

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, JULY 20<sup>TH</sup>, 2023 AT 8:06 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Vice-Chairman Michael Wyum, Managers Bruce Speich, Roger Zetocha and Todd Stein. Also, in attendance was Wendy Willprecht Secretary/Treasurer, Nathan Trosen, engineer for Moore Engineering, Sargent County Commissioner Wade Anderson, County Road Supervisor Tim Faber, landowners Neil Planteen, Bob Orn, and Don and Will Rust. Present via video conference was Attorney Sean Fredricks of Ohnstad Twichell and Leon Mallberg.

Manager Zetocha moved to approve the June 15<sup>th</sup>, 2023 regular meeting minutes and the June 2023 Financial Statement. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Speich moved to approve the following bills:

**085634 Ohnstad Twichell-** Mathias permit app. \$573.60/Meetings \$480/ Malpert permit app. \$735/ Anderson permit app. \$612.90/ Malpert permit app. \$614.70/Summit Pipeline Utility Permit \$180; Drain No. 11 improvement proj. \$432/eminent domain \$14,578.85; Drain No. 7 review file \$42.00

**Total: \$18,249.05**

**085632 Moore Engineering-**Board Meetings \$1778.02; SFC Task 6 \$2510.00; Drain No. 4 reassessment \$3895; Drain No. 8 drain tour \$569.61; Drain No. 11 ROW \$270/Condemnation 621 \$297.50/drain tour \$862.65; Drain No. 12 drain tour \$293.03; Drain No. 7 drain tour \$503/reassessment \$6282.06; Tewaukon Watershed review of drone pics \$97.50

**Total: \$17,358.37**

**085635 Pearce Durick-** Drain No. 7 reassessment

**Total: \$990.00**

**085631 Helwig Excavating, Inc.-**Drain No. 11 culvert installation  
\$1250.00

**Total:**

**085636 Don Rust-** Drain No. 11-repair underground hit by Ellingson, rewire tile pump, wire VFD

**Total: \$1967.89**

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

**Drain No. 11:**

**Project:** Nathan Trosen of Moore Engineering reported that the remaining punch list items for this project should be completed by the end of this week. The culvert that was damaged by farm equipment needs to be repaired at the outlet crossing at 127<sup>th</sup> Avenue. True North quoted the 30' – 103" X 71" CSPA culvert at \$7601.10. This quote does not include a band so the price will be a little higher with the band. Installation is estimated to be roughly similar to the cost of the culvert and there may be some necessary dewatering. Trosen said that he reviewed the Drain No. 11 project costs and we have not used all of our contingencies. Trosen estimates the cost for this repair project will not exceed \$20,000. Zavoral has a sub-contractor, Pro Landscapers, that will install the culvert, as their schedule is booked right now.

Trosen anticipates that the board will have a final pay application by September that will include any remaining costs for this project.

A motion was made by Manager Speich and seconded by Manager Zetocha to approve ordering the culvert and band from True North for this repair project with costs not to exceed \$10,000. Upon roll call the motion passed unanimously.

**Glen Thompson Utility Permit:** The Board is waiting for a response from Mr. Thompson regarding the utility permit he requested to accommodate his proposed tile project. Mr. Thompson has indicated he would like to resolve his tile access before closing on the Drain 11 right of way acquisition for his property.

**Neil Planteen:** Mr. Planteen asked why the culverts for this project were installed at an angle. He said there is erosion on the south slope of roadway downstream of 127<sup>th</sup> Ave because of the water flow and he wanted to know the plans for replacing the culverts. Trosen said that the existing ROW for this drain extends downstream of 127<sup>th</sup> Ave. into Section 8 of Taylor Township. The apparent existing ROW extends straight west of 127<sup>th</sup> Ave. for 315' (parallel to the section line) at a width of 50'. However, this existing ROW does not follow the actual channel very well which is why 127<sup>th</sup> Ave. culverts were transitioned the way they were.

**Drain No. 4:**

**Reassessment:** The assessment list was certified last month. The assessment resolution and certificates were signed and the originals will be kept in the SCWRD files.

**Drain No. 7:**

**Project:** Comstock will mobilize early August to finish this project. July 14<sup>th</sup>, 2023 was the substantial completion date under the Board's contract. This deadline was not met, so, by directive of the SCWRD, attorney Fredricks will send a Claim letter to Comstock reserving the right to assess damages. This formality must be done within 30 days of the event

to reserve this right. Fredricks said that the board does not necessarily have to assess any penalties to Comstock, but this letter will reserve the right to do so.

**Reassessment:** The assessment list was certified last month. The assessment resolution and certificates were signed and the originals will be kept in the SCWRD files.

Discussion was had about what could be done to get water flowing from the drain outlet to the Wild Rice River. A suggestion was to set up a maintenance district that would set funding aside to be used for maintenance activities downstream of Drain No. 7. Trosen of Moore Engineering said there are two options:

- 1) Create an extension of the drain
- 2) Create a maintenance district that would allow the District to maintain the existing channel from the outlet of Drain 7 to the Wild Rice River.

The voting process for either option would be the same procedurally; the difference would be in the amount of design necessary to get either project to a vote. Trosen said a benefit analysis would need to be completed to determine who should be in either assessment district. Creation of a maintenance district would require Moore to do a survey, create preliminary plans & a cost estimate, and assistance with hearings, which would cost around \$25,000. If the landowners prefer creation of a maintenance district just to maintain the existing channel, creation of an assessment district would provide a mechanism to collect funds for the maintenance work.

**Drain No. 9 Extension:** No report.

**Drain No. 8:** No report.

**Cogswell Tile:** No report.

**Drain No. 2:** Manager Speich said that there is not much spoil left on Foertsch's land. The spoil will be used by the county to slope a road, but County Road Supervisor Tim Faber said that he did not know if the project will start yet this year. Manager Speich said he will attend the August 1<sup>st</sup> Sargent County Commissioner meeting to find out when the SCWRD spoil will be needed by the county.

**Drain No. 12:** No report.

**Short Foot Creek:** At last month's meeting, the SCWRD board asked Trosen to send a letter to the landowners affected by this project to give them an update. Trosen said this letter was sent out and that the final agency meetings should be scheduled soon.

085419	Lucas Siemieniewski	Travel	
085421	Todd Stein	Travel	\$ 10.48
085422	Michael Wyum	Travel	\$ 13.10
085423	Roger Zetocha	Travel	\$ 32.75
085420	Bruce Speich	Travel	\$ 26.20
DD	Lucas Siemieniewski	PD	
DD	Todd Stein	PD	\$189.32
DD	Michael Wyum	PD	\$189.32
DD	Roger Zetocha	PD	\$189.32
DD	Bruce Speich	PD	\$189.32
DD	Wendy Willprecht	Sec-Treas -Salary less taxes \$457.17	\$2475.05
DD	Stock Grower's Bank	Withholding Taxes	
DD	ND State Tax Commission	State Tax	
DD	Job Service ND	Unemployment Comp.	

**NEW BUSINESS:**

**City of Stirum:** County Road Supervisor Tim Faber and landowner Bob Orn came to speak about the water issues in and around Stirum. To get water moving out of this area, a plan was discussed to do a clean out to County Road 4 and to add a 54” culvert at County Road 1. With the clean out it is anticipated the water will flow east along the railroad grade. Faber said the railroad has been contacted and they would support a cleanout project. Orn noted that landowner Rodney Mathias supports the project and Faber said the Sargent County Commission is on board as well. The SCWRD would participate in cost-share on the culvert at a 60/40 split. Interstate Engineering is working on the design for this project and there is no known start date at this time.

**Don and Will Rust:** The Rusts explained the billing they submitted to the SCWRD from Paul’s Electric for rewiring a tile pump. This rewiring was necessary as a result of their pump relocation from the Drain No. 11 project. The Rusts said that with a dry fall (2022) they were not in a hurry to immediately get the pump rewired, so they waited until this spring.

Legislator compensation increased to \$205/day beginning July 1<sup>st</sup>, 2023. By law, water resource districts can match legislative compensation. After discussion a motion was made by Manager Speich and seconded by Manager Zetocha to increase the SCWRD compensation to \$205/day. Upon roll call, the motion passed with Manager Stein voting no.

Sargent County purchased 105 chevron signs from Kidder County for a highway emergency project. The signs were \$72 a piece. Some of these signs will be put along the SCWRD legal drains. Manager Speich made a motion to pay for all 105 signs with the county to install the signs at no extra cost to the SCWRD. Upon roll call, this motion failed due to all Managers voting no. After further discussion, the SCWRD board told Commissioner Wade Anderson that the county can bill the WRD when they install signs along the legal drains and they will reimburse the county at \$72/sign.

**Frenier Dam:** Discussion was tabled until the August meeting.

**Application to Install a Subsurface Water Management System No. 2023-10 for Randy Gibbon in the Southwest Quarter of Section 6 in Hall Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-10*, filed July 14, 2023, by Applicant Randy Gibbon. Under the Application, Applicant seeks to install a 120-acre drain tile system in the Southwest Quarter of Section 6 in Hall Township, Sargent County, North Dakota. The project will include a single pump outlet located along the south boundary of the Southwest Quarter of Section 6; the pump will discharge into the north road ditch along 79th Street SE; the discharge will then flow east in the north road ditch, along the south boundary of the Southeast Quarter of Section 6 and the Southwest Quarter of Section 5 in Hall Township.

According to County tax roll information, Randy Gibbon owns the Southwest Quarter of Section 6 where Applicant intends to install the tile system. With regard to downstream properties, Russell and Krisa Martinson own the Southeast Quarter of Section 6; and Randy Gibbon and the Gibbon Land Company, LLLP, own the Southwest Quarter of Section 5.

Manager Speich moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-10*, filed July 14, 2023, for Randy Gibbon in the Southwest Quarter of Section 6 in Hall Township, and to authorize the Secretary/Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-10, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant’s tile system.
2. Applicant will install and maintain erosion protection at any and all outlets into Hall Township’s road right of way.
3. Applicant will turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Sargent County Water Resource District.
4. Applicant must remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream of Applicant’s project outlet.
5. Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Southwest Quarter of Section 6 in Hall Township under any blanket easements, or otherwise beyond the Water District’s existing easement.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-10 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

**DSJTB bills for approval –**

**DSJTB bills for approval**

<b>85533</b>	<b>DVEC – electricity –</b>	<b>\$ 1221.00</b>
<b>085630</b>	<b>Agtegra-drip oil</b>	<b>\$ 92.00</b>
<b>085633</b>	<b>Moore Engineering-Roney land assess.</b>	<b>\$ 350.00</b>

Maintenance Account Balance:	\$ 30,695.16
Improvement Account Balance:	\$ 189,458.57

**Richland-Sargent Drain #1 Maintenance Fund Financial Statement**

<b>BEGINNING BALANCE June 1, 2023</b>	<b>\$435,171.82</b>
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**REVENUE:**

Rt. #23-070	Richland Co. Tax & Business	\$2,633.55
Rt. #23-080	Savings Interest	\$1,366.44

<b>TOTAL REVENUE RECEIVED:</b>	<b>\$3,999.99</b>
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**EXPENDITURES:**

Ck. #21023	Larson Helicopters	\$3,690.50
Ck. #21013	Ohnstad Twitchell, PC	\$1,010.50
Ck. #21021	Moore Engineering, Inc	\$16,250.00

<b>TOTAL EXPENDITURES:</b>	<b>\$20,951.00</b>
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<b>TOTAL BALANCE June 30, 2023</b>	<b>\$418,220.81</b>
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<b>RS #1 MAINTENANCE SAVINGS ACCOUNT BALANCE</b>	<b>\$421,577.93</b>
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<b>RS #1 MAINTENANCE CHECKING ACCOUNT BALANCE</b>	<b>-\$3,357.12</b>
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<b>TOTAL MAINTENANCE FUND BALANCE June 30, 2023</b>	<b>\$418,220.81</b>
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The meeting adjourned at 9:35 a.m.

APPROVED:

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MICHALE WYUM, VICE-CHAIRMAN

ATTEST:

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WENDY WILLPRECHT SECRETARY-TREASURER