

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, AUGUST 20, 2015 AT 9:00 A.M., IN THE COMMISSIONERS ROOM, SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA

Managers present: Luke Siemieniewski. Jim Bosse, Roger Zetocha, Korey Martinson and Richard Engst. Absent: None. Also present: Board Attorney Sean Fredricks; Chris Gross, Board Engineer; Pat Downs, Moore Engineering, Inc. and Tom Jones, NRCS.

Approve the July 16, 2015 minutes and July financial statement. (Bosse/Engst, unanimous)

Motion to approve payment of the following bills: (Bosse/Engst, unanimous)

71885	James Bosse	Travel	214.48
71886	Carton Excavating	Dr # 11 culvert installation	2727.50
71887	Comstock Const. Inc.	Dr # 7 Final	6936.94
71888	Richard Engst	Dr # 7 – tree removal and hauling	634.50
71889	Korey Martinson	Travel	124.78
71891	Ohnstad Twichell	General - \$1241.52; Kent Carpenter permit-\$66.42; Beverly Kelley Complaint - \$561.14; Dr # 4 Rick Hoistad-Eminent Domain-\$1411.00; Bernie Vculek permit #4720-\$370.00; Ellefson/Erickson permit #4506-\$85.00; Paul Mathews r/o/w dispute-\$2811.00	TOTAL 6546.08
71892	Quill Corp.	Envelopes	41.99
71893	Sheyenne Valley Tree Serv.	Dr # 7 tree removal (Rubey Property)	575.00
71894	Lucas Siemieniewski	Travel	49.45
71895	True North Steel	Dr # 11 culverts	23009.68
71896	Wild Rice Soil Conserv. Dist.	Summer Interns – Dr # 9-\$510.90; Dr # 11-\$1866.75; Dr # 7-\$1906.05; Tewaukon Watershed (dam improvements)-\$2413.93 = TOTAL	6697.63
71897	Roger Zetocha	Travel	170.75
71898	Moore Eng., Inc.	General-\$786.85; Tewaukon Watershed-\$237.00; Beverly Kelley complaint-\$161.25; Kent Carpenter permit-\$702.00; Bernie Vculek permit-\$316.00; Hoistad –Dr # 4-\$2377.50; Dr # 11-\$461.00 = TOTAL	5041.50
11142	Sherry Hosford	Salary less 101.54 taxes	868.46
11143	Richard Engst	1 PD less 9.98 taxes + 10.50 meal	120.52
11144	James Bosse	8 PD less 98.77 taxes	861.23
11145	Roger Zetocha	7 PD less 134.09 taxes	705.91
11146	Lucas Siemieniewski	4 PD less 36.72 taxes	443.28
11147	Korey Martinson	7 PD less 134.09 taxes	705.91
DD	Sargent County Bank	Withholding taxes	843.88

NRCS NATIONAL WATERSHED PROGRAM: Pat Downs, Project Coordinator, Moore Engineering, Inc. met with the board to explain the process to consider for a Watershed Protection Plan Study with funding via the Regional Conservation Partnership Program (RCPP) in conjunction with the Red River Retention Authority (RRRA). Mr. Downs explained the planning task items which include: 1) Initiate Planning, 2) Identify Problems, Opportunities and Concerns, 3) Determine Objectives, 4) Inventory Resources, Analyze Resource Data, 5) Formulate Alternatives, 6) Evaluate Alternatives, 7) and Make Decisions. The estimated total cost to initiate planning and steps 1 through 7 is \$938,225. There are \$11 million dollars in funding that could potentially be split between 20 applicants. NRCS cost share would be \$500,000; the State Water Commission at 35% or \$154,000, the Red River Joint Water Resource District 65% of non-state/non-federal or \$185,000 leaving about 10.6% for the Sargent County Water Resource District or approximately \$100,100. This amount could be paid over a three year time period. Mr. Downs reviewed the Priority Screening Questions with the Board. Some discussion followed regarding this area of the study and if the Richland/Sargent # 1 Board would be a more likely sponsor because of the location of the project. Mr. Tom Jones commented that he agreed they should definitely be involved in the study. Motion to authorize Moore Engineering, Inc. to proceed with seeking RCPP funding from/through the RRRA. The planning area will be the Short Foot Watershed (which will include quite an area of SD in the study area) (Zetocha/Martinson. Upon roll call vote, the motion carried unanimously). Mr. Downs further informed the Board that a Planning Committee will be formed which will involve about 4 meetings per year (2.5 to 3 hours) and should include 2 board members, 2 landowners from both ND and SD, NRCS representative, Wild Rice Soil Conservation representative and Marshall County Soil Conservation representative and engineers from both Sargent and Marshall County Water Boards.

HEAD OF THE MOUNTAIN NATURE PRESERVE: Kathy Duttonhefner, Jesse Hanson and Justin Parks; ND Parks and Recreation, met with the Board via conference call for the annual overview of Head of the Mountain Nature Preserve at Frenier Dam. Ms. Duttonhefner explained that the ongoing lease agreement with the Sargent County Water Resource Board and the ND Parks and Recreation was renewed in 2014 and automatically renews from year to year for successive terms of five years. Sherry Hosford, Secretary noted that the board did not receive a copy of the signed lease following the July 2014 renewal. (Kathy Duttonhefner later contacted Ms. Hosford via email and included a signed and fully executed copy of the lease.) Sargent County owns this land and the Parks and Recreation Dept. manage the land with the adopted Articles of Dedication (Revised May 1, 2006). A copy of the Head of the Mountain Nature Preserve 2015 Site Visit Summary was

discussed. The Management completed in 2015 includes: 1) Prescribed burning completed on April 28; 2) Noxious Weeds – no spraying has been accomplished in 2015; and 3) Prairie monitoring after burn. Prairie Management Recommendations include to continue spraying noxious weeds; mainly Canada thistle and leafy spurge; manage prairie with prescribed burning in the spring on a 5-10 year rotation and avoid trail building and other disturbances to the prairie. A small portion of a fence along the northwest side was down. After reviewing the Articles of Dedication it was noted that ND Parks and Recreation is responsible for maintenance of the fence. Also noted was the interpretive panels were found in place on the kiosk (Interns with Wild Rice Soil Conservation District installed the panels through the summer program.) An updated Head of the Mountain Nature Preserve Action Plan for 2015-2016 was delivered to the board via email on August 25, 2015 and placed in the file.

KENDALL AND JEFF JOHNSON, GWINNER; CHRIS NANNEGA AND DENNIS PETERSON, AGASSIZ DRAIN CO.: The above met with the board to discuss a proposed tile project in Section 11, 12 and 13 of Whitestone Hill Township. Forms and paper work were given to the Johnson's for completion on this project.

MIKE BASSINGTHWAITE, INTERSTATE ENGINEERING, INC. AND RS # 1 PROJECT: Mr. Bassingthwaite met with the board to discuss concerns from this board on the RS# 1 project. According to the discussion this board would like to see more RS# 1 meetings to discuss the ongoing project and keep everyone informed. Mike agreed that the RS # 1 board needs to discuss the concerns and also act in a timely fashion of any concerns. He also said that he is only a phone call away and can attend these meetings. He said that he is not a board member nor a part of Richland County Board or RS#1, he works for Interstate Engineering, Inc. Board members will communicate with the Richland County Water Board members to have better communication. Motion to authorize the RS# 1 Chairman to certify and approve payment on Estimate No. 1 for the Legal Drain RS # 1 (Phase 1) for \$105,554.70. (Engst/Martinson. Upon roll call vote, the motion carried unanimously) Motion to authorize Jim Haugen, Chairman of the RS# 1 Board to execute the Agreement for Cost-Share Reimbursement with Richland-Sargent Joint Water Resource District's RS Legal Drain No. 1 – Extension & Channel Improvement – Phase I between the State Water Commission and the Richland-Sargent Joint Water Resource District. (Engst/Zetocha. Upon roll call vote, the motion carried unanimously). Mike indicated the contractor may miss impending deadlines. Sean Fredricks suggested the Richland-Sargent Board should be prepared to assess liquidated damages, assuming the contract documents Interstate prepared is an EJCDC document with liquidated damage provisions.

REPLACEMENT OF BRIDGES NO. 135-05.0 AND 135.05.1 OVER THE WILD RICE RIVER BETWEEN SECTIONS 25/26-132-53: Board members received and read a letter from Interstate Engineering, Inc. seeking comments from this board on replacing two bridges, one that will be replaced with a box culvert, and another bridge that will be replaced with either a box culvert or a new bridge. Work will also include removing three other bridges, as well as a half-mile of road grading and road ditch shaping. The project is expected to be constructed during the 2016 construction season. This Board approved cost share of 50% of the 20% local share at their June 2015 meeting. No comments were received from board members.

WILD RICE SOIL CONSERVATION DISTRICT'S SUMMER INTERNS: Raina and Amy Ruch met with the board to give a summary of the work that was undertaken by the summer interns for the soil conservation district. A total of 328 hours (@\$18.00/hour) were worked this summer – Bergh-McLaen-42.5 hours; Frenier Dam-10 hours; Brummond-Lubke Dam-57.5 hours; Milnor Drain # 7-97 hours; Drain No. 11-95 hours and Drain No. 9-26 hours. Spraying and fence repairs were provided by the interns. The total bill was \$6,697.63. Board members expressed their thanks and appreciation for all the work conducted by the interns.

DRAIN NO. 11 INTO RANSOM COUNTY: Jim Bosse and Roger Zetocha along with Chris Gross met with the Ransom County Water Board on August 17th. They reviewed the proposed district and the Ransom County Board asked many questions. Ransom County would like to see the US Fish and Wildlife easement areas in Ransom County overlaid on the proposed Drain No. 11 assessment district map and Chris Gross agreed to prepare a map overlay. Ransom County also did not like the straight lines proposed in the assessment district. Chris will prepare a map and ask for any modifications and report back to this board. If Ransom County is assessed they would like to know how decisions would be made where work is to be completed. Chris and Managers Bosse and Zetocha informed them that details would need to be worked out on the organization of a joint board makeup.

DRAIN NO. 2: Tom Jones informed board members that the wetland certification has been completed and wetlands do extend on the drain. Due to wetland impacts, the WRD has no further intent to proceed with lowering the ditch channel and will proceed with installing the two culvert crossings as originally planned. Richard will contact Comstock Construction to see if they were still interested in installing the two culvert crossings and to get a quote to do the work.

EAST JCT OF ND 13 AND 32 TURN LANES: The Board had no comments on the project east of Gwinner consisting of adding right and left turn lanes for eastbound and westbound traffic on ND 13 to improve roadway safety for the CHS project.

EMERGENCY ACTION PLANS (EAP) FOR DAMS: Chris Gross inquired whether Sargent County has EAP's for dams located in the county. Nelson and Brummond-Lubke Dams would be eligible for 80% cost share from the ND SWC for preparation of an EAP. Sherry provided minutes from the February and March 2008 WRD meeting that discussed EAPs on these two dams. The minutes didn't indicate if anyone was going to develop the EAPs. Tom Jones was going to ask the state NRCS staff if any work had been completed on the EAPs for these two dams and report back to Chris. If the NRCS had not completed them, the board advised Chris to prepare a SWC cost share request for the 80% cost share. Tabled.

STORM LAKE: Chris Gross provided a proposal for Storm Lake Outlet Improvements including 1) Watershed Hydrology and Calculation of Peak Discharges; 2) Preliminary Data Collection, Lake and Channel Hydraulics; 3) Reporting of Hydrology and Hydraulic Methodology and Benefits and 4) Assessment District Development at a cost of \$32,255.00. Motion to authorize Moore Engineering, Inc. to submit a cost share request to the Red River Joint Water District for 65% cost share for the engineering. (Engst/Zetocha. Upon roll call vote, the motion carried unanimously)

DRAIN NO. 12: Motion to authorize Luke Siemieniewski to obtain a bid from Comstock Construction to clean approximately $\frac{3}{4}$ mile of Drain No. 12 while Comstock Construction is in the area working on Drain No. 2. (Zetocha/Martinson. Upon roll call vote, the motion carried unanimously.)

TRI-COUNTY JOINT WATER RESOURCE DISTRICT AGREEMENT: Sean Fredricks provided to the Board copies of the Joint Water Resource District Agreement between Ransom, Richland and Sargent County for the Tri-County Joint Water Resource District. Following review, motion to authorize the Chairman and Secretary-Treasurer to sign and execute said agreement. (Bosse/Zetocha. Upon roll call vote, the motion carried unanimously.) Upon receipt of approval from the other two counties, Sean Fredricks will provide a fully signed and executed copy of the agreement to this board.

COLE VCULEK/KENT CARPENTER: Once Brian Vculek presents an agreement between Cole Vculek and Kent Carpenter under which the parties agree Cole Vculek will replace Kent Carpenter as the applicant/permittee under Mr. Carpenter's tile permit, the Board can acknowledge the agreement and approve the modification, and Sean can then notify the State of the change. Once the parties present the agreement regarding the Subsurface Permit in the SW1/4-10 and NE1/4 16 in Harlem Township the Board can act on the request.

ESTIMATE OF TREE REMOVAL ON DRAIN NO. 7: Richard Engst informed the Board that Sheyenne Valley Tree Service of Milnor has removed the trees from the Rubey property at a cost of \$575.00. Richard presented an estimate to personally remove some additional trees from the drain for an amount not to exceed \$600 plus mileage to haul out the trees and debris. Motion to authorize Richard Engst to remove the trees at a cost not to exceed \$600. (Zetocha/Martinson. Roll call. Yes, Zetocha, Martinson, Bosse and Siemieniewski. No. None. Abstain: Engst. Motion carried)

DRAIN NO. 11 CULVERT REPLACEMENT: Authorize Dakota Improvement to install a 103" X 71" CSPA culvert between Section 35/36 of Denver Township as per the quote received at \$7,669.40 and a 112" X 75" CSPA culvert between Section 4/9 of Harlem Township at \$7,713.40. (Zetocha/Engst. Upon roll call vote, the motion carried unanimously). Roger reported on two additional sites that need a channel clean out and culvert replacement. The sites are between Section 16/21 and 21/28 both in Harlem Township. Dakota Improvement has agreed to clean out and install culverts for \$7,700.00 at each site. Culverts needed at each site are a 112" X 75" X 52' CSPA between Section 16/21 of Harlem Township and a 112" X 75" X 54' CSPA between Section 21/28 of Harlem Township. Motion to order said culverts and authorize Dakota Improvement to proceed with the work on these two sites. (Engst/Bosse. Upon roll call vote, the motion carried unanimously) Manager Bosse also informed the board that there is a collapsed culvert between Section 30/31 in Sargent Township. According to the Drain No. 11 Improvement culvert summary, this opening requires a 73" X 55" culvert. Motion to authorize Manager Bosse to order the culvert and obtain a bid for approval at the September board meeting. (Zetocha/Martinson. Upon roll call vote, the motion carried unanimously) Also discussed was a maintenance cleanout on Drain No. 11 at Meszaros Slough between Section 20/17/16. Motion to obtain a bid from Dakota Improvement at an hourly rate to complete the work. (Zetocha/Bosse. Upon roll call vote, the motion carried unanimously)

RICK HOISTAD LITIGATION ON DRAIN NO. 4: Attorney Fredricks informed board members of certain settlements that are being pursued with Mr. Hoistad. Motion to proceed with the offer presented by Attorney Fredricks. (Engst/Bosse. Upon roll call vote, the motion carried unanimously)

2016 BUDGET: The Board reviewed the 2016 budget and moved to approve \$338,450 for the General Fund and the following for the individual drains: #2-\$1,000, #4-\$65,000, #8-\$43,000, #9-\$1,000, #11-\$100,000, #12-\$1,000, Water Channel # 1 aka Drain # 7-\$15,000; Water Channel Sinking and Interest Fund-\$92,000 and Tewaukon Watershed-\$5,000. (Bosse/Zetocha. Upon roll call vote, the motion carried unanimously)

2016 MAINTENANCE LEVIES: Approve the following maintenance assessment amounts for each drain for 2015 taxes: Drain No. 2 - \$4.00; Drain No. 4 - \$2.00; Drain No. 8 - \$4.00; Drain No. 9 - \$2.00; Drain No. 11 - \$3.00; Drain No. 12 - \$4.00; SC Water Channel Imp. District No. 1 - \$4.00; Tewaukon Watershed - \$2.00. (Bosse/Zetocha. Upon roll call vote, the motion carried unanimously)

Meeting adjourned at 3:25 p.m.

LUCAS SIEMIENIEWSKI – CHAIRMAN

ATTEST:

SHERRY HOSFORD – SECRETARY-TREASURER