

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JUNE 21, 2018, AT 9:40 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Lucas Siemieniewski, Todd Stein, Bruce Speich and Michael Wyum. Absent: Roger Zetocha. Also present: Chris Gross, Engineer for the Board, Sean Fredricks, Attorney for the Board and Paul Mathews, landowner.

Newly appointed board member, Michael Wyum, Rutland, ND; took the Oath of Office for a term ending February 10, 2019 to fulfill the position vacated by Corey Martinson.

DRAIN NO. 7-MONTANA-DAKOTA UTILITIES PERMIT: Dave Yexley, Director of Business Development and Special Projects and Nathan Sundt, Project Engineer from Montana-Dakota Utilities were present at the meeting to request approval of a Utility Permit to install a 12-inch natural gas pipeline and related appurtenances on, through, and under Sargent County Drain No. 7, as specifically identified in the map and plans attached as Exhibit A to the permit. Under the terms of the Permit, installation, operation, and maintenance of MDU's utilities on the Sargent County Water Board's right of way will conform to provisions as shown in the Permit. Engineer Gross had been in contact with MDU prior to the meeting and all of his comments were addressed. Motion by Manager Speich to approve the Utility Permit, contingent upon receipt of the signed original permit from MDU. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. A copy of the Utility Permit will be filed in the Drain No. 7 file.

LARSON'S AND MELROE CULVERT ISSUES IN RANSOM COUNTY AND WILLEY TOWNSHIP:

Todd, Greg and Tim Larson of Lisbon and Scott Melroe, Gwinner met with the board to discuss culvert issues on roads in Ransom County regarding water that flows east to the Milnor Drain No. 7. Manager Speich had inspected these culverts and was unaware that they would be the responsibility of Ransom County. The Board explained to the Larson's and Melroe that this board has met multiple times with the Ransom County Water Board and the Ransom County Board was not in favor of forming a joint board to seek solutions to some of the drainage issues in this area, including some of these culverts and the sizing. Some of this land is in the Drain 7 watershed, but is not within the Drain 7 assessment district; by law, the Sargent County WRD cannot add Ransom County properties to the assessment district without consent from the Ransom County WRD. If a Joint Powers Agreement were in place with Ransom County, there could be dialogue with Ransom County to address the areas of concern. The group agreed to get in touch with Ransom County to discuss their issues.

HEAD OF THE MOUNTAIN NATURE PRESERVE: Kathy Duttonhefner, ND Parks and Recreation, met with the Board via conference call for the annual overview of Head of the Mountain Nature Preserve at Frenier Dam. Ms. Duttonhefner provided a brief summary for 2017 and informed the board that her department sprayed wormwood, thistle and leafy spurge in 2017 and plan to be out at the nature preserve next week to spray this year. They will also check the fences and the kiosk but no other monitoring will be completed this year. If there are any violations, those should be addressed to the Fort Ransom Park Manager for enforcement. The lease continues with no hunting at the preserve and the current lease will expire in 2019. The ND Parks and Recreation will forward a new lease for review and approval at that time.

Manager Stein moved to approve the Board's minutes from May 24, 2018, and the May financial report. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve payment of the following bills:

77175	Matthew Bosse	Dr#11 beaver removal	50.00
77177	Dickey County Water Board	2017 audit for DSJTB	475.00
77176	Cusip Global Services	Annual mtc and data validation	97.00
77178	Moore Engineering, Inc.	General-\$385.50; Shortfoot Creek Study-\$14,100.00 =	14,485.50
77179	Ohnstad Twichell	General-; \$625.37; Rasmussen tile permit-\$255.00; B Vculek Surface Permit-\$546.58; Dr#11-Mathews litigation-\$76.00 and Koeppel paperwork-Dr#7-\$608.00=	2,110.95
77180	Richland Co. Water Board	Administrative costs-May-June 2018	827.09
77181	Luke Siemieniewski	Travel	126.44
77182	Bruce Speich	Travel	114.45
77183	Todd Stein	Travel	89.38
77184	Michael Wyum	Travel	10.90
15065	Sherry Hosford	Salary less taxes	507.05
15066	Lucas Siemieniewski	2 PD less 18.36 taxes	221.64
15067	Todd Stein	1 PD less 9.18 taxes	110.82
15068	Bruce Speich	1 PD less 9.18 taxes	110.82
DD	Sargent County Bank	Withholding taxes	753.19

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

DUNBAR TOWNSHIP CULVERT COST SHARE: Dennis Brezicka, Chairman, Dunbar Township met with the board to request cost share for replacement of a washed out/collapsed 48" x 50' culvert located on the south edge of Section 33 approximately 2.8 miles east of Forman. Mr. Brezicka stated that the township has hired Interstate Engineering to conduct a hydrology study of the area and they are awaiting the study. Manager Stein moved to approve the 1/3 culvert cost share, contingent upon receipt of the hydrology study and review by the Board's engineer to ensure the proposed culvert will comply with the North Dakota Stream Crossing Standards. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 11 CLEANOUT WORK: Chris Gross reported that the two railroads plan to meet on June 25, 2018, to discuss adding this project to their improvement plan; the railroads would likely do the culvert work on their own, with reimbursement from the Board for portions of the costs, as opposed to the Board conducting the work. The Board's engineer will review any proposal from the railroads and he will submit a recommendation to the Board. Regarding culverts on the north portion of the drain, Manager Zetocha was absent and no report available at this time.

PUMP OPERATION RESTRICTIONS: Sean Fredricks has identified seven permits which have the pump restrictions in place. More specifically, these permits include conditions that require applicants to turn off their pumps on December 1 until 10 days following the spring peak at their respective stream gages. A list of the permits is attached to these minutes. Manager Wyum moved amend to the tile permits above to remove the pumping restriction. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN 7 - GLEN KOEPPE: Sean Fredricks informed the board that his office is coordinating with Wells Fargo and Glen Koeppe regarding the partial release the Board will need from Wells Fargo. Once Mr. Koeppe signs everything, Ohnstad Twichell will forward everything to Wells Fargo for signature.

BEVERLY KELLEY AND PAUL MATHEWS COMPLAINT OF UNAUTHORIZED DRAINAGE: Sean Fredricks and Chris Gross are investigating the complaint and will report next month.

DRAIN AND DAM INSPECTION: Luke Siemieniewski and Todd Stein accompanied by Brady Woodard, MEI and Brandon Laddusaw, Wild Rice Soil Conservation District conducted the drain and dam inspections on June 6th. Luke reported that Brummond/Lubke Dam has toe and slope erosion and needs repairs. Manager Stein moved to authorize Moore Engineering, Inc. to survey, prepare preliminary plans, a preliminary cost estimate and cost share request to bring the dam into compliance with the dam safety code including installation of rip rap to protect the dam from wind erosion and re-fencing the spillway. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

RICHLAND-SARGENT DRAIN NO. 1: The Richland-Sargent Joint Water Resource District's Secretary-Treasurer, Monica Zentgraf, forwarded a copy of a bill for the Board's consideration from Interstate Engineering in the amount of \$4,072.20. Manager Speich moved to approve the bill. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

SILVER LAKE DAM: Manager Siemieniewski reported on inspection at Silver Lake Dam and the continuing problem with the willow trees. He does not think the summer workers with Soil Conservation Service are making any headway and would like to see the trees gone so the rest of the problems can be visible. He had an estimate from a licensed contractor to come in and grind out the trees with an excavator at a cost of less than \$1500. Manager Wyum moved to authorize the work, not to exceed \$1,500. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. Both Luke and Todd will meet with the county park board on July 17th to discuss this project and removal of the tree on the dam spillway.

FRENIER DAM: During the annual inspection it was also noted that there is a severe problem with pocket gophers and trees on the Frenier Dam. JAC – a licensed contractor for predator and large pest control is available to remove the pocket gophers and the trees at a rate of \$35/hour/employee; 54 cents per mile and \$120.00/poison. Manager Speich moved to authorize JAC to handle the problem. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 7: The Auditor's Office received a call that Drain No. 7 through Milnor City needs to be sprayed. The summer youth through SCS will do the work and Manager Speich asked that a map be provided by Monty Haugen who requested the spraying to provide to the summer workers.

HELICOPTER SPRAYING OF DRAINS: Following the annual dam and drain inspection, board members reviewed and marked the drain map of the areas that should be flown and sprayed where necessary. The drains include: 4, 8, 9, 11, and 12 and Frenier Dam. Larson Helicopters submitted a proposal for aerial spraying. Sean Fredricks prepared an agreement with Larson. Manager Speich moved to approve the draft contract with Larson Helicopters to conduct the spraying. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously. Sherry will contact Larson Helicopters to see if they are available and provide them with the agreement.

SNAGGING AND CLEARING THE WILD RICE RIVER: Manager Speich inquired about snagging and clearing the Wild Rice River. Discussion continued on the possibility of snagging and clearing the Wild Ricer River. Chris Gross explained that, as a result of HB 1374 during the 2017 Legislative Session, the State Water Commission can no longer provide cost-share for snagging and clearing projects. The board could proceed with creation of a snagging and clearing district for the Wild Rice River and assess the landowners up to \$0.50 per acre. This would also have to be approved by the Board and the county commission by a 2/3 vote. Bruce felt that all drains should pay for this project as it affects all landowners when the river is not flowing properly. Bruce agreed to take some photos of the areas of concern for board members. Sean Fredricks also indicated that the board could use General Funds to maintain the river, or could utilize legal drain funds if the river acts as an outlet for a legal drain.

DRAIN NO. 2: A discussion followed on why only a portion of Drain No. 2 had been cleaned in 2015. There is question about the depth of the drain in Section 11-Herman Township and whether or not the board has right of way easements. Manager Wyum moved to authorize Moore Engineering, Inc. to survey $\frac{3}{4}$ mile in Section 11. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. Following the meeting, Secretary Sherry reviewed the drain file and the board does have right of way in Section 11. The information was forwarded to the board and Chris Gross.

FARM LEASE AGREEMENT: Board members reviewed the three (3) year farm lease agreement currently held by Jeff Breker and agreed to leave the amounts of rental at the current rate. New maps were acquired by Sherry from the FSA and tillable acres have changed. Those acres will be updated and a lease agreement prepared for board approval in September.

SHORT FOOT CREEK: Manager Siemieniewski discussed with the board farmland which is in one of the potential sites for a retention dam that is up for sale and asked if the board would be interested in purchasing the land. The asking price for the land, which was appraised, is extremely high for the approximately 120 acres. Luke noted that the land is a clay hill and much non-productive land. No action was taken.

2019 BUDGET WORK: The Board proceeded to work on the 2019 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-\$18,700- cleaning and survey; #4-\$64,200- maintenance and spraying/reduced due to final bond payment made in 2018; #8-\$60,400- maintenance and possible burying pipe through City of Rutland; #9-\$55,300-cleaning and tree removal; #11-\$1,073,000-several culvert replacement sites, clean-outs and railroad crossing upgrades-no funds will be allocated to the proposed Drain No. 11 project; #12-\$86,200-cleaning and tree removal; Drain # 7-\$109,440-maintenance, spraying and possible extension of drain; Drain No. 7 Sinking and Interest Fund-\$200,000-bond payments; Tewaukon Watershed-\$46,500-complete repairs to Brummond/Lubke Dam; Shortfoot Creek Watershed Study - \$200,000-decreased due to project research winding down. The Board further discussed the Drain 11 levies, in light of the challenge to the Board's Drain 11 levies last year. The Board indicated these maintenance levy dollars will be utilized for several culvert replacements, the railroad crossing issue, and other maintenance; the Board can easily utilize all of these dollars for these projects. Further, none of these funds will be utilized for the proposed Drain 11 improvement project that is currently the subject of litigation with the Banderet's, Mr. Mathews, and other parties. Manager Stein moved to approve the 2019 drain budgets. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

2019 MAINTENANCE LEVIES: Manager Speich moved to approve the following maintenance assessment amounts for each drain for 2018 taxes: Drain No. 2 - \$4.00; Drain No. 4 - \$2.00; 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 Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

The meeting adjourned at 12:20 p.m.

LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

SHERRY HOSFORD-SECRETARY-TREASURER