

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JUNE 18, 2020 AT 8:52 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 at the courthouse: Todd Stein, Lucas Siemieniewski, Michael Wyum and Roger Zetocha. Present via conference call: Bruce Speich. Also present via conference phone: Chris Gross, the Board’s engineer and Sean Fredricks, the Board’s attorney. Others present at the courthouse: Sherry Hosford, Secretary-Treasurer and Sargent County Commissioner Richard Ruch.

Manager Wyum moved to approve the Board’s May 21, 2020 minutes. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills:

80523	Dakota Improvement	Dr#11 Berm level south of church	2,000.00
80524	Jerry’s Backhoe Service	Dr#9 Remove beaver dams and culvert install	787.50
80525	Moore Eng. Inc.	General meetings-\$1,525.00; Kelley-Mathews complaint-\$87.50; Silver Lake Design Eng. - \$2,170.00; Shortfoot Creek-\$5,202.50; Dr#9 Watershed map creation-\$170.00; Dr#11-Design Engineering-\$6,700.00; Dr#11-ROW-\$407.50; Dr#11-Legal Descriptions-\$8,010.00; Dr#11-Wetland Mitigation-\$2,757.50; Dr#11-Permitting-\$1,530.00; Dr#11-Utility Relocation-\$620.00; Dr#11 Reassessment Map-\$510.00;	
		Dr#12-Design Engineering-\$9,506.00	39,196.00
80526	Ohnstad Twichell	General meetings-\$494.00; Dr#11 Imp. Project –Easements, Purchase Agreements and Abstract review-\$2,023.00; = TOTAL	2,517.00
80528	Lucas Siemieniewski	Travel	64.40
80529	Todd Stein	Travel	142.60
80530	Sargent County Teller	Dr#12 Ad	283.48
80531	TrueNorth Steel	Dr# 9 24” culvert-Sec 31	1,125.37
80532	Michael Wyum	Travel	23.00
80533	Roger Zetocha	Travel and flying Dr#11	347.00
17947	Sherry Hosford	Salary less taxes 557.65	1,642.35
17948	Roger Zetocha	6 PD less 97.41 taxes	622.59
17949	Lucas Siemieniewski	5 PD less 45.90 taxes	554.10
17950	Todd Stein	12 PD less 110.16 taxes	1,329.84
17951	Michael Wyum	8 PD less 73.44 taxes	886.56
DD	Sargent County Bank	Withholding taxes	1,336.58

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

DRAIN NO. 11: Chris reported that legal descriptions have been drafted and will be forwarded to Ohnstad Twichell for preparation of the Purchase Agreements. The design is complete, bidding documents, specifications and project manual are being prepared.

Application to Install a Subsurface Water Management System No. 2020-05 for Rick Hoistad in the South Half of Section 6 in Rutland Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-05*, dated June 1, 2020, and filed June 4, 2020, for Rick Hoistad; Mr. Hoistad was on the phone for the conference call to discuss the project and the application. Under the application, Applicant seeks to install a 70-acre drain tile system in the Southwest Quarter of Section 6, and the West Half of the Southeast Quarter of Section 6, in Rutland Township, Sargent County, North Dakota. The project will discharge via a gravity outlet directly into Sargent County Drain No. 4, a legal assessment drain owned and operated by the Sargent County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and the Board cannot require Applicant to obtain any consent from downstream landowners. The Board can, and will, require Applicant to install erosion protection at the outlet into Drain 4.

According to records submitted by Applicant, Rick A. Hoistad and Jeanne K. Hoistad, Trustees of the Rick A. & Jeanne K. Hoistad Revocable Living Trust, own the Southwest Quarter of Section 6, and the West Half of the Southeast Quarter of Section 6.

Manager Zetocha moved, and Manager Stein seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-05*, dated June 1, 2020, and filed June 4, 2020, for Rick Hoistad in the Southwest Quarter of Section 6, and the West Half of the Southeast Quarter of Section 6 in Rutland Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-05, 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; and
- 2) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Sargent County Drain No. 4.

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 consider complying with the following:

- 1) 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
- 2) 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.

Rick Hoistad also discussed bridge replacement in Taylor Township – the county road department is working on this project. Rick mentioned that there is a 42” culvert approximately 100 yards east of the county shop in Forman on Drain No. 4 that appears to be leaking water and may be broken. Chris Gross made a note to take a look at this site. Another area of concern for Rick is a rock crossing in Weber Township about ¼ mile south of Sprague Lake, within the Tewaukon Watershed Assessment area. He suggests a couple tandem loads of rock would take care of the problem of rocks caving in and silting over the top. Rick said he would put the rock in place if the board would furnish the rock. Rick will be in touch with the board when the crop is off the fields in this area.

KELLEY-MATHEWS APPEAL: Zachary C. Burmeister, attorney for Kelley-Mathews, and Nick O'Connell, attorney for Bruce Bosse, called in via conference call to discuss the appeal of the township road ditch as well as the field ditch work. The appeal regarding the township road ditch remedial work is still pending at the State Engineer's Office. With regard to the field ditches, Bruce Bosse previously indicated he completed remedial work. Manager Stein conducted a site visit and Moore conducted a drone flight and obtained pictures of the remedial work. In the Board's opinion, Mr. Bosse filled-in the ditches at the tree belt higher than their original elevation, and the remedial work prevents drainage through these ditches. In the Board's view, directing Mr. Bosse to install fill in the ditches in the fields would be futile; there was so much water in the area, running through these natural drains that would have simply washed out. In the Board's view, closing the improvements originally constructed is the only logical approach, as opposed to ordering Mr. Bosse to install fill in these ditches that would wash-out during any moderately significant event. Sean Fredricks will prepare an order accordingly for the Board's consideration.

Application to Install a Subsurface Water Management System No. 2020-02 for Jeff Breker in the South Half of Section 6 in Tewaukon Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-02*, dated June 2, 2020, and filed June 11, 2020, for Jeff Breker; Mr. Breker was on the phone for the conference call to discuss the project and the application. Under the application, Applicant seeks to install a 41-acre drain tile system on property Applicant leases from the Board, and other property owned by Applicant, in the North Half of Section 8 and the West Half of Section 16 in Tewaukon Township, Sargent County, North Dakota. The project will include two gravity outlets, one in the Northwest Quarter of Section 8, and one in the West Half of Section 16; both outlets will discharge directly into a natural watercourse.

Because the project will discharge directly into a natural watercourse, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and the Board cannot require Applicant to obtain any consent from downstream landowners. The Board will recommend that Applicant install and maintain erosion protection at any outlets into the natural watercourse.

According to records submitted by Applicant, Jeff and Jody Breker own the Southeast Quarter off the Southwest Quarter of Section 16 and the Southeast Quarter of the Northwest Quarter of Section 8 in Tewaukon Township. Applicant leases the following property from the Board in Tewaukon Township: the Southeast

Quarter of Section 8; the South Half and the Northwest Quarter of the Northeast Quarter of Section 8; the Northwest Quarter of the Southwest Quarter of Section 9; the West Half of the South Half of the Southwest Quarter of Section 9; and the Northeast Quarter of the Northwest Quarter of Section 16.

The Board currently has a three-year lease with Applicant Jeff Breker regarding the Board's property in Sections 8, 9, and 16. In light of the tile improvements to the Board's property Applicant intends under this application, the Board intends to lease these acres to Mr. Breker for at least ten more years, but to continue their lease situation with Mr. Breker on three-year leases.

Manager Stein Zetocha moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-02*, dated June 2, 2020, and filed June 11, 2020, for Jeff Breker regarding a tile system in Sections 8 and 16 in Tewaukon Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-02, subject to the following condition:

That Applicant notify the Sargent County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets.

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 consider complying with the following:

- 1) 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;
- 2) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into the natural watercourse that will serve as the outlet for Applicant's project; and
- 3) 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.

DRAIN NO. 11 REASSESSMENT: Still waiting on Board member input – carry over until July meeting.

DRAIN NO. 11 CROSSING BETWEEN SECTIONS 21 AND 28 IN HARLEM TOWNSHIP: Received bids from JBX, LLC, Hankinson to remove, replace and dispose of the arch pipe for \$12,800 and from Dakota Improvement, Oakes for \$9,800. Dakota Improvement did not include a price to dispose of the old pipe. Cost of the 112" x 75" 78-foot Arch 5x1 corrugated steel pipe is \$13,259.80. Manager Wyum moved to hire JBX LLC at the bid price of \$12,800. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. Manager Zetocha authorized the secretary to sign the purchase order for the culvert and for Moore Eng., Inc. to facilitate the project. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

During the annual drain and dam inspection, the board found an old culvert, which had been removed some time ago from Drain No. 11 south of the church in Section 36 of Denver Township. Luke will ask JBX to remove this culvert when they are in the area doing the above project.

HEAD OF THE MOUNTAIN NATURE PRESERVE: Kathy Duttonhefner, ND Parks and Recreation (NDPR); Jolene Rieck, PLA, Chief of Planning and Programs, NDPR, Tyler Modin, Fort Ransom State Park Manager and Justin Robinson, Northeast Regional Manager joined the meeting via conference call for the annual overview of Head of the Mountain Nature Preserve at Frenier Dam. Ms. Duttonhefner provided the Resource Management Activities for 2020 and informed the board that her department conducted a site inspection on June 10, 2020. The report includes an assessment of the woodlands and native prairie grasses and also that a prescribed burn was completed on April 28, 2015 which has shown an increase in smooth brome, with a litter depth of approximately 1/8 inch. She reviewed the noxious weed and invasive species control as well as the wildlife management, fencing and signing. Enforcement of all rules and regulations is under the supervision of the Fort Ransom Park Manager. A copy of the report is on file in the office of the board secretary. Ms. Rieck is new to the division and requested an on-site visit with the board to see if any changes are needed as the lease will expire June 30, 2021. She would like to check the condition of the facility as well as who is responsible for what and see if there is a need to renegotiate or reconsider any changes. A meeting was scheduled for July 16th at 2:00 p.m. at the Head of the Mountain site.

DRAIN NO. 7: Motion by Manager Speich to approve the RESOLUTION AUTHORIZING SARGENT COUNTY DRAIN NO. 7 IMPROVEMENT PROJECT NO. 2020-01, which will consist of reconstruction of the downstream two miles of Drain No. 7 east of Milnor in Sections 13 and 14 of Milnor Township and Section 18 of Hall Township. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. Discussed funding for the project and due to reduction in state funding, there may be some issues with funding from the State Water Commission. Manager Zetocha moved to authorize Moore Eng., Inc. to develop the

preliminary engineering for this improvement project and submit cost share to the State Water Commission. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

NEIL PLANTEEN APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM: Neil called in to the meeting and it was determined that he would need to provide a Thirty-Day Notice to Downstream Property Owners regarding this application. Sean Fredricks will prepare and send out the Thirty-Day Notice and the Board can discuss next month.

DRAIN NO. 12 IMPROVEMENT PROJECT: Briefly discussed slight increase in this project and paper work has been submitted to the State Water Commission for additional cost-share with no response at this time. Bond Counsel has been reviewing numbers and Ohnstad Twichell is waiting for final numbers before they can proceed with a resolution for the Board's consideration to proceed with a bond issue to fund and finance the project.

SILVER LAKE DAM IMPROVEMENTS: The cost-share agreement has been received from the State Water Commission and they agreed to fund cost-share not to exceed \$161,918 to reimburse 60 percent of the actual eligible costs incurred in the Silver Lake Dam Improvement Project. Manager Speich moved to authorize the chairman to sign the Agreement for Cost-Share Reimbursement. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

BRUMMOND-LUBKE DAM: The board inspected the dam during the annual inspection and agreed that a culvert crossing may work through the low land. Luke will get a quote from JBX for the board to consider at the July meeting.

SHORTFOOT CREEK RCCP PROJECT UPDATE: Chris reported that the project is being reviewed by NRCS and will hopefully have more information in July.

MIKE ARTH WATER PROJECT: Manager Speich reported that a water line had to be repaired from this project so Bruce agreed to inspect the area and see if Mr. Arth did apply to the state for a permit.

HELICOPTER SPRAYING: Manager Wyum moved to hire Larson Helicopters, LLC to do the 2020 spraying. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. Sherry will send a letter to Mr. Larson with the contract for him to sign.

ANNUAL DRAIN AND DAM INSPECTION: Board members conducted the annual inspection on June 16th for all drains and dams including Dr #2-needs tree removal; Dr#4-no problems; Dr#7- extension project; Dr#8-need to remove water from City of Rutland; Dr#9-culverts replaced and remove trees; Dr#11-high water and roads under water; Dr#12-upcoming improvement project. Met with Boyd Brummond at Brummond Lubke Dam to discuss a grazing plan.

MULTI-HAZARD MITIGATION PLAN: Roger Zetocha represented this board at a meeting on June 17 to continue working on a plan to look at major hazards in the county and flooding concerns.

DUNBAR TOWNSHIP CULVERT COST SHARE: Dunbar Township submitted a cost-share request for a culvert replacement, and submitted an amended Hydraulic Study. In accordance with the Board's culvert cost-share policy, if a Township submits a hydraulic study to demonstrate the requested culvert will comply with the Stream Crossing Standards, the Board will consider providing cost-share of up to one-third of the cost. Manager Wyum moved to approve 1/3 cost share of one 40' x 36" culvert to be placed between Sections 35 and 36 in Dunbar Township. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

BUFFALO LAKE/CROOKED CREEK WATER RETENTION: Chris led a discussion on the possibility of studying a project to consider under the Water Ops Program. To begin the process, a field tour must be scheduled with NRCS to view the area and then apply for 100% cost-share. All projects are ranked and the local board could be asked to provide 10% of the project. If this board is interested in pursuing a watershed plan of Buffalo Lake the process is 1) Tour the area with NRCS; 2) Request cost-share up to 100% and 3) Conduct a study of water retention, dams and impoundments. Manager Stein moved to authorize MEI to set up a meeting with NRCS to view this area and then, if accepted, to submit an application for cost-share. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

MIKE ANDERSON/RANSOM TOWNSHIP REQUEST TO PLACE CULVERTS WITHIN RAILROAD GRADES: Mike Anderson presented a letter to the board asking for assistance in getting the DMVW railroad to install some culverts in Sections 2 and 3 in Ransom Township. Sean explained water resource districts only have jurisdiction over culverts through railroad right of way in certain statutory instances, including situations that involve legal assessment drains. There is no legal drain in the vicinity of this location so the board has no jurisdiction over the proposed culverts through DMVW's right of way. Manager Zetocha moved to authorize Sean to send a letter to Mr. Anderson to indicate the Board does not have jurisdiction, but that the board does not have any objection to the installation of these culverts. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 9 EXTENSION: Commissioner Ruch is requesting that the board consider an extension to Drain No. 9. Chris asked Mr. Ruch to draw on a map the area of which land should be included. Chris and Sean will use the information from Commissioner Ruch to prepare a formal petition for Richard to obtain signatures. Once the board knows what is proposed, a dollar amount for the bond from the landowners can be determined.

With no further business to discuss, the Board adjourned the meeting at 11:45 a.m.

LUCAS SIEMIENIEWSKI - CHAIRMAN

ATTEST:

SHERRY HOSFORD, SECRETARY-TREASURER