

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 16, 2018, AT 8:40 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Lucas Siemieniewski, Roger Zetocha, Todd Stein, and Bruce Speich. Michael Wyum was present via conference call. Absent: None. Also present: Chris Gross, Engineer for the Board; Sean Fredricks, Attorney for the Board; and Brandon Laddusau, Wild Rice Soil Conservation District. The following residents and landowners were present: Bob Banderet, Paul Mathews, Will Rust, and County Commissioner Mike Walstead.

Manager Speich moved to approve the Board’s minutes from July 19, 2018, and the July financial report. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve payment of the following bills:

77377 Larson Helicopters	Fly over all drains and dams - \$400.00; Dr#4-\$95.00; Dr#8-\$551.00;	
Dr#9-\$946.20 and Dr#11-\$2,097.60 = TOTAL		4089.80
77378 Moore Engineering, Inc.	General-\$749.70; Shortfoot Creek Study-\$19,001.50; Silver Lake Dam-\$226.50; Dr#2-\$1,761.10-survey; Dr#4-\$255.00-special assessment payoff; Dr#11-\$91.50-RR culvert; Dr#7-\$261.50-special assessment payoff, Glenn Koepe ROW; Brummond-Lubke-\$9,360.00-Preliminary Engineering = TOTAL	
		31,706.80
77379 Ohnstad Twichell	General-; \$1,656.00; EB Farms-259.24-permit revision; EB Farms-\$147.50-permit revision; Marc O’Brien-\$147.50-permit revision; Kent Carpenter-\$147.50-permit revision; Doug Harris-\$165.18-permit revision; Tom Heimbuch-\$147.50-permit revision; NDFFA-\$45.00-permit revision; Kelley/Mathews/Hemminger complaint-\$2,852.56; Glenn Cooper/Rust/Bosse complaint-\$168.50; Brian Vculek-\$52.50-permit revision; Dr#4-641.50-special assessment discussion and revise quit claim deed; Dr#11-95.00-Mathews litigation; Dr#7-\$1,251.76-Koepe right of way = TOTAL	
		7,777.24
77380 Red River Basin Commission	2018 funding	1,197.50
77381 Lucas Siemieniewski	Travel	140.07
77382 Bruce Speich	Travel	150.42
77383 SRT Excavation LLC	Dr#7-spot repair in Milnor City and ½ mile E to lagoons	5775.00
77384 Todd Stein	Travel	26.16
77385 Wild Rice Soil Conservation	Summer Youth tree removal – Dr#2-\$2004.48; Dr#8-\$12.71; Dr#7-\$1733.58; Tewaukon Watershed-\$2,641.73= TOTAL	6392.50
77386 Roger Zetocha	Travel	54.50
15304 Sherry Hosford	Salary less taxes	507.05
		1692.95
15305 Roger Zetocha	2 PD less 18.36 taxes	221.64
15306 Lucas Siemieniewski	4 PD less 55.08 taxes	664.92
15307 Todd Stein	5 PD less 45.90 taxes	554.10
15308 Bruce Speich	3 PD less 45.90 taxes	554.10
DD Sargent County Bank	Withholding taxes	1010.23

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

**BEVERLY KELLEY/PAUL MATHEWS COMPLAINT AND GLENN COOPER COMPLAINT:** Will Rust, Cogswell, was present to inquire about these complaints. Sean Fredricks explained that regarding the Beverly Kelley/Paul Mathews complaint, Sean sent the complaint to the ND State Water Commission. Ms. Kelley previously submitted a complaint nearly identical to the current complaint; Mr. Don Rust voluntarily filled-in the unpermitted drainage and the Board dismissed the Complaint. Ms. Kelley appealed the matter to the State Engineer, and the State ultimately returned it to the Board’s jurisdiction. In the State’s memo to the Board, the State provided the following:

“ . . . I believe the District could have deferred to the State Engineer the question of maintenance in this case and may do so in such instances where it is unclear whether or not work conducted is “maintenance.” Additionally, the State Engineer should have been consulted with the question as to whether a surface drain permit was required since surface drain permits are to be submitted to the State Engineer first according to N.D.C.C. section 61-32-03.”

The Board issued an order in which the Board concluded Mr. Rust filled in the unpermitted drainage and dismissed the matter. Ms. Kelley failed to appeal the decisions of the State or the Board regarding the first complaint. In light of the State Engineer’s comments noted above, Sean forwarded the second complaint to the State Engineer’s Office for consideration. The State sent it back to the Board and noted the State’s apology for

its “lack of clarity” in its previous correspondence, and returned the matter to the Board for consideration. In light of this decision, Moore Engineering will have to continue its investigation of the matter.

**GLENN COOPER COMPLAINT:** Glenn Cooper has not returned a signed complaint so no further action has been taken on this complaint.

**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 to the city attorneys the Board would be willing to convey, by quit claim deed, ownership of parcels to the cities with easements reserved for purposes of the Board’s ownership and maintenance of their drains. Forman City has not responded as of today, and Milnor City has replied that they are not interested in receiving this property, which initially was owned by Richard and Mary Jane Engst. However, Mr. Engst sent a message to the Board this morning asking if the board would be willing to deed this land back to the Engsts, subject to an easement for the Board. The Board would be in favor of this proposal and directed the Secretary to contact Mr. Engst to make him aware that this property would be subject to real estate taxes and special assessments as in the past, and those taxes and assessments would be the responsibility of Mr. Engst.

**DRAIN NO. 11:** Chris Gross indicated DMVW Railroad has a new contact on staff working on this matter. Chris will have to start over with the new contact, but hopefully DMVW will agree to a meeting before winter.

With regard to culvert repairs, Manager Zetocha and Brady Woodard with MEI will be meeting next week to look at the culverts located in the southeast corner of the SW1/4-26 in Denver Township and present their findings at the September meeting. Todd Stein reported he had received some information from Paul Mathews; Mr. Mathews read Board minutes from April 16, 1992, that noted a letter from Soo Line Railroad to the Board regarding Soo Line’s plan to reset existing culverts 1.5 feet below the existing flow line elevation and installing new culvert bands. The existing culvert is a double line of 72” x 44” GIP arch and the total square foot opening is presently 35.2 feet. The work will be done as weather permits. It is unknown if Soo Line ever completed that work.

**DRAIN NO. 7 – GLENN KOEPPE:** Still waiting on paper work from Wells Fargo to complete the partial release, and ultimately complete this transaction.

**RON GREENMYER WATER PERMIT:** Ron Greenmyer submitted a signed Utility Permit prepared by Sean Fredricks, along with exhibits that included a map of the proposed site where Mr. Greenmyer intended to draw water from Drain 11, and a brochure of the equipment that would be used on Mr. Greenmyer’s project. The Board decided not to approve the Utility Permit until the State approves an appropriation water permit for Mr. Greenmyer and can more definitively define Mr. Greenmyer’s project related to Drain 11.

**SILVER LAKE DAM:** Chris Gross reviewed the history of Silver Lake Dam as well as the report created by the State Water Commission related to SWC’s Embankment Seepage Investigation from February 2016 with two recommendations: 1) remove the tree and woody vegetation from the embankment and the creation of a small drain (\$74,000); or 2) install a toe drain to reduce the risk of dam failure due to particle erosion from the seepage (\$208,000). Some vegetation has been removed but the tree is still there as well as the seepage. The Sargent County Commission/Park Board owns the dam and is considering the possibility of relocating the dam to expand the recreation area. The Park Board is considering the possibility of moving the dam a few hundred yards north or across the roadway and to the east. Chris reviewed the tasks required to conduct a feasibility study and submitted a \$105,000 estimate for the preliminary engineering. Chris explained there may be cost-share funding available from the State Water Commission, the Red River Joint Water Resource Board, Outdoor Heritage Fund, and ND Game and Fish; in the event all of those agencies approved their maximum cost-share, the local cost would only be approximately \$10,000, in a best-case scenario. Water board members felt that MEI should move forward to outline what options are available, including consideration of sources for the local share. Chris will present this at the September Board meeting.

**DRAIN NO. 7 BOX CULVERT ON THE AIRPORT ROAD:** SRT Excavation, LLC, completed a spot repair on Dr#7 in Milnor City and the first ½ mile east of the city lagoons for a total cost of \$5,775.00. This fixes the problem reported by Korey Martinson in May of 2018 regarding a large amount of sediment in the bottom of the drain. The NDSWC continues to list Dr#7 on their pending list for rural flood control cost-share for additional cost-share on the improvement project overrun, but is all subject to availability of funds. This will be discussed at an upcoming sub-committee meeting.

**BRUMMOND-LUBKE DAM:** As per authorization at the July meeting, Sherry has signed and submitted cost-share applications to the North Dakota State Water Commission and the Red River Joint Water Resource District regarding Brummond-Lubke Dam repairs and improvements.

**DRAIN NO. 2:** Chris provided a map and information on Dr#2 in the SW1/4-11 Herman Township. There appears to be a 2-foot high spot downstream from the east culvert approximately 1500 feet long. Manager Speich was concerned about the cattle in this area and the ability to do a simple cleaning. The Board does have

an easement for this area of Dr#2 and Sherry will provide Bruce with a copy to review with the landowner. Manager Speich moved to authorize a clean-out of Drain 2 from the culvert to the existing natural ground to grade to the east 1500 feet, not to exceed \$6,000, and then to prepare a management plan on grazing. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

**DRAIN NO. 11:** Todd informed the board that Helwig Excavating, Inc., plans to begin the simple cleanout on the southwest branch of Dr# 11 as approved in April very soon. There is also a blockage in either Section 11 or 12 of Southwest Township and when Todd meets with MEI next week, they will fly a drone over this area to check for blockages.

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

1. Interstate Engineering: \$1462.50 (Construction Engineering and Staking RS#1)

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

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

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LUCAS SIEMIENIEWSKI, CHAIR

ATTEST:

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SHERRY HOSFORD - SECRETARY-TREASURER