

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON MONDAY, MAY 20, 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 Sherry Hosford, Secretary-Treasurer. Sean Fredricks, the Board’s attorney was present via conference call. The following residents and landowners were present: Paul Mathews, Robert Banderet and Gerry Bosse.

Manager Wyum moved to approve the Board’s April 18, 2019 minutes and April financial report. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve payment of the following bills:

78676	Jerry’s Backhoe Service	Dr#11-remove cattails from 5 sites	712.50
78677	Moore Engineering, Inc.	General Services - \$185.60; Shortfoot Creek Study-\$17,853.21; Brummond-Lubke Design-\$1,460.58; Frenier Dam-\$110.35; Silver Lake Dam Feasibility Study - \$4,413.10; Drain No. 11 – R-O-W, Wetland Mitigation and Permitting - \$2,508.10; Dr#12-Potential Improvement Project-\$185.60 =	TOTAL
			26,716.54
78678	Ohnstad Twichell	General-\$1,142.00 meetings; Tom Heimbuch permits- \$587.30; Dr#11-Easements, Appraisals, reassessment memo, Purchase Agreements and Easements, and Temporary Construction Easements-\$3,178.50; Mathews Litigation-\$195.00; Brummond-Lubke Dam Project-\$195.00 = TOTAL	5,297.80
78679	Quill	Ink Cartridge	119.99
78680	Sargent County	Culvert Cost Share-Dunbar Township Section 30-31 and County Road # 14 in Section 9 of Hall Township	1468.67
78681	The Sargent County Teller	Brummond-Lubke Bid Ad	222.61
78682	Lucas Siemieniewski	Travel	131.08
78683	Bruce Speich	Travel	103.24
78684	Todd Stein	Travel	135.72
78685	Stamp Fulfillment Services	500 Stamped-Addressed Envelopes	334.25
78686	Michael Wyum	Travel	74.24
78687	Roger Zetocha	Travel and flying Drain # 11	308.20
16405	Sherry Hosford	Salary less taxes 560.48	1,639.52
16406	Roger Zetocha	4 PD less 54.05 taxes	425.95
16407	Lucas Siemieniewski	3 PD less 27.54 taxes	332.46
16408	Todd Stein	4 PD less 36.72 taxes	443.28
16409	Bruce Speich	1 PD less 9.18 taxes	110.82
16410	Michael Wyum	4 PD less 36.72 taxes	443.28
DD	Sargent County Bank	Withholding taxes	1034.61

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

Application to Install a Subsurface Water Management System No. 2019-04 for Bruce Speich in the West Half of the East Half of Section 9 in Hall Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2019-04* filed April 18, 2019, for Bruce Speich. Under the application, Applicant seeks to install an additional 133 acres of tile to a tile system previously permitted by the Tri-County Joint Water Resource District in 2013. Under the tile law passed in 2017, the Sargent County Water Resource District must process this new application. Applicant intends to install the additional 133 acres in the West Half of the East Half of Section 9 of Hall Township, Sargent County, North Dakota. The project will connect to the existing tile system in the East Half of the East Half of Section 9 and will ultimately discharge along the same path as the existing system in the East Half of the East Half. More specifically, the project will outlet via a single pump outlet near the northeast corner of Section 9. The tile discharge will flow north under Sargent County Highway 14; the tile discharge will then flow east to the east section line of Section 9, where the discharge will then turn north in the west township road ditch along 147th Avenue SE; the discharge will then flow north through an existing culvert through Red River Valley & Western’s right of way; from there, the tile discharge will flow east in RRVW right of way until it ultimately outlets into the Tri-County Drain.

The Board previously provided THIRTY-DAY NOTICES to downstream landowners in accordance with N.D. Cent. Code § 61-32-03.1. None of the landowners submitted any “technical evidence,” as that phrase is defined under Section 61-32-03.1, to object to the project or to suggest the project will result in adverse impacts to their properties. As a result, under the tile law passed during the 2017 legislative session, the Board cannot attach any conditions to the permit that would require Applicant to obtain consent or easements from downstream landowners. However, the Board can require Applicant to install riprap to protect Sargent County’s highway right of way.

According to records supplied by Applicant, Bruce Speich owns the East Half of Section 9, subject to Sargent County highway right of way and Red River Valley & Western right of way.

Manager Wyum moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-04* filed April 18, 2019, for Bruce Speich in the West Half of the East Half of Section 9 in Hall Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-04, subject to the following conditions:

- 1) That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Sargent County at any and all outlets into Sargent County's road right of way; and
- 3) That Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District.

Upon roll call vote, Chairman Siemieniewski and Managers Zetocha, Stein, and Wyum voted in favor of the motion. Manager Speich abstained from the vote based on prior conflict analysis. The motion carried.

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

- 1) That Applicant obtain written permission from the Hall Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches;
- 2) That Applicant obtain written permission from Sargent County to discharge into, or otherwise utilize, any of its County highway ditches;
- 3) That Applicant obtain written permission from RRV&W to discharge into, or otherwise utilize, any of its right of way;
- 4) That Applicant 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
- 5) That Applicant 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.

BRUMMOND-LUBKE DAM IMPROVEMENT PROJECT: Chris presented to the Board the signed Agreement from Comstock Construction, Inc. All insurance and bonding documents have been reviewed by Sean. Motion by Manager Stein to authorize the Chairman and Secretary to sign said Agreement and the Notice to Proceed on the Brummond-Lubke Dam Improvement project. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously. The Pre-Construction Conference will be scheduled in the next couple weeks. Total awarded bid price was \$265,162.00.

SILVER LAKE DAM: Chris suggested that State Water Commission dam safety staff, Sargent County Commission and Sargent County Park Board be invited to the next water board meeting in June to discuss options for this project. Today's dam safety design standards have changed over the past years and this could have a substantial impact to the lake levels if a new dam is built versus repairing the existing dam. This meeting would allow all parties to focus on project option that may be permitted by the State Water Commission and then eliminate those that are not.

SIDEWALKS AT FRENIER: Chris plans to discuss this project with Comstock Construction, Inc. at the pre-construction conference for the Brummond-Lubke Dam Improvement Project to get a quote from them to install a concrete sidewalk near the control structure at Frenier Dam.

DRAIN NO. 11: A culvert on the Canadian Pacific (CP) Railroad 2.5 miles west of Cogswell on Drain No. 11 collapsed a few weeks ago. The railroad made temporary repairs to the site. Rocky Foss (701-408-9054), DMVW Railway representative met with the water board to discuss replacing this culvert. DMVW leases the track from CP Railway. Chris has information from the Upper Wild Rice River Watershed Study that MEI conducted in April 2016 and the water board asked Chris to provide a culvert crossing recommendation to the railroad based on the study. Rocky will forward the recommendation onto CP Railway for their consideration.

TAYLOR TOWNSHIP CULVERT/AKA BRIDGE 116-20: Dennis Flihs, Taylor Township Chairman, met with the water board to discuss the culverts located between Sections 10/11, this site once was a bridge. He met with the county commission and they agreed to fix the site. This site is located on the Wild Rice River and is located approximately 4 miles from the outlet to Drain No. 11. Dennis stated that there are two other sites (Sections 2 and 11 and Sections 1 and 2) in Taylor Township that have been problem areas in 1997, 2009 and 2019. FEMA fixes the roadway but does not replace culverts. The county commission will have their engineer (IEI) conduct a hydraulic study to size the culverts. Chris will provide Damon DeVillers, Interstate Engineering, Inc. information from the Upper Wild Rice River Study that can be analyzed for sizing of culverts.

DRAIN 11 AND DRAIN 16: Chris used modeling software on the Drain No. 16 tile to analyze several rainfall events to determine the current capacity of the Drain No. 16 tile system. It was determined that the capacity of the buried tile was between the 2-yr rainfall (2.38" in 24 hrs.) and the 5-yr rainfall (3.01" in 24 hours) event. Any rainfall above this rainfall would exceed the tile capacity and water will go into storage upstream of Cogswell. This model output confirmed the thoughts of those familiar with the drainage efficiency of the existing tile pipe. How to gain more flow? – Open ditch is an option but very expensive, bigger pipe would also be costly. The tile was installed for the benefit of the city but the water is not flowing southerly. The Board asked Chris to cut two profiles from Lidar from Cogswell City west to Drain No. 11 to see what hurdles/hills the water would have to go over to lift the water from Cogswell City.

WEBER TOWNSHIP/BOYD BRUMMOND/BRUMMOND-LUBKE DAM: Boyd reported that a 48" culvert from Lubke Dam (136th Avenue SE in Weber Township between Sections 35 and 36) has collapsed and is asking if this culvert was part of the original project when Lubke Dam was installed in the early 1960's. Boyd was informed that a Hydraulic Study is necessary before culverts can be installed or replaced. Boyd also mentioned that there are many gravel trucks that travel this roadway and now that it has collapsed there is a lengthy detour into South Dakota to get around this location. Chris Gross agreed to look at the original NRCS plans to see if this roadway was part of the original dam project. The Board informed Boyd that the water board and county commission would likely participate in a 1/3 cost share for any culvert over 36 inches once a hydraulic study has been completed. Boyd will look into getting a study scheduled.

DRAIN NO. 11 CULVERTS LOCATED BETWEEN SECTIONS 21/28 IN HARLEM TOWNSHIP AND SECTION 26 OF DENVER TOWNSHIP: Roger Zetocha requested that culvert extensions be installed between Sections 21/28 as there is much traffic and it is too narrow for most farm implements. This will be carried over until the water is lower. Roger also reported that in Section 26 of Denver Township, there is sediment and debris in the culvert from this site north to Highway 13 that needs to be cleaned out when conditions allow.

DRAIN NO. 8: Mike and Luke will look at the drain and mud chunks reported on the roadway and make a decision on who should remove the debris.

RICHLAND-SARGENT NO. 1: Monica Zentgraf, Secretary-Treasurer RS #1 provided RS #1 bills for consideration and approval as follows:

1. Interstate Eng., Inc. \$3,538.14 (Eng. services thru 5-11-19)

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

CULVERT COST SHARE ON COUNTY ROAD NO. 14 IN THE NE1/4-9-HALL TOWNSHIP: The Sargent County Commission is requesting 1/3 cost share on a 36"x50' culvert through County Road 14 in the NE1/4-9 in Hall Township. A hydraulic study has been completed and is attached to the request. Bruce Speich had made this request to the county commission. Manager Wyum moved to approve the cost share request. Manager Zetocha seconded the motion. On roll call vote, voting aye: Wyum, Zetocha, Stein and Siemieniewski. Voting nay: None. Abstaining: Speich. Motion carried. One-third cost of the culvert was \$654.00.

DRAIN NO. 12: Luke reported that at the location south of Robert Lee's in Section 8-Marboe Township, Sparky asked to use a portion of the embankment along the drain and used too much which created a washout into the field. Sparky agreed to clean up the area and fix the washout. Discussion on proceeding with improving approximately 0.75 miles of Drain No. 12 in the SE1/4-6-129-53LTL. Manager Speich moved to authorize Moore Engineering Inc. to submit a request for cost share to the State Water Commission for Drain No. 12 Improvement project. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

JUNE 2019 MEETING DATE: Due to scheduling conflicts, the June meeting of the Sargent County Water Board will be held on Monday June 17th at 8:00 a.m.

DRAIN NO. 11: Chris suggested to the Board that at the June meeting, a date be set for a public informational meeting regarding the proposed Drain No. 11 Improvement Project. This meeting would be a broad overview of the project for the landowners within the assessment district. Additional meetings will be necessary for people who are directly impacted by the acquisition of right-of-way for the project. Also Leon Mallberg submitted a petition to demand a reassessment of the Drain 11 assessment district. Sean Fredricks indicated the Board can be compelled to conduct a reassessment process once every ten years. Mr. Mallberg plans to attend the Board's next meeting to discuss his petition and to otherwise discuss the matter with the Board.

2020 BUDGET WORK: The board proceeded to work on the General Fund Water District Budget. Each line item was reviewed and amounts requested for 2020. After further review Manager Wyum moved to approve \$457,200 for the General Fund and request the same levy as 2019 which is 1.86 mills. This will generate approximately \$72,325. Manager Zetocha seconded the motion. Discussion included that water districts are allowed to levy up to 4 mills each year and this board has kept their levy down under 2 mills. Upon roll call vote, the motion carried unanimously.

2020 BUDGET WORK: The Board proceeded to work on the 2020 drain budgets. Each drain balance was reviewed as well as dollars that could be generated by the maintenance levy. The following amounts were approved for the individual drains: #2-\$19,500- cleaning; #4-\$20,000- maintenance and spraying; #8-\$78,200- maintenance; #9-\$66,600-cleaning and tree removal; #11-\$1,329,400-Drain No. 11 Improvement Project and maintenance; #12-\$113,000-cleaning and tree removal; Drain # 7-\$51,031-maintenance and spraying; Drain No. 7 Sinking and Interest Fund-\$203,969-bond payments; Tewaukon Watershed-\$46,500-complete repairs to Brummond/Lubke Dam; Shortfoot Creek Watershed Study - \$200,000. Manager Wyum moved to approve the 2020 drain budgets. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

2019 MAINTENANCE LEVIES: Manager Wyum moved to approve the following maintenance assessment amounts for each drain for 2019 taxes: Drain No. 2 - \$4.00; Drain No. 4 - \$1.00; Drain No. 8 - \$4.00; Drain No. 9 - \$1.00; Drain No. 11 - \$4.00; Drain No. 12 - \$4.00; SC Water Channel Imp. District No. 1 – \$4.00; Tewaukon Watershed - \$2.00. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

With no further business to discuss, the Board adjourned the meeting at 11:30 a.m.

LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

SHERRY HOSFORD, SECRETARY-TREASURER