

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, SEPTEMBER 17, 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; Roger Nelson, Rutland; Jeff Breker, Havana and Mike Bassingthwaite, Interstate Engineering Inc. (IEI).

FARM LEASE AGREEMENT: The Water Resource District currently is leasing land owned by the district to Mr. Nelson and Mr. Breker. The current three year lease agreement will expire September 30, 2015. Board members discussed the rate of rent which is currently \$80/acre. Motion by Manager Zetocha and second by Manager Engst to reduce the rent to \$70/acre. Upon roll call vote, the motion carried unanimously. Mr. Nelson indicated that he is no longer interested in leasing the NW1/4 of NE1/4-8-129-54-LTL and suggested that Mr. Breker be allowed to lease this land. Board members were in favor of allowing Mr. Breker to lease this land. Motion by Manager Zetocha and second by Manager Bosse to approve a three (3) year lease to Jeffrey Breker for the 2016, 2017 and 2018 years and instructed the Secretary to prepare the lease agreement for approval and execution by the board and Mr. Breker for the SW1/4 of NE1/4-8-129-54 LTL; W1/2 of SE1/4-8-129-54 LTL; SE1/4 of NE1/4-8-129-54 LTL; E1/2 of SE1/4-8-129-54 LTL; W1/2 of NW1/4 of SW1/4-9-129-54 LTL; E1/2 of NW1/4 of SW1/4-9-129-54 LTL (Pasture-20 acres); 17.8 acres in W1/2 of S1/2 of SW1/4-9-129-54 LTL; NE1/4 of NW1/4-16-129-54 LTL; and NW1/4 of NE1/4-8-129-54LTL. Upon roll call vote, the motion carried unanimously.

MIKE BASSINGTHWAITE, (IEI) AND RS# 1 PROJECT: Mr. Bassingthwaite met with the board to discuss some issues concerning the RS# 1 project including a Change Order No. 1, wetland mitigation issues and review of bills(True North Steel-\$3,859.68; Interstate Engineering, Inc.-\$33,525.83; Est #2 to M & M Contractors-\$142,492.30). All above matters will be addressed on September 22, 2015 at the RS # 1 Special Meeting scheduled in Wahpeton at 10:30 a.m.

Approve the August 20, 2015 minutes and August financial statement. (Bosse/Zetocha, unanimous)

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

72021	James Bosse	Travel	101.20
72022	Jerry's Backhoe Service	Beaver dam removal – DR#11	120.00
72023	Korey Martinson	Travel	110.40
72024	Moore Eng., Inc.	Dr # 4 - Hoistad lawsuit	3779.55
72025	Ohnstad Twichell	General - \$1000.00; Bernie Vculek #4720 permit-\$164.00; Dr # 4 Rick Hoistad-Eminent Domain-\$323.00; Dr # 8 - \$134.00	TOTAL \$1621.00
72026	Richland Co. WRD	Administrative costs for RS # 1	8523.87
72027	Lucas Siemieniewski	Travel	83.95
72028	Starion Bond Services	Dr # 4 bond interest and fees-\$1826.00 and Dr # 7 bond interest and fees - \$3455.00	TOTAL 5281.00
72029	US Postal Services	500 stamped envelopes	302.65
72030	Wild Rice Soil Conserv. Dist.	Summer Interns – Dr # 9-\$396.00 and spray for ditches - \$98.45 =	TOTAL 494.45
72031	Roger Zetocha	Travel and flying Dr # 11	325.63
11258	Sherry Hosford	Salary less 101.54 taxes	868.46
11259	Richard Engst	1 PD less 9.18 taxes	110.82
11260	James Bosse	6 PD less 55.41 taxes	664.59
11261	Roger Zetocha	7 PD less 134.09 taxes	705.91
11262	Lucas Siemieniewski	4 PD less 36.72 taxes	443.28
11263	Korey Martinson	3 PD less 44.37 taxes	315.63
DD	Sargent County Bank	Withholding taxes	654.12

RICK HOISTAD LITIGATION ON DRAIN NO. 4: Attorney Fredricks updated board members on possible upcoming depositions on the Drain No. 4 litigation, which are scheduled on September 28 and 29 unless the matter is resolved. Mr. Fredricks also suggested to the board that if there is no resolution to this matter that the City of Forman must be involved in the lawsuit based on the Joint Powers Agreement dated October 13, 2011; under the Joint Powers Agreement, the City is responsible for all costs associated with the outlet portion of the project. The dispute with Mr. Hoistad involves construction and right of way issues related to the outlet portion of the project and, with that in mind, the City is responsible for any costs associated with this dispute.

LLOYD PTACEK/DRAIN NO. 11 CROSSING IN THE NE1/4-21-131-57: Mr. Ptacek is seeking permission from the board to place a crossing in Drain No. 11 to gain access to a family abandoned cemetery. Mr. Ptacek indicated that there is an easement for access from the east but he has not researched it. He further stated that there has not been a burial at the cemetery since 1945 but there has been interest in an access road to the cemetery. Board members commented that some time ago Mike Hayen, (landowner of NE1/4-21-131-57)

had approached the board to provide access to this cemetery. Mr. Ptacek stated that he would pay for the culvert and install it. After further discussion it was agreed that the board would acquire a licensed contractor to do the installation if Mr. Ptacek still agreed to purchase the culvert. Manager Bosse made a motion seconded by Manager Engst to obtain a quote from a contractor not to exceed \$7,700 for the costs of installing a culvert, contingent upon receipt of payment from Mr. Ptacek for purchase of the culvert. Upon roll call vote, the motion carried unanimously.

DRAIN NO. 11: Manager Bosse informed the board that he received a quote from Dakota Improvement for a maintenance cleanout on Meszaros Slough between Sections 20/17/16. The quote was \$150/hour for approximately 30 hours. Another quote was received to install a culvert to replace the existing rusted out culvert (old culvert will be crushed and buried in the ditch) between Sections 30/31 in Sargent Township of \$1,000 plus mobilization. Motion to approve both quotes not to exceed the amounts as stated above. (Zetocha/Bosse. Motion carried)

GWINNER DAM RELOCATION: Chris Gross provided a handout with six (6) potential sites for relocation of the Gwinner Dam. Following the review and discussion on the alternatives, board members suggested that Mr. Gross bring one other site to the next meeting for discussion. Following a selection of a site, Mr. Gross would run a hydraulic analysis.

Manager Bosse left the meeting at 11:00 a.m.

DRAIN NO. 11 INTO RANSOM COUNTY: Chris Gross presented a map of the proposed extension into Ransom County to the board highlighting Waterfowl Production Areas, US Fish and Wildlife Conservation and Wetland Easements. The map will be forwarded to the Ransom County Water Resource District asking them for their comments prior to the Sargent County Water Resource District October 15 meeting.

DRAIN NO. 11/KEVIN THROENER: Manager Zetocha informed board members that Kevin Throener, Cogswell is requesting a culvert be installed between Section 27/28-130-58 (Jackson Township) on Drain No. 11 where a culvert was removed at one time and replaced with a Texas crossing on this pasture land. Manager Zetocha moved and Manager Martinson seconded the motion to contact Dakota Improvement to install a culvert and request Moore Engineering Inc. to provide the culvert size. Motion carried.

Roger Zetocha left the meeting at 11:40.

EMERGENCY ACTION PLANS (EAP'S FOR DAMS): Chris Gross spoke with an engineer from NRCS and they indicated that no EAP's have been developed nor do they provide cost share for preparation of these plans. Both Brummond-Lubke and Nelson Dam are considered medium hazard dams and could qualify for cost share through the State Water Commission. Silver Lake Dam is not included on this list but Chris Gross agreed to see if it would qualify for funding. Manager Engst made a motion seconded by Manager Martinson to instruct Moore Engineering, Inc. to request cost share funding from the State Water Commission up to \$25,000 per dam. Motion carried.

DRAIN NO. 12 CLEANOUT: Manager Siemieniowski reported to the Board that Comstock Construction, Inc. gave a quote of \$1500 per day to do a simple cleanout on Drain No. 12 lateral in the NE1/4 and NW1/4-7-129-53 LTL (Marboe Township) and would take approximately 4-5 days. Manager Martinson made a motion seconded by Manager Engst to approve the simple cleanout not to exceed \$8,000. Motion carried.

COLE VCULEK/KENT CARPENTER SUBSURFACE PERMIT: Attorney Fredricks informed the Board that Mr. Vculek provided an Agreement to Transfer Drainage Application, which is signed by both Mr. Vculek and Mr. Carpenter requesting this board transfer the Application for Subsurface Drainage to Cole Vculek and to thereafter treat Cole Vculek as the applicant of the drainage application. Manager Martinson made a motion seconded by Manager Engst to approve transfer of the permit to Cole Vculek and instruct Attorney Fredricks to complete the paper work and inform the State Water Commission of this transfer. Motion carried.

Roger Zetocha returned at this time.

DRAIN NO. 7: Manager Engst made a motion seconded by Manager Martinson to distribute the \$4.00/acre maintenance levy for Drain No. 7 at \$3.00/I & S fund and \$1.00/maintenance fund until 2017 when the Board can pay off the bond. Motion carried. Manager Engst inquired with board members and Engineer Gross about reconstructing Drain No. 7 in Sections 5 and 6 of Milnor Township. The area is a safety issue and should be studied for reconstruction. Manager Martinson made a motion seconded by Manager Engst to authorize Moore Engineering, Inc. to develop an Engineer's Proposal for the development of plans and cost estimate for a possible improvement project on Drain No. 7 in Sections 5 and 6 of Milnor Township. Motion carried.

RS # 1 SECRETARY COMPENSATION: A reimbursement request from the Richland County Water Resource District was presented to the board for review. Monica Zentgraf has been providing the services of secretary for the joint board and has logged 499.75 hours since 2007. The hourly rate was computed for these

hours based on Ms. Zentgraf's hourly rate paid as the Richland County Water District Secretary and the total due from Sargent County calculated at 67% (which is the percentage used for benefit purposes of each county) less \$2,152.58 paid by Sargent County in 2014 is \$8,523.87. Manager Engst made a motion to approve said payment to Richland County seconded by Manager Martinson. Motion carried.

SILVER LAKE DAM: There is some confusion on a letter received from the State Water Commission dated August 11, 2015 regarding Silver Lake Dam Emergency Repair. Chris Gross contacted the SWC and some monies are being held for cost share reimbursement. Secretary Hosford will check the Park Board files to see what information can be sent to the state for release of these funds.

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Meeting adjourned at 12:30 p.m.

LUCAS SIEMIENIEWSKI – CHAIRMAN

ATTEST:

SHERRY HOSFORD – SECRETARY-TREASURER