

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, SEPTEMBER 15TH, 2022 AT 8:00 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Chairman Luke Siemieniewski, Michael Wyum, Roger Zetocha, Todd Stein, and Bruce Speich. Also, in attendance were Nathan Trosen, Moore Engineering; Wendy Willprecht Secretary/Treasurer; and Sargent County Commissioner Richard Ruch. Dan Delahoyde was present for a portion of the meeting. Others present via video conference were Sean Fredricks of Ohnstad Twichell, P.C., the Board's Attorney; Attorney Charles Carvell of the Pearce Durick Law Firm; Josh Hassell, Moore Engineering; landowners Leon Mallberg, and Paul Mathews.

Manager Wyum moved to approve the August 18th, 2022 regular meeting minutes and the August 30th, 2022 special meeting minutes. The August 2022 financials have not yet been provided by the auditor and treasurer departments. Manager Speich seconded the motion to approve the minutes. Upon roll call vote, the motion carried unanimously.

Manager Zetocha moved to approve the following bills:

084166 Ohnstad Twichell- Ogdahl/Toyne Complaint \$2512.66; Vculek App. \$537.50; M. Bosse App. \$576.16; B. Reisenweber App. \$595.24; Drain No. 11- Improve Proj. \$3336.18/Eminent Domain \$2367.08/Drain No. 7 Correspondence \$116.50

Total: \$10,041.32

084167 Ohnstad Twichell- Drain No. 11 I & S Fund Bond Counsel

Total: \$6,500.00

084165 Moore Engineering- Meetings \$2428.75/Permits\$462.50/Ogdahl-Toyne Complaint \$447.50;SFC Task 6 \$1387.50;Drain No. 2 survey of drain \$4861.25;Drain No. 4 reassessment \$3682.50;Drain No. 11 construction \$5000/utility reloc. \$135/ROW \$340/reassessment \$4795;NDSWC meeting \$2550;Drain No. 7 reassessment \$3477.50/\$185;design \$6610/ROW \$780;Crooked Creek Watershed task 3 \$3002.50

Total: \$40,145.00

084169 Sargent County- Rock by culvert replaced Drain No. 7

Total: \$587.25

084176 US Records Midwest LLC- Minute book

Total: \$297.00

084162 Helwig Excavating, Inc.- Drain No. 11 replace culvert section 14/cleanout culvert section 1

Total: \$2,050.00

084164 Larson Helicopter, LLC- Spraying Drain No. 8 \$301.00; Drain No. 9 \$969.50; Drain No. 11 \$1,991.50; Drain No. 4 \$325.50; Drain No. 12 \$378.00; Drain No. 2 \$409.50

Total: \$4,375.00

084168 Pearce Durick, PLLC- Drain No. 11 Reassessment

Total: \$1237.50

084173 Starion Bank Services- 2020A \$1646.25/2020B \$961.25

Total: \$2607.50

084175 TrueNorth Steele-Drain No. 11 culvert \$8948.16; Drain No. 7 culvert \$11,635.00

Total: \$20,583.16

084163 JBX, LLC- Drain No. 7 culvert replacement

Total: \$10,000.00

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

Drain No. 11:

Reassessment: Attorney Charles Carvell of the Pearce Durick Law Firm said that his office is working on a resolution for the reassessment for the Board's consideration. Carvell added that he hopes to have the resolution finalized by the October 20th, 2022 SCWRD monthly meeting.

Nathan Trosen of Moore Engineering said that he will provide an updated benefit matrix that includes reductions based on soil drainage classes. The parcels that were most affected by this benefit are from Ransom County. This benefit will allow for a 15% reduction in assessment for the qualifying areas. Trosen added that he had followed up with landowner Greg Schwab regarding the soil class reduction.

Project: R J Zavoral is finishing up a different project in Cass County currently. Trosen of Moore Engineering said that he expects an updated schedule from Zavoral along with plans for dewatering soon.

Drain No. 4:

Sargent County switched tax roll data programs earlier this year and they are having issues with exporting acres. The county is working with a third-party supplier and Trosen said he hopes to get the requested tax data by the end of the week. Attorney Fredricks suggested conducting informal meetings with landowners to discuss the proposed reassessments before formally commencing the reassessment process, for both Drain No. 7 and No. 4. The Sargent County Water Resource District Board agreed, to ensure full transparency. Once we receive the tax data being requested and Moore has the opportunity to put together proposed lists for the reassessments, the Board can discuss dates for informational meetings.

Drain No. 7:

SCWRD Administrator Willprecht reached out to Ransom County Auditor Nicole Gentzkow requesting a public record copy of their tax roll. Gentzkow is working with Moore Engineering to get them an electronic copy of this information.

Bid opening for the Drain No. 7 project will be on Monday, September 19th, 2022 at 10:00 a.m. The Board agreed a special meeting would be necessary, after the bid opening, to award the construction contract to the low bidder. The special meeting to award the bid for this project will be Thursday, September 22nd, 2022 at 8:00 a.m.

A motion was made by Manager Speich and seconded by Manager Wyum to approve the purchase agreement of Brian Anderson, and to allow Chairman Siemieniewski and SCWRD Administrator Willprecht to sign it. Upon roll call, the motion carried unanimously.

Nathan Trosen of Moore Engineering presented a task order for the Drain No. 7 project that states the services the firm will provide during construction, as required under the Board's Master Services Agreement with Moore. A motion was made by manager Speich and seconded by Manager Zetocha to approve the task order and to allow Chairman Siemieniewski and SCWRD Administrator Willprecht to sign it. Upon roll call, the motion carried unanimously.

Drain No. 9:

No update.

Drain No. 8:

Manager Speich suggested putting up reflector posts along the Drain until something more permanent can be done. Manager Zetocha said he thinks the reflectors would be a good idea. However, the Board agreed the County should install the reflectors or other signage the County deems necessary since the County has jurisdiction over road and traffic safety issues; the SCWRD will reimburse the county for the costs of any reflectors or other required signage.

Drain No. 2:

Trosen confirmed that the 42" culvert has been ordered from TrueNorth and is estimated to cost around \$13,000. With the installation of the culvert, the culvert is to be lowered by 2 feet. Moore Engineering applied for a surface drainage permit to DWR on behalf of the Board. The culvert will be installed under the county road.

Drain No. 12:

No update.

Shortfoot Creek:

Josh Hassell of Moore Engineering said he continues to work with the NRCS and is looking at the cost estimate and operations of the project. There have been several updates to the plan for this project so Hassell is trying to get an accurate cost. Hassell said an exception request letter will need to be sent. Manager Stein made a motion that was seconded by Manager Wyum to allow Administrator Willprecht to sign the exception request. Upon roll call, the motion carried unanimously.

CROOKED CREEK WATERSHED PLAN:

No update. Moore Engineering and the Sargent County Park Board have not yet met. Trosen said he will give an update at the October meeting.

Unfinished Business:

Borg Lake Complaint (Ogdahl/Toyne):

Fredricks sent out the Board's Notice of Amended Decision. Mr. Toyne hired an excavating company to have the dam structure removed from the natural outlet. Manager Speich and Brady Woodard conducted a site inspection and agreed the removal was sufficient. Attorney Fredricks suggested waiting to discuss options for recovering the costs incurred by the Sargent County Water Resource District as a result of this complaint. The Board will discuss next month.

New Business:

Red River Retention Authority 2022 Watershed Retention Project Priority List:

Trosen noted that both the Short Foot Creek Watershed and Crooked Creek Watershed projects are on this list. He said that the SFC project needs to be updated with the authority and he will do that directly. Trosen said there are no new projects to add to the priority list.

AMKO:

Administrator Willprecht received a call from Brian Osowski of AMKO. AMKO is a successor paying agent and registrar that handles bonds. The Water Resource District currently utilizes Starion as their bond service agent. Attorney Fredricks will do some research and will report back to the Board.

BRIC and FMA NOFO Grant Opportunity:

Josh Hassell of Moore Engineer explained FEMA’s BRIC and FMA hazard mitigation grant programs. For every dollar validated in a declared disaster, the state can seek up to \$6.00 in reimbursement for hazardous mitigation. The goal on the state side is to get applicants set up with BRIC. Hassell said it would be worth reaching out to the DES to inquire as to whether the Cogswell Tile and Drain 8 projects may qualify for funding under this grant.

Rutland Township Cost-Share Request:

The Rutland Township Board will be replacing a culvert. They plan to do a hydrology study. The township requested 1/3 cost share of the culvert from the Sargent County Water Resource District. The Board will have to review the Township’s hydrology study to ensure the culvert meets the State’s Stream Crossing Standards, in accordance with the Board’s culvert cost-share policy. The Board will not pay any expenses of the hydrology study. No bill has been received to date.

Dan Delahoyde-Jackson Township:

Mr. Delahoyde said there has been a flooding issue located near the east half of County Road 11 in Jackson Township. The springs flow continuously. In the winter the culverts freeze up which creates a lake in his yard as well as the yard of Homer Moffet. The excess water also backs up onto County Road 11.

A culvert was added to help with the flooding to Delahoyde and Moffet, but then Valera Hayen got flooded. The county moved the culvert to the north side of the township trail. The uncapped culvert threatened a bean field, so Delahoyde plugged the culvert to try and redirect the water. Delahoyde said that the best solution to the flooding is to have the water drain in the north road ditch along 92nd Street. Delahoyde talked to the County; the County has offered to clean out the township ditch at the County’s expense, if Delahoyde can get approval from the township board. Dan indicated the Township has now approved the County’s proposed clean out.

Sargent County Commissioner Richard Ruch said that the County approved a motion to clean the north ditch along 92nd Street. He added that citizens cannot plug culverts. Attorney Fredricks said that road authorities do not need water resource district approval to clean out a road ditch; as long as the road authority is not constructing new drainage that would require a surface drainage permit and is simply conducting a clean out of an existing road ditch, the road authority does not need approval from the SCWRD because the Board has no jurisdiction.

084170	Lucas Siemieniewski	Travel	\$70.00
084171	Todd Stein	Travel	\$17.50
084178	Michael Wyum	Travel	\$50.00
084179	Roger Zetocha	Travel	\$93.75
084171	Bruce Speich	Travel	\$86.25
DD	Lucas Siemieniewski	PD	
DD	Todd Stein	PD	
DD	Michael Wyum	PD	
DD	Roger Zetocha	PD	
DD	Bruce Speich	PD	
DD	Wendy Willprecht	Sec-Treas -Salary less taxes \$457.17	\$2042.83
DD	Stock Grower’s Bank	Withholding Taxes	
DD	ND State Tax Commission	State Tax	
DD	Job Service ND	Unemployment Comp.	

Richland-Sargent Drain #1 Maintenance Fund Financial Statement August 1st, 2022

Beginning balance August 1st, 2022 \$421,526.25

Revenue:	\$0
Total Revenue Received:	\$0
Expenditures:	
Ck# 18969 Moore Engineering, Inc.	\$10,733.75
Total Expenditures:	\$10,733.75
Total Balance August 31 st , 2022	<u>\$410,792.50</u>
RS#1 Maintenance Checking Account Balance	\$0.75
RS#1 Maintenance Savings Account Balance	<u>\$410,791.75</u>
Total Maintenance Fund Balance August 31 st , 2022	<u>\$410,792.50</u>

DICKEY-SARGENT JOINT BOARD:

The following bills were presented for approval and payment:
Bills:

DSJTB bills for approval -

DVEC - electricity -	\$ 890.00
084177 Van Diest Supply Company- spraying	\$ 834.40
084161 Dakota Helicopter- spraying	\$1,547.63
084172 Starion Bond Services- Bond payment	\$17,987.50

****Special Assessments received: \$0**

- 1) Maintenance Account: \$ 21,776.30
- 2) Improvement Account: \$122,636.41

The above balances are as of July 31st, 2022

Manager Zetocha made a motion to approve the bills. The motion was seconded by Manager Stein. Upon roll call, the motion carried unanimously.

The meeting adjourned at 9:03 a.m.

APPROVED:

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER