

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JULY 19, 2018, AT 8:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Lucas Siemieniewski, Roger Zetocha, Todd Stein, and Bruce Speich. Absent: Michael Wyum and Sherry Hosford. Also present: Chris Gross, Engineer for the Board; Sean Fredricks, Attorney for the Board; and Brandon Laddusaw, Wild Rice Soil Conservation District. The following residents and landowners were present: Andrew Greenmyer, Ron Greenmyer, Leon Mallberg, Bob Banderet, Paul Mathews, Glenn Cooper, and County Commissioner Mike Walstead.

SOIL CONSERVATION DISTRICT: Brandon Laddusaw, Wild Rice Soil Conservation District, was present to discuss the potential for additional hours for summer youth. At the Board’s June meeting, the Board approved up to 200 hours for summer youth at the rate of \$20 per hour for summer work related to the Board’s drains, dams, and facilities. Brandon reported they have used up the hours previously allotted by the Board and indicated there is more tree removal left to do. Manager Zetocha moved to approve an additional 100 hours for SCS at the \$20 per hour rate. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve the Board’s minutes from June 21, 2018, and the June financial report. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve payment of the following bills:

77304 Dunbar Township	Culvert cost share	879.63
77305 JAC Predator Control	Tree removal/Frenier Dam	459.24
77306 JBX LLC	Mulch trees at Silver Lake	1,300.00
77307 Jerry’s Backhoe Service	Dr#9-\$75.00- and Dr#11-\$112.50-Beaver dam removal	187.50
77308 Moore Engineering, Inc.	General-\$722.90; Shortfoot Creek Study-\$16,818.06; Silver Lake Dam inspection-\$460.95; Dr#2-\$92.15-survey; Dr#4-\$188.20-special assessment payoff; Dr#11-\$691.05-RR culvert and drain inspection; Dr#7-\$3,479.20-special assessment payoff, warranty inspection, Glenn Koeppe ROW, MDU permit and set ROW signs; Annual Dam inspection-\$1,154.65 = TOTAL	23,607.16
77309 Ohnstad Twichell	General-; \$1,127.00; Kelley/Mathews/Hemmingner-\$4,071.47; MDU Pipeline-Dr#7-399.00 and Koeppe paperwork-Dr#7-\$2,773.50 = TOTAL	8,370.97
15182 Sherry Hosford	Salary less taxes	1692.95
15183 Lucas Siemieniewski	4 PD less 36.72 taxes	443.28
15184 Todd Stein	3 PD less 27.54 taxes	332.46
15185 Bruce Speich	3 PD less 27.54 taxes	332.46
15186 Sherry Hosford	DSJTB-42.75 hours less 255.29 taxes	1668.46
15187 Michael Wyum	1 PD less 9.18 taxes	110.82
DD Sargent County Bank	Withholding taxes	1288.07

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

SILVER LAKE DAM: Chairman Siemieniewski and Manager Stein met with the Park Board to discuss options regarding Silver Lake Dam. Commissioner Walstead indicated the Park Board is interested in relocating the dam. Commissioner Walstead contacted Interstate Engineering to see what information they had as a result of previous surveys Interstate had conducted; he is waiting to hear back from Damon DeVillers at Interstate.

Chris Gross explained the possibility for State Water Commission cost-share for relocation. The most recent SWC report shows seepage is an issue regarding this dam. As owner, the Park Board will have to remedy the seepage somehow at some point to accommodate the State Water Commission’s dam safety rules anyway. The State Water Commission cost-share policies allow 60 percent cost-share for flood risk reduction projects, and 45 percent cost-share for recreational projects. The outdoor heritage fund could be a source of funding from a recreational perspective. The Red River Joint Water Resource District also provides cost-share for retention components. Sean Fredricks explained the Water Resource District and the Park Board could enter into a joint powers agreement to identify roles regarding any potential project. The Board directed Chris Gross to prepare a proposal to present to the Park Board and the Water Resource District, including identification of alternatives.

RON GREENMYER WATER PERMIT: Ron and Andrew Greenmyer were present to explain their potential water appropriation project. Mr. Ron Greenmyer’s water permit application is on file with the State Water Commission, but appropriation permits are granted based on timing of submission as well as available appropriations. The State Water Commission recently recommended a surface appropriation option for Mr. Greenmyer to withdraw water from Drain 11 as an alternative to ground water. The Board explained they generally have no issue with the concept of Mr. Greenmyer withdrawing surface water from Drain 11, though

the Board indicated the drain might not provide a reliable water source. Mr. Greenmyer recognizes the potential risks of relying upon Drain 11 surface water, but he indicated he is comfortable with those risks. At this point, the State has not issued a permit so no action is required by the Board, but Mr. Greenmyer simply wanted to get a sense for the Board's perspective on this option. If the State grants the permit, the Board would likely require Mr. Greenmyer to obtain a UTILITY PERMIT from the Board regarding use of Drain 11 facilities. Sean Fredricks will send Mr. Greenmyer a sample UTILITY PERMIT for his information, though the Board will not have to approve one until Mr. Greenmyer obtains his water permit from the State and is prepared to install his appropriation equipment in Drain 11.

DRAIN NO. 11: Chris Gross indicated DMVW Railroad seems amenable to repairs, but indicated they have to meet with their landlord, CP Rail, who owns the tracks. Once they discuss further with CP Rail, DMVW will be in touch with Chris to set up an additional meeting.

With regard to culvert repairs, Manager Zetocha indicated that north and west of the railroad crossing, there is a culvert in disrepair that will likely require replacement, in Denver Township. Chris will have Brady Woodard contact Roger so they can conduct an inspection together. Chris will then bring in a cost estimate regarding the culvert replacement at the Board's August meeting.

DRAIN NO. 7 – GLENN KOEPPE: Sean Fredricks reported that his office has been in negotiations with Wells Fargo to obtain a partial release of their mortgage over Mr. Koeppe's property so the Board can complete their right of way acquisition for the Drain 7 Project. Wells Fargo is demanding payment to process the partial release, likely around \$600.00. Manager Speich moved to approve payment of Wells Fargo's partial release fee in the amount of \$600.00. Manager Zetocha seconded the motion. Upon roll call vote, Managers Siemieniewski, Zetocha, and Speich voted in favor of the motion. Manager Stein voted in opposition to the motion. The motion passed.

DRAIN NO. 7 CULVERTS: Manager Speich called Scott Olerud, a Manager for the Ransom County Water Resource District, to discuss culvert issues near the Ransom-Sargent County line. Bruce is still working on this item with Scott and the other Ransom County water managers. Ideally, the Ransom County Water Resource District would agree to extension of Drain 7. In that case, the Boards could enter into a joint powers agreement. Bruce will keep the Board informed as to progress on his discussions with Ransom County.

BEVERLY KELLEY/PAUL MATHEWS COMPLAINT: Sean Fredricks explained Beverly Kelley appealed the Board's action regarding the first Complaint of Illegal Drainage in this area to the State Engineer's office. The State Engineer issued a memo regarding that initial Complaint, and ultimately did not overrule the Board's findings and returned the matter back to the Board. There was language in the State memo that suggested the Board should refer these matters to their office. With that in mind, and in light of the fact that this second Complaint is very similar to the initial Complaint, Sean Fredricks prepared a letter to the State Engineer's office in accordance with the State Engineer's previous directive. The Board can simply await the State's response before investigating this matter further.

FORMAN AND MILNOR RIGHT OF WAY: Luke Andrud from Ohnstad Twichell has been in touch with the city attorneys for Forman and Milnor regarding the Drain 11 and Drain 7 right of way. Luke explained the Board would be willing to quit claim ownership of parcels to the cities with easements reserved for purposes of the Board's ownership and maintenance of their drains. The cities have not yet responded.

BRUMMOND-LUBKE DAM: Chris Gross explained Moore Engineering surveyed the Brummond-Lubke Dam, Dam T-1-A, and examined erosion along the dam. Moore Engineering's recommendation is to install riprap armoring from the tow of the dam up about 6 feet, as well as at the tow of the spillway. Chris would not recommend altering the elevation. The cost of the riprap armoring is likely around \$430,000.00. The State Water Commission cost-share policies allow 60 percent cost-share for these types of projects. As a member of the Red River Joint Water Resource District, the Board could also request 65 percent of non-State costs, likely approximately \$120,000.00. In light of those cost-share options, the Board's share would likely be approximately \$65,000.00. Manager Stein moved to authorize Chris Gross and Sherry Hosford to submit cost-share applications to the North Dakota State Water Commission and the Red River Joint Water Resource District, and to apply for applicable permits. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 2: The Board previously authorized Moore Engineering to conduct a survey. Moore Engineering is waiting on other survey work in this same vicinity to reduce costs to the Board. Chris anticipates a crew will be in the area soon.

HELICOPTER SPRAYING: Sean Fredricks explained he is working with Mike Larson's insurer to obtain the requisite insurance required under the written contract between the Board and Mike Larson. Once those items are in place, the Board indicated Larson Helicopters should proceed.

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

1. Larson Helicopters LLC: \$2,805.00 (electricity)
2. Interstate Engineering: 1,658.10 (design engineering)
3. Interstate Engineering: 37.50 (construction engineering)

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

DICKEY-SARGENT JOINT WATER RESOURCE DISTRICT: The Dickey-Sargent Joint Board has the following bills which will require approval by both Boards:

1. DVEC: \$ 155.00
2. Dawson Insurance: 3,908.00 (annual general liability)
3. Ohnstad Twichell: 3,725.85 (bond payoff options)

Manager Zetocha moved to approve the Dickey-Sargent Joint Water Resource District bills. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

GLENN COOPER COMPLAINT: Glenn Cooper was present to discuss his Complaint with the Board. Jerry Bosse tiled his land, and Don Rust is adding fill on his land. Mr. Cooper's Complaint includes allegations of illegal drainage and construction of an illegal dam or dike. Glenn indicated the tile is approximately 60 acres. Sean Fredricks explained the Water Resource District does not have permitting authority or jurisdiction over tile projects that are less than 80 acres. With that in mind, the Board cannot take any action regarding Mr. Bosse's tile project. Of course, Mr. Cooper could still pursue civil remedies if he is experiencing damages as a result of the tile project. Mr. Cooper understood the Board cannot do anything regarding Mr. Bosse's tile project, but still requested investigation of Mr. Rust's dam or dike. Manager Speich moved to direct Moore Engineering to investigate Mr. Cooper's allegations of an illegal dam or dike constructed by Donald Rust. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously. The Board encouraged Mr. Cooper to approach the parties to attempt to resolve this matter amicably, and Glenn agreed.

SHORTFOOT CREEK: Chris Gross reported that NRCS submitted comments to Sherry regarding the Shortfoot Creek team's technical points. The team will consider NRCS' comments, and will continue working on costs for various alternatives.

"SAFE TALK": Roger Zetocha indicated NDSU Extension conducts awareness workshops in the Ag community. With low grain markets, suicides are unfortunately on the rise. Roger simply wanted everyone to be aware of these workshops and how helpful they can be during difficult times for farmers.

DRAIN NO. 11: Leon Mallberg previously submitted a document request. Chairman Siemieniowski indicated Sherry Hosford, the Board's Secretary-Treasurer, is out of town, but the County Auditor's office is working on gathering the documents to respond to Mr. Mallberg's request. Mr. Mallberg also expressed his disagreement regarding annual maintenance levies for Drain 11, as did Mr. Bob Banderet. The Board explained the amount of crossings and culverts in Drain 11 that will require repairs or replacement in the near future, as well as silt removal projects that will be necessary. The Board is confident the maintenance levies recently approved will be necessary for adequately operating and maintaining Drain 11.

With no further business to discuss, the Board adjourned the meeting.

LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

SEAN M. FREDRICKS, ACTING SECRETARY-TREASURER