that will be involved in the improvement project. A motion was made by Manager Stein and seconded by Manager Wyum to stake construction limits for the first 7 miles of the project where the SCWRD currently has rights. Upon roll call vote, the motion carried unanimously. Trosen said he will also call the landowners affected by the limits prior to staking.

Due to a calculation error, the value awarded to the Mathews/Delahoyde family increased to \$52,917 from \$43,988. Manager Wyum made a motion to increase the payment to the Mathews/Delahoyde family to \$52,917. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

After further discussion of the parameters of how the SCWRD would like the Drain No. 11 project bid, the Board that, along with the 4-mile base bid plus the per-mile alternates, the Board would also like an additional alternate bid for the project on a per-mile basis. Manager Speich made a motion to add this alternate bid option to the advertisement for bids. Manager Wyum seconded the motion. Upon roll call, the motion carried unanimously.

Manager Wyum asked Moore Engineering if the right of way agreement along the Game and Fish land has been completed. Hassell said that the Game and Fish has not signed the document but the parties have agreed in concept to the terms.

Drain No. 11 Reassessment

Trosen stated that the preliminary non-contributing analysis is complete. Trosen added that at the regular monthly SCWRD meeting scheduled for Thursday, April 21st, 2022, the Board needs to consider the proximity map changes, the Cogswell Tile and the watershed boundary updates. The Board would like to hold an additional informational meeting which will need to be scheduled, possibly early June, after a discussion is had about these 3 areas and the non-contributing analysis. After the informational meeting, the goal is to approve the list at the end of June. Discussion was had regarding timeline of receiving information from landowners on private easements, such as WRPs or wildlife easements, since such information is unavailable from public sources.

Attorney Carvell was asked how we can proceed in handling the resistance of Ransom County to contributing to the Drain No. 11 reassessment. Carvell said that he would prefer to hold an executive session to talk about options. This can take place during the April 21st, 2022 regular SCWRD meeting.

Meeting adjourned at 8:30 a.m.

LUCAS SIEMIENIEWSKI – CHAIRMAN

ATTEST:

WENDY WILLPRECHT - SECRETARY-TREASURER