

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON MONDAY, JUNE 17, 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 Leon Mallberg.

Manager Wyum moved to approve the Board's May 20, 2019 minutes with Drain No. 12 correction and May financial report. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve payment of the following bills:

78798	Bruce Bosse	Beaver Removal – Dr#11	50.00
78799	Cusip Global Services	Financial Relations	91.00
78800	Garrett Hayen	Beaver Removal – Dr#11	50.00
78801	Moore Engineering, Inc.	General Services - \$275.80; Shortfoot Creek Study-\$25,620.00; Brummond-Lubke Const. Eng.-\$2,250.00; BL Dam-R-O-W- \$415.00; Silver Lake Dam Feasibility Study - \$7,916.35; Drain No. 11 –Dr#16 Hydraulic Analysis-\$3,320.80; Dr#11 Design-\$5,025.00; Dr#11- Wetland Mitigation and R-O-W- \$1,232.50; Dr#12- Project Development-\$7,491.51 and Project Review-\$85.00; B/L Culvert research-\$275.80; Dr#7- Cost share overrun-\$360.80 =	TOTAL
			54,268.56
78802	Ohnstad Twichell	General-\$396.00 meetings; Brummond-Lubke Dam Project-\$195.00 =	
	TOTAL		591.00
78803	The Sargent County Teller	Pumping Ad	52.00
78804	Trent Stein	Beaver Removal – Dr#11	50.00
16521	Sherry Hosford	Salary less taxes 560.48	1,639.52
DD	Sargent County Bank	Withholding taxes	723.52

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

**KELLEY-MATHEWS-HEMMINGER COMPLAINT:** Todd Stein reported that the drainage has been filled through the trees. The Board decided to delay any formal inspection on the field drainage to await a decision by the State Engineer's Office regarding the outstanding appeal; in the event OSE issues a decision that requires any inspection by the Board, the Board could conduct the inspections simultaneously to save on costs.

Leon Mallberg left the meeting at 8:20.

**ANNUAL DAM/DRAIN INSPECTION:** A tentative date of July 16<sup>th</sup> at 8:00 a.m. was set to do the inspection. At the July 18<sup>th</sup> meeting, board members will complete a map of areas to be sprayed or work that can be completed by the Wild Rice SCD summer youth.

Rep. Sebastian Ertelt arrived at the meeting at 8:35

**DRAIN NO. 11:** Chris Gross recommended that the date for an informational meeting be pushed back to wait for additional information from NRCS. Chris asked board members to read through the comparable sales of agricultural land contained in the appraisal report from Farmers National Company for discussion at the July meeting. Upon request by Leon Mallberg, the Board will wait to discuss Mr. Mallberg's petition for a reassessment of Drain No. 11 until 9:00 a.m. on July 18<sup>th</sup> when Mr. Mallberg can be present. Chris provided some data on the Drain 16 tile system including profile maps from Cogswell to the west north of the railroad tracks and Cogswell to the west north of State Highway 11. A lengthy discussion followed on various options for removing water from Cogswell and which would be the most cost effective. Manager Wyum moved to have Moore Engineering, Inc., prepare a topographic survey from Cogswell south along the existing Drain No. 16 corridor and to prepare a Plan and Profile. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

**SILVER LAKE DAM:** The following arrived at the meeting: Bill Anderson, Jerry Waswick, Lyle Bopp, Jason Arth and Richard Ruch, all county commissioners; Mike Walstead, landowner; Damon DeVillers, Interstate Engineering, Inc., Sargent County Engineer; Matt Lindsay, SWC Regulatory Division; and Josh Hassell, Moore Engineering, Inc. Josh Hassell and Chris Gross prepared the Silver Lake Dam Hydrologic Summary including Hazard Classification, Wave Action and 10-25-50 peak flow. The height of the dam was 9 feet at the time of the study. A two foot recommended raise would put the

dam at 11 feet tall and would be classified as a Low Hazard Class 2 dam. A 1994 report recommended filling in the emergency spillway but was unclear whether the spillway was filled in. Based on 2008 LiDAR data, the low spot in the area where the emergency spillway was approximately 1.5 feet lower than the rest of the dam embankment. The engineers want some direction on how to move forward. They have studied 1) Modifications to the dam; 2) Fixing the seepage and tree removal; 3) Relocation of the dam; and 4) Breach or removal of the dam. The parties agreed some type of action is necessary, and further agreed that breaching, removal, or relocation do not seem to be favorable options. The Board will finalize the Geotech review and invite everyone back in to receive the final report.

**BRUMMOND-LUBKE DAM IMPROVEMENT PROJECT:** The pre-construction conference is scheduled for Thursday, June 20<sup>th</sup>.

**WEBER TOWNSHIP/BOYD BRUMMOND/BRUMMOND LUBKE DAM:** Moore Engineering reviewed the as-built drawings from the NRCS and have not found any information that indicates a crossing was built as part of the dam project in 1962. Further, they reviewed 1960 aerial imagery and found that 136<sup>th</sup> Ave SE (road west of dam) already existed in 1960 prior to the construction of the dam. Also found in easement documents, there was a crossing to be provided as part of the construction of the dam but it appears to be a smaller livestock/motor vehicle crossing in the pasture that allowed access across the channel for the Brummond property in 1962, which was the N ½ of Section 35. This is not the 136<sup>th</sup> Ave SE road crossing that Boyd is requesting be paid for.

**FRENIER DAM BEAVER DAMS:** Luke reported that General Irrigation had visited the dam and found no beaver dams but within two days the water had drained.

**DRAIN NO. 7:** Bruce Speich will appear at the State Water Commission's meeting on June 19<sup>th</sup> to request additional cost-share for the overrun on the improvement project.

**DRAIN NO. 8:** Sparky Engquist, SC Road Supt., removed all the dirt and clumps from County Road # 10 along the drain south of Rutland.

**DRAIN NO. 12:** The paper work for requesting cost share has been delivered to the State Water Commission. This request will be considered at a meeting on August 8, which Luke plans to attend.

**DUNBAR TOWNSHIP CULVERT COST SHARE:** The board received a cost-share request from Dunbar Township for a 48" x 46' culvert between Section 33 of Dunbar Township and Section 4 of Rutland Township. The high water has washed out the culvert and a Hydraulic Study was presented with the request that demonstrates the new culvert would comply with the North Dakota Stream Crossing Standards, a prerequisite for cost-share from the Board. Manager Wyum moved to approve a one-third cost-share for Dunbar Township. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

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

1. Interstate Eng., Inc. \$5,744.62 (Eng. services thru 6-8-19)

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

**DICKEY-SARGENT JOINT WATER RESOURCE DISTRICT:** Sherry Hosford, Secretary-Treasurer for DSJWRD provided DSJWRD bills for consideration and approval as follows:

1. DVEC \$526.00 (Electricity)
2. General Irrigation \$203.11 (FieldNet sub and credit)
3. Ohnstad Twichell \$1,310.40 (Deeds, Easements and travel)
4. Moore Engineering, Inc. \$1,550.00 (Meetings and bond redemption)

Manager Stein moved to approve the DSJWRD bills. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

**2019 JOINT SUMMER WATER MEETING AND EXECUTIVE BRIEFING:** The Summer meeting will be held July 8-10 at Ramkota Hotel in Bismarck. Registration deadline is July 1<sup>st</sup>.

With no further business to discuss, the Board adjourned the meeting at 10:30 a.m.

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LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

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SHERRY HOSFORD, SECRETARY-TREASURER