

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON WEDNESDAY JUNE 3RD, 2021 AT 8:00 A.M. IN THE SARGENT COUNTY COMMUNITY ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Todd Stein, Bruce Speich, Michael Wyum, Roger Zetocha and Lucas Siemieniewski. Also in attendance were Wendy Willprecht, Secretary/ Treasurer, Chris Gross, the Board's Engineer, Dickey-Sargent Water Board Managers Justin Gemar and Norman Haak, Ransom County Commissioner Joe Mathern, Sargent County Commissioners Jerry Waswick, Richard Ruch and Lyle Bopp and Landowner Bob Banderet.

The meeting was called to order by Luke Siemieniewski.

Everyone was asked to go around the room and introduce themselves.

The meeting of today was called to discuss the Drain No. 11 Right of Way Re-assessment.

Engineer Gross opened the discussion of the meeting by saying that the purpose was to gather all governing bodies that are impacted by the Drain No. 11 Re-assessment. He stated that this is not a public hearing but rather an informal, informational meeting.

Gross opened the meeting with some Drain No. 11 history points:

1. There was a request for reassessment of the Drain 4 years ago. After the request, a lawsuit was filed against the Board regarding several Drain No. 11 issues. The Drain No. 11 Improvement project as well as the re-assessment was put on hold until the Supreme Court made its ruling.
2. After the lawsuit, the Sargent County Water Resource District, at the request of landowners, looked into other assessment options including the use of "Viewers" similar to what the State of MN uses. A Viewer determines the benefit of a drain.
3. H2O Overviews was asked to provide a proposal to re-assess Drain No. 11. The proposal was several hundred thousands of dollars.
4. The SCWRD did not pursue the "Viewer" option to determine the benefit of Drain No. 11.
5. The SCWRD asked Moore Engineering to utilize some of the same processes that the Viewers use. After several meetings, the Board determined that six different benefit types would be used:
 - a. Buffer Distance: 60% of the assessment is based on proximity to the Drain.
 - b. Crop Percent/Land Use
 - c. Productivity of the land: Anything above 80% receives the best benefit.
 - d. Hydrologic: Identification of soil type.
 - e. Easement: This information comes from the government, not Moore Engineering.
 - f. Crop: Permitted tile ground will be set at 100%.

After applying the benefits that the Board selected to be used, the maximum assessment amount for each county would be as follows:

Sargent County	\$405,472.39
Dickey County	\$17,477.04
Ransom County	\$75,700.01

This would be based on the maximum \$4.00/acre/year assessment. Assessment funds are currently not being collected from Dickey and Ransom County.

Engineer Gross presented a map of the Drain No. 11 re-assessment area. Chris said the map is a by-product of applying the matrix explained earlier.

Engineer Gross said he would like to see the 3 counties (Sargent, Dickey and Ransom) come together to assign benefits of Drain No. 11 in all three counties. By law, Sargent County cannot send tax statements to other counties. The Attorney General would not opine on the request for assistance by the SCWRD. Sargent County can assess, but cannot collect without compliance from the other counties.

During the meeting, Ransom County Commissioner, Joe Mathern, asked about extending Drain No. 11 further north. Engineer Gross said that if the Drain was to be extended to the north that this would be a whole additional assessment area. The point of today's meeting is to assess the current benefit being received from the current Drain.

Manager Zetocha said that that main reason Ransom County has not wanted to entertain a discussion with the assessment process is because of the wetland easements. He said there is definitely a benefit to the residents in the assessment area in Ransom County and that we need to work together. He added that there is too much farm land that is under water that cannot be farmed.

Engineer Gross made a suggestion of setting up a joint powers agreement between the three counties?

Gross said the map that he presented was not final because he needs Sidwell to provide final parcels to complete it. The red boundary line on the map is unlikely to change. The other colored areas on the map could change based on the comments received at the public hearing to be held at a later date.

In the next 2-3 months Gross would like to have a public information meeting, a public hearing, and a meeting of the minds of the three counties. Gross added that there needs to be justification, true justification to reduce what is laid out as a benefit area along Drain No. 11. Stating the assessment is simply too high is not a true justification.

A point was made during the meeting that a landowner should not be dual assessed.

Landowner Bob Banderet asked about assessing entities like the railroad. Engineer Gross said that even though everyone benefits within the District, not everyone can be assessed according to the law. The United States of America, cemeteries, and public housing agencies are examples of exempt properties. Gross said that if a railroad is in the assessment district with a tax parcel number, we can assess this entity. If they don't have a parcel number, it can be difficult to assess the entity. Gross offered that in Sargent County, railroads do not have parcel numbers and may not be assessed. Commissioner Bopp indicated that Sargent County follows State Law when assigning real estate tax to railroads in the County.

The last Drain No. 11 assessment dates back to 1983. A Drain reassessment can be requested by landowners a short time after it is certified. It was also mentioned how expensive these assessments are to the counties.

Final thoughts were to request that the three counties work together to assign benefits in the next two to three months.

Meeting was adjourned at 9:17 a.m.

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER