

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JULY 16, 2020 AT 8:00 A.M. IN THE COMMISSIONERS ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

Managers present: Todd Stein, Lucas Siemieniewski, Michael Wyum, Roger Zetocha and Bruce Speich. Present via video conference: Josh Hassell, Moore Engineering, Inc. and Sean Fredricks, the Board’s attorney. Others present at the courthouse: Sherry Hosford, Secretary-Treasurer, Bob Banderet, landowner and Sargent County Commissioner Richard Ruch.

Manager Wyum moved to approve the Board’s June 18, 2020 minutes and June financial statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve payment of the following bills:

80585	Daniel Bishoff	Dr#9 beaver removal	100.00
80589	Helwig Excavating	Dr#9 tree removal and cleanup	3,600.00
80590	Moore Eng. Inc.	General meetings-\$962.50; Kelley-Mathews complaint-\$87.50; Silver Lake Design Eng. - \$5,660.00; Breker/Martinson/Planteen permits - \$562.50; Shortfoot Creek-\$9,279.50; Dr#2-Discuss cleanout-\$87.50; Dr#4-Inspect drain leak-\$2,362.50; Dr#7-Project Development-\$10,690.95 Dr#11-Design Engineering-\$5,527.50; Dr#11-ROW-\$1,647.50; Dr#11-Legal Descriptions-\$9,460.00; Dr#11-Wetland Mitigation-\$547.50; Dr#11-Permitting-\$3,367.50; Dr#11-Utility Relocation-\$620.00; Dr#11-Culvert replacement-\$180.00; Dr#12-Const. Engineering-\$4,001.20; Dr#12-Bond and account balance-\$310.00;	
		= TOTAL	\$55,354.15
80591	Ohnstad Twichell	General meetings-\$696.78; Silver Lake Imp. Project-\$123.00; Kelley-Mathews-\$2,192.00; Planteen permit-\$570.50; Dr#7-Resolution and Bond-\$464.30 Dr#11 Imp. Project – Easements, Purchase Agreements and Abstract review-\$7,053.15; Dr#12-Resolution and bid opening-\$331.60 =	
		TOTAL	\$11,431.33
80592	Quill Corp.	Office supplies	144.68
80593	David Rasmussen	Dr#9 – Crop Damage	400.00
80594	Red River Basin Comm.	2020 Allocation	1,512.00
80595	Sargent County Treas.	Dunbar Township Culvert cost share	1,654.40
80596	Lucas Siemieniewski	Travel	43.70
80597	Bruce Speich	Travel	86.25
80598	Todd Stein	Travel	20.70
80599	Michael Wyum	Travel	11.50
18052	Sherry Hosford	Salary less taxes	557.65 1,642.35
18053	Lucas Siemieniewski	2 PD less 18.36 taxes	221.64
18054	Todd Stein	2 PD less 18.36 taxes	221.64
18055	Bruce Speich	7 PD plus meals less 67.47 taxes	814.53
18056	Michael Wyum	1 PD less 9.18 taxes	110.82
DD	Sargent County Bank	Withholding taxes	951.83

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

WILD RICE SOIL CONSERVATION DISTRICT SUMMER YOUTH: Kelsey Hedlund, District Technician, WRSCD arrived at the meeting to update the board on areas which have been sprayed by the summer youth and what additional areas need work. Kelsey asked the board to provide a letter for the youth to carry with them when they are doing the work. Last year there was a gentleman in Milnor City who questioned their work on the drain. Sherry will prepare a letter and email to Kelsey stating that the board has employed the summer youth to assist with spraying and tree removal. Other areas that need work besides work completed on Drain No. 8 and 7 will be Drain No. 2 and 9. Board members will contact Kelsey if other areas are identified.

KELLEY-MATHEWS APPEAL: Sean Fredricks provided draft FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER that he revised regarding the remedial work done by Bruce Bosse. Based on Manager Stein’s site visit, and the pictures submitted by Bruce Bosse, and the drone photos collected by Moore Engineering, the Board was confident Mr. Bosse’s remedial work completely closed the field drains. The field drains are natural drains and depressions that fill with water during even moderate precipitation events and the Board agreed ordering Mr. Bosse and the other parties to install a few inches of fill in those drains would be pointless since the fill will wash-out during the next rain event. The portion of the complaint regarding the township road is ongoing; the appeal by Ms. Kelley, Mr. Mathews, and the Township is still pending at the State Engineer’s Office. Manager Wyum moved to approve the FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER as prepared by Sean Fredricks and to direct Mr. Fredricks to provide copies to the various parties involved in the complaint. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 11: Josh reported that purchase agreements are being sent out to landowners regarding right of way acquisitions, and MEI is also coordinating with utility companies regarding utility relocations to

accommodate the project. Chris is taking care of a Progress Update request from the State Water Commission regarding the SWC's cost-share approval.

DRAIN NO. 11 CROSSING BETWEEN SECTIONS 21 AND 28 IN HARLEM TOWNSHIP: The culverts have been ordered with a delivery date of the end of August. MEI asked True North Steel for a week's notice of culvert delivery so that the contractor can be there to unload.

DRAIN NO. 11 REASSESSMENT: Due to Chris' absence at today's meeting, any discussion was tabled until the August meeting.

DRAIN NO. 4 REPORT ON 42" CULVERT: Josh reported that Brady and a survey crew from MEI did not find a sink hole but a wet area in the field about 40' away from the center of the 42" culvert, which is closer to part of the city storm water system. Brady spoke with the public works officer for the city and he commented that the city storm water system had not been working for some time. It was concluded that this is not a water board issue but rather a city issue.

DRAIN NO. 7: The Preliminary Engineering is near completion and Chris will report in August. Chris explained that, as a new SWC cost-share requirement, a requesting party must have a Surface Drain Permit approved for the project prior to submitting a request for cost share. Motion by Manager Zetocha to authorize Sherry to work with MEI to prepare and sign the Surface Drain Application for Drain No. 7 Improvement Project. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM FOR RUSSELL MARTINSON:

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-03*, dated May 27, 2020, and filed June 10, 2020, for Russell Martinson. Under the application, Applicant seeks to install a 118-acre drain tile system in the Southeast Quarter of Section 6, in Hall Township, Sargent County, North Dakota. The project will discharge via a pump outlet located in the northeast corner of the Southeast Quarter of Section 6; the tile discharge then flows north in the west ditch of 145th Avenue SE, along the east boundary of the Northeast Quarter of Section 6; the discharge then flows under 78th Street SE, and into the Tri-County Drain.

The Board previously provided THIRTY-DAY NOTICES to downstream landowners, in the Northeast Quarter of Section 6, as required under N.D. Cent. Code § 61-32-03.1, and to Hall Township. None of the parties submitted any "technical evidence" to object to the project. With that in mind, the Board cannot require applicant to obtain written consent from any downstream landowners. However, the Board can, and will, require Applicant to install erosion protection at the outlet into the Township's road right of way.

According to records submitted by Applicant, Applicant owns those portions of the Southeast Quarter of Section 6 where Applicant intends to install the tile project. With regard to downstream landowners, Richard and Mary Engst own the Northeast Quarter of Section 6.

Manager Wyum moved, and Manager Speich seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-03*, dated May 27, 2020, and filed June 10, 2020, for Russell Martinson in the Southeast Quarter of Section 6 in Hall Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-03, 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;
- 2) that Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Hall Township at any and all outlets into the Township's road right of way; and
- 3) that Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.

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 obtain written consent from Hall Township to discharge into, or otherwise utilize, any of its road right of way; 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. 12 IMPROVEMENT PROJECT: Josh reported that they are still waiting to hear from the State Water Commission on the updated cost share agreement. Motion by Manager Stein to authorize the Chairman to sign the Notice to Proceed with Comstock Construction and the Agreement between Sargent County and Comstock Construction for the Improvement Project. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 12 RESOLUTION AUTHORIZING THE ISSUANCE OF MAINTENANCE LEVY IMPROVEMENT BONDS, SERIES 2020A AND MAINTENANCE LEVY IMPROVEMENT BONDS, SERIES 2020B: Katie Bertsch, bond counsel for Ohnstad Twichell, prepared a Resolution for the Board's consideration that would authorize a six-year bond issue to fund and finance the project. Chris prepared a chart that outlines the shortfall the Board will encounter in the last couple of years of the bond repayment where the Board will have to borrow from the general fund to make the debt service payments on the bond. The Board can later pay back the general fund once the Drain 12 generates funds following the retirement of the bonds. Manager Wyum moved to approve the resolution. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

SILVER LAKE DAM IMPROVEMENTS: Moore Engineering scheduled the bid opening for this project for Monday, August 10th at 2:30 p.m. Sean will review the bonds and contractor licenses at 2:00 p.m., followed by the bid opening. The Board will most likely wait until the next meeting on August 20th to review the bids and award a construction contract. Josh also informed the Board that it was determined during the Feasibility Study that the dam does not meet design standards so a Modification of Dam Application must be completed and submitted for approval. MEI will proceed with preparing this document. The Industrial Commission provided documents for the funding award and the contract. Manager Speich moved to authorize the Chairman to sign the contract. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

SHORTFOOT CREEK RCCP PROJECT UPDATE: MEI is still waiting for information from NRCS. The plan is after the Watershed Meeting for Buffalo Lake with board members and NRCS, to travel to the area where the Short Foot Creek Study was conducted so that NRCS personnel can see firsthand the project.

DRAIN NO. 9 EXTENSION: Sean Fredricks prepared a petition/bond document and Chris provided the document to Commissioner Ruch; the petition/bond did not identify a bond amount requirement from the Board, but the Board could still require petitioners to submit bond proceeds to serve as security for the Board in the event an assessment vote were to fail. Commissioner Ruch obtained signatures from several landowners who support the extension to Drain No. 9 (Project No. 2020-01). Richard explained the starting point and ending point of the proposed extension and that all landowners along that route had signed the petition except for two. He suggested an informational meeting to explain the project and board members feel this is crucial to the project. After further discussion it was determined that an update survey of the old part of the drain should be prepared to determine the impacts of additional water to the drain and be used as an exhibit during the informational meeting. Manager Wyum moved to request bond funds of \$5,000 from the landowners to prepare survey work for the informational meeting. If the cost of the survey work exceeds \$5,000, additional monies will be taken from the General Fund. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. The Board will re-visit funding and bond dollars following the informational meeting.

WATERSHED PLANNING FOR BUFFALO LAKE: MEI has set up a meeting for board members and NRCS to meet at Edwin Erickson's farm on Monday, July 27th to discuss the watershed for Buffalo Lake.

RICHLAND-SARGENT NO. 1: The Richland-Sargent Joint Board provided the following RS #1 bills for consideration and approval as follows:

1. Larson Helicopters LLC – Aerial application of Freelexx Herbicide to control weeds - \$4,457.40
2. Lucas Siemieniewski – Reissue lost check for crop damage - \$225.50
3. Interstate Engineering, Inc. - Services through July 4, 2020 - \$941.00
4. Interstate Engineering, Inc. - 2019 FEMA work - \$342.00

Manager Speich moved to approve the Richland-Sargent No. 1 bills and approve spraying RS#1 for cattails. Manager Stein 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:

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| Dakota Valley Electric – Electricity | \$1,563.00 |
| Ohnstad Twichell – Meeting and review Series A bonds | \$ 354.50 |

General Irrigation – Blower, Freight & Labor	\$ 576.55
General Irrigation – Field NET Subscription	\$ 350.00
Dakota Helicopters, Inc. -2020 Aerial Spraying	\$4,914.00
Moore Engineering, Inc. – Meeting and Assessment breakdown	\$542.50

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

APPLICATION TO INSTALL A SUBSURFACE WATER MANAGEMENT SYSTEM FOR ROGER BOPP:

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-06*, dated June 30, 2020, and filed July 8, 2020, for Roger Bopp. Under the application, Applicant seeks to install a 144-acre drain tile system in the Southeast Quarter of Section 6, in Harlem Township, Sargent County, North Dakota. The project will discharge via a pump outlet located in the southeast corner of the Southeast Quarter of Section 6, into the west road ditch along County Road #4; the discharge will flow south in the County 4 ditch, under 86th Street SE, and will continue to flow south for a short distance before ultimately discharging into a large slough in the Northeast Quarter of Section 14.

Because the County previously approved a “County Road Right of Way Permit” to consent to Applicant’s discharge into the County’s Highway #4 right of way, and because Applicant owns the property downstream of the project outlet, in the Northeast Quarter of Section 14, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. However, the Board can, and will, require Applicant to install erosion protection at the outlet into the County’s Highway #4 right of way.

According to records submitted by Applicant, Steven and Rachelle Bopp own the Southeast Quarter of Section 6 and the Northeast Quarter of Section 14, subject to a life estate in Roger Bopp.

Manager Stein moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-06*, dated June 30, 2020, and filed July 8, 2020, for Roger Bopp in the Southeast Quarter of Section 6 in Harlem Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-06, 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;
- 2) that Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Sargent County at any and all outlets into Sargent County’s Highway #4 right of way; and
- 3) that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Sargent County Water Resource District.

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.

HEAD OF THE MOUNTAIN PRESERVE TOUR: Board members will meet personnel from ND Parks and Recreation at the preserve at 2:00 p.m. today to tour the area.

TRANSCANDA PIPELINE: Notice was received from TC Energy that signs will be changed on the Keystone Pipeline rights-of-way beginning this month. Contact information is to Joshua Thompson at 402-214-2082.

2021 BUDGETS: The county commission approved the 2021 budgets as presented.

With no further business to discuss, the Board adjourned the meeting at 10:00 a.m.

LUCAS SIEMIENIEWSKI - CHAIRMAN

ATTEST:

SHERRY HOSFORD, SECRETARY-TREASURER