

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JUNE 15<sup>TH</sup>, 2023 AT 8:00 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Chairman Luke Siemieniewski, Vice-Chairman Michael Wyum, Managers Bruce Speich, Roger Zetocha and Todd Stein. Also, in attendance was Wendy Willprecht Secretary/Treasurer, Nathan Trosen, engineer for Moore Engineering, and Sargent County Commissioner Wade Anderson. Present via video conference was Attorney Sean Fredricks of Ohnstad Twichell, Josh Hassell, engineer for Moore Engineering, Bob Banderet and Leon Mallberg.

Manager Wyum moved to approve the May 18<sup>th</sup>, 2023 regular meeting minutes, the June 13<sup>th</sup>, 2023 drain tour meeting minutes and the May 2023 Financial Statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve the following bills:

**085416 Ohnstad Twichell-** Erickson App. \$606.44; Bopp App. \$609.50; Drain No. 4 Reassessment \$818.98; Drain No. 7 landowner abstract \$197.00; Improvement \$697.36; Eminent Domain \$7,794.37

**Total: \$10,723.65**

**085415 Moore Engineering-**Board Meetings \$3,505.52; Drain No. 4 Reassessment \$5,065.92; Drain No. 11 Legal Descript. \$85.00; Drain No. 12 Inspection \$510.00; Drain No. 7 Project \$600/Reassessment \$5820.92

**Total:**

**\$15,587.36**

**085418 Red River Basin-**Water Mgt. Activities/advocacy activities \$1735.50

**Total:**

**085413 Innovative Office Solutions-**Office Supplies

**Total: \$74.38**

**085417 Pearce Durick-** Drain No. 7 reassessment \$1085.10

**Total:**

**085414 Robert Lee-** Drain No. 12 crop damage

**Total: \$1000.00**

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

**Drain No. 11:**

**Project:** Nathan Trosen of Moore Engineering reported that the upstream end of one of the culverts at 127<sup>th</sup> Ave SE was damaged when farm equipment was driven over the crossing. The equipment sunk and tore a hole into the culvert. To repair the culvert the damaged end, approximately 20' – 30' will need to be removed and replaced. The Project's contractor, RJ Zavoral, does not have availability to repair the culvert. Moore will work with the contractor to see if a sub-contractor can be utilized for the culvert repair. Manager Stein suggested reaching out to JBX to do the installation. Trosen said the repair could cost from \$10,000-\$15,000, if not more. Trosen will bring a purchase order for the culvert material to the Board's next meeting for consideration.

Trosen said he had talked to Manager Stein about the culvert at the south end of the drain, 101<sup>st</sup> St E, being rusted out. Currently there are two 30" CSP culverts at this crossing. According to the 2016 Drain 11 Study only one 30" pipe is necessary to meet Stream Crossing Standards. Manger Stein said that Helwig's has offered to install the culvert.

Manager Zetocha made a motion to hire Helwig's to install (1) 30" culvert in Section 35, Southwest Township. Manager Stein seconded this motion. Upon roll call, the motion carried unanimously.

**Glen Thompson Utility Permit:** The Board is waiting for a response from Mr. Thompson regarding the utility permit he requested to accommodate his proposed tile project. Mr. Thompson has indicated he would like to resolve his tile access before closing on the Drain 11 right of way acquisition for his property.

**Drain No. 4:**

**Reassessment:** Trosen said the ground truthing is complete for all areas where comments on the watershed were received. After further review of the watershed boundary, it was noted that 196 acres can be removed in Section 13 of Bowen Township and 16 acres can added in Section 19 of Dunbar Township.

A motion was made by Manger Stein and seconded by Manager Zetocha to accept the corrected watershed boundary for Drain No. 4 that would exclude 196 acres previously assessed and to add 16 acres that were found to have benefit. Upon roll call, the motion carried unanimously.

Trosen said the review found that there should be a tile adjustment in the SE ¼ of Section 5 for land owned by the Hansons.

A motion was made by Manager Wyum and seconded by Manager Speich to approve the Resolution Certifying the Drain No. 4 Reassessment, including the final reassessment list with the approved updates. Upon roll call, the motion carried unanimously.

**Drain No. 7:**

**Project:** Comstock submitted an informal time extension request as no specific date was requested. Trosen suggested to not act on this request at this time until the extension dates are given. Trosen add that Comstock could at least pave the CR-12 crossing to show good will effort and added that the board can reserve the right to apply LD's.

Trosen said that had reached out to the county engineer, Damon Devillers of Interstate Engineering, and Devillers said Interstate is still waiting for the 404-permit relating to the downstream clean out.

A motion was made by Manager Speich and seconded by Manager Zetocha to transfer \$200,000 from the Drain No. 7 I&S account to the Drain No. 7 improvement account. Upon roll call, the motion carried unanimously.

**Reassessment:** Trosen said the ground truthing is complete for all areas where comments on the watershed were received. After further review of the watershed boundary, it was noted that 17 acres can be removed in Section 31 of Aliceton Township.

A motion was made by Manager Speich and seconded by Manager Zetocha to direct Moore Engineering to adjust the assessment list with the corrected watershed boundary. Upon roll call, the motion carried unanimously.

Tom Mund had presented a comment at the public hearing saying he had filed for a tile permit years ago, but never installed the tile. After investigating this comment, Board directed Moore to remove tile consideration from the benefit calculation for the Mund property.

A motion was made by Manager Speich and seconded by Manager Wyum to approve the Resolution Certifying the Drain No. 4 Reassessment, including the final reassessment list with the approved updates. Upon roll call, the motion carried unanimously.

Monty Haugen, resident of the city of Milnor, reached out regarding concerns of leafy spurge and wormwood. The Managers said they will communicate the concern to the NRCS and have them add spraying of the spurge and wormwood to their list.

During the June 13<sup>th</sup>, 2023 drain tour, it was found that there is an erosion area east of Milnor that needs to be repaired. It is expected that the area would need approximately 150 cu. yds. of rip rap and that the cost would be around \$12,000. Chairman Siemieniewski suggested reaching out to Braaten's to see if they would do the repair.

A motion was made by Manager Speich and seconded by Manager Wyum to hire Braaten to do the rip rap repair, not exceed \$12,000. Upon roll call vote, the motion carried unanimously.

**Drain No. 9 Extension:** No report.

**Drain No. 8:** No report.

**Cogswell Tile:** Trosen said we are waiting to receive hazardous mitigation funding from the Department of Emergency Services (DES) for the Cogswell Tile project. The DES has received the funding allotment and will now be deciding which projects they will fund. Trosen said that the fact that this project will benefit a residential area, chances for receiving project funding are greater.

**Drain No. 2:** Chairman Siemieniewski suggested paying half of the cost the county will incur in loading the spoil away from this drain site. The county will be using the spoil to build a back slope in the county ditch. Manager Speich suggested that we pay all of the loading/hauling cost. Commissioner Anderson said that the Commission will have a cost for the loading next month. The SCWRD will discuss how to handle the cost after the Commission presents the numbers.

**Drain No. 12:** During the drain tour it was noted that landowner Robert Lee incurred crop loss due to erosion. It was suggested to use buffer strips in the future to help alleviate erosion. The Managers felt Lee was entitled to a one-time reimbursement for crop loss due from erosion in the amount of \$1,000.

A motion was made by Manager Stein and seconded by Manager Zetocha to reimburse Robert Lee the amount of \$1,000 for crop loss due to erosion. Upon roll call, the motion carried unanimously.

**Short Foot Creek:** Josh Hassell, engineer for Moore Engineering, reported that the Moore Engineering has been working with the NRCS to provide additional benefits due to the BCA coming under 1. The additional benefits are the environmental enhancements to reduce nutrient and sediment loading downstream. Because of the nutrient loading reductions, the federal government is considering those reductions a significant impact which means the watershed plan will transition from an environmental assessment to an environmental impact statement. Additionally, due to the BCA of this project came in under 1, Hassell requested the board authorize Willprecht to send an exception letter which, if approved, will still allow federal funds to be contributed to design and construction of the project.

A motion was made by Manager Wyum and seconded by Manager Speich to authorize administrator Willprecht to send an exception letter to the federal government due to the BCA of this project being less than 1. Upon roll call, the motion carried unanimously. Moore Engineering will be sending letters out to landowners that are a part of the SFC project to give them a project update.

|                            |        |          |
|----------------------------|--------|----------|
| 085419 Lucas Siemieniewski | Travel | \$395.62 |
| 085421 Todd Stein          | Travel | \$34.06  |
| 085422 Michael Wyum        | Travel | \$26.20  |

|        |                         |                                       |           |
|--------|-------------------------|---------------------------------------|-----------|
| 085423 | Roger Zetocha           | Travel                                | \$32.75   |
| 085420 | Bruce Speich            | Travel                                | \$72.05   |
| DD     | Lucas Siemieniowski     | PD                                    | \$891.18  |
| DD     | Todd Stein              | PD                                    | \$534.70  |
| DD     | Michael Wyum            | PD                                    | \$534.70  |
| DD     | Roger Zetocha           | PD                                    | \$178.23  |
| DD     | Bruce Speich            | PD                                    | \$534.70  |
| DD     | Wendy Willprecht        | Sec-Treas -Salary less taxes \$457.17 | \$2042.83 |
| DD     | Stock Grower's Bank     | Withholding Taxes                     |           |
| DD     | ND State Tax Commission | State Tax                             |           |
| DD     | Job Service ND          | Unemployment Comp.                    |           |

**NEW BUSINESS:**

**Red River Joint Water Resource District 2024 Budget Request:**

A letter was received from the RRJWRD requesting 1.5 mills from the member water resource districts to finance the RRJWRD's 2024 budget. The funds collected help the district provide cost-share for many important retention projects. The 1.5 mills being requested is in addition to the maximum of 4 mills Sargent County budgets for the SCWRD, in accordance with N.D. Century Code 61-16.1-11. The SCWRD's allocation for calendar year 2024 is \$56,900.00.

Manager Speich made a motion that was seconded by Manager Zetocha to approve the request of 1.5 mills. Upon roll call, the motion carried unanimously.

**Application to Install a Subsurface Water Management System No. 2023-09 for Chris Mathias in the Northwest Quarter of Section 9 in Harlem Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-09*, filed May 30, 2023, by Applicant Chris Mathias. Under the Application, Applicant seeks to install an 85-acre drain tile system in the Northwest Quarter of Section 9 in Harlem Township, Sargent County, North Dakota. The project will include a single pump outlet located along the west boundary of the Northwest Quarter of Section 9; the pump will discharge directly into Sargent County Drain No. 11, a legal assessment drain owned and operated by the Sargent County Water Resource District.

According to County tax roll information, Janice Swanson owns the Northwest Quarter of Section 9 of Harlem Township.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-09*, filed May 30, 2023, for Chris Mathias in the Northwest Quarter of Section 9 in Harlem Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-09, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Northwest Quarter of Section 9 in Harlem Township under any blanket easements, or otherwise beyond the Water District's existing easement.
3. Applicant will set and install any drain tile pump at least 25 feet from the top of the back slope of Sargent County Drain No. 11, with a pipe buried from the pump to Drain No. 11.
4. Applicant will install and maintain erosion protection at any and all outlets into Sargent County Drain No. 11.
5. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-09 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

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

1. The Board recommends that Applicant obtain written consent from the owner of the Northwest Quarter of Section 9 in Harlem Township to install and maintain tile components.

- The Board recommends 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.

Sean Fredricks will provide copies of the Board’s NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-09, and Applicant’s downstream flow map to the Department of Water Resources, Janice Swanson, and Southeast Water Users District.

**Wendy Willprecht/Salary:**

A motion was made by Manager Wyum and seconded by Manager Zetocha to give SCWRD Administrator Willprecht an 8% salary increase. Upon roll call, the motion carried unanimously.

**Frenier Dam:**

Trosen presented a map of his investigation of the estimated maximum backwater pool elevations. The water issues being claimed by the landowner are not a liability of the SCWRD. Chairman Siemieniewski said he will meet with the landowner and explain the findings.

**DSJTB bills for approval –**

**DSJTB bills for approval**

**DVEC – electricity – \$ 772.00**

A motion was made by Manager Wyum and seconded by Manager Stein to pay the DVEC bill. Upon roll call, the motion carried unanimously.

**Balances as of April 30<sup>th</sup>, 2023**

|                              |                      |
|------------------------------|----------------------|
| Maintenance Account Balance: | <b>\$ 31,467.16</b>  |
| Improvement Account Balance: | <b>\$ 189,458.57</b> |

**Richland-Sargent Drain #1 Maintenance Fund Financial Statement**

**BEGINNING BALANCE May 1, 2023** **\$437,180.67**

**REVENUE:**

|             |                             |             |
|-------------|-----------------------------|-------------|
| Rt. #23-039 | Sargent Co. Tax & Business  | \$1,490.03  |
| Rt. #23-038 | Richland Co. Tax & Business | \$1,239.54  |
| Rt. #23-054 | DWR Cost Share #1978        | \$29,360.08 |

**TOTAL REVENUE RECEIVED:** **\$32,089.65**

**EXPENDITURES:**

|            |                        |             |
|------------|------------------------|-------------|
| Ck. #20040 | Moore Engineering, Inc | \$32,971.50 |
| Ck. #20041 | Ohnstad Twichell, PC   | \$1,127.00  |

**TOTAL EXPENDITURES:** **\$34,098.50**

**TOTAL BALANCE April 30, 2023** **\$435,171.82**

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**RS #1 MAINTENANCE SAVINGS ACCOUNT BALANCE** **\$357.50**

**RS #1 MAINTENANCE CHECKING ACCOUNT BALANCE** **\$0.00**

**RS #1 MAINTENANCE SAVINGS ACCOUNT BALANCE** **\$434,814.32**

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**TOTAL MAINTENANCE FUND BALANCE May 30, 2023** **\$435,171.82**

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The meeting adjourned at 9:22 a.m.

APPROVED:

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LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

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WENDY WILLPRECHT SECRETARY-TREASURER