

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, NOVEMBER 17TH, 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; Roger Bopp, landowner Richard Ruch. Paul Mathews was present via video conference as well.

Manager Wyum moved to approve the October 20th, 2022 regular meeting minutes and the September 30th, 2022 financial statement. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Wyum moved to approve the following bills:

84525 Ohnstad Twichell- Meetings \$458.86; Ogdahl/Toyne Complaint \$189.56; Bosse App. \$585.50; Barr App. \$585.50

Total: \$1819.42

84522 Moore Engineering- Meetings \$1967.50/Permit 6042 \$185/Ogdahl-Toyne Complaint \$595; SFC Task 6 \$470; Drain No. 2 Meetings/Staking \$2195; Drain No. 4 Reassessment \$6495.00; Drain No. 11 Reassessment \$1935/ Construction \$52,225/ ROW \$850/ Legal Descript. \$320; Drain No. 7 Design \$3000/ Construction \$4375/ ROW \$92.54/ Reassessment \$6967.50

Total: \$81,675.54

84524 ND Water Users Association- 2023 Water Resource Member Dues **Total: \$300.00**

84529 Southeast Water Users District-Utility relocation **Total: \$55,815.00**

84533 Wendy Willprecht- travel to Fargo to deliver bond documents **Total: \$116.50**

84523 ND Water Resource Districts Association- 2023 Annual Membership **Total: \$675.00**

84521 Jerry's Backhoe Service- Remove cattails/weeds/beaver dam **Total: \$520.00**

84532 True North Steel- culvert Drain No. 2 **Total: \$13,341.84**

84527 Sargent County Treasurer- Record Game and Fish Easement **Total: \$65.00**

84526 Pearce Durick, PLLC- Drain No. 11 Reassessment **Total: \$2492.50**

True North Steel- Drain No. 7 culverts (2) **Total: \$71,406.46**

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

Drain No. 11:

Roger Bopp:

Mr. Bopp commented on the recent reassessment of the Drain in regards to his property in the SE Corner of Section 34 of Vivian Township. Mr. Bopp believes his assessment is too high since his property drains to a gravel pit that is deeper than the Drain. Moore Engineer Trosen said a portion of Bopp's property was listed as non-contributing so it was given a 10% reduction for that portion. Right now, based on the matrix in place, there is a calculated 70% benefit assigned to this property. In order to address Bopp's concerns, attorney Charles Carvell will be consulted.

Project: Moore Engineer Trosen said that the construction on Drain No. 11 went well. Zavoral submitted a request for substantial completion and Moore Engineering agrees that Zavoral is substantially complete with the project.

A motion was made by Manager Stein and seconded by Manager Wyum to issue a certificate of substantial completion to Zavoral. Upon roll call, the motion carried unanimously.

Trosen added that he expects the final cost of the construction to be close to what was bid and within the budget.

Glen and Mavis Thompson Utility Permit: Mr. Thompson has not submitted the utility permit as of this date.

Drain No. 4 and Drain No. 7:

Reassessment: Moore Engineering Nate Trosen reported that the letters for the upcoming November 30th informational meetings had been mailed since the District's October meeting. Trosen also reviewed the preliminary assessment for properties within city limits with the Board. After discussion the Board directed Moore Engineering to update the benefit percentage to 10% for properties within Forman and Milnor and 5% for properties within Gwinner. Under the proposed reassessment each individual property would be assessed by the District. Currently, the Board does not assess individual properties; instead, the Board assesses the respective Cities both for their direct benefits and indirect benefits and, in addition, for all benefits within each City for the benefits of the individual properties. The Cities then determine how to pay those assessments; by law, they can either pay all of the assessments out of their general funds or they levy each property. The previous maximum assessment for Forman, Milnor, and Gwinner was \$10,752, \$11,468, & \$8,984, respectively.

Trosen said that he would recalculate the assessment figures based on the percentages suggested above and he would provide those prior to the public informational meetings on November 30th, 2022.

Drain No. 7:

Project: Comstock started on the County Road 12 crossing on Monday and expects to be done on Friday. On Tuesday Comstock discovered remnants of the old bridge still remained which required additional digging to remove the old abutments. Trosen reported that he expects the contractor to submit a change proposal for this work for the Board's consideration at the December meeting.

Bond: Willprecht reported that the bond paperwork has been completed and the funds are in our account.

Drain No. 9 Extension:

Landowner Richard Ruch said that he has hit road blocks in coming up with the funding needed to proceed with the extension project. It was stated that the petition money could only be used for the extension project and not the existing drain. Ruch said he would have more details after the 1st of the upcoming year.

Drain No. 8:

Moore Engineering sent a local match letter to the Department of EMS which stated that the District commits to paying the local cost (15%) of the proposed study if it is funded by the Department.

Cogswell Tile:

Moore Engineering sent a local match letter to the Department of EMS which stated that the District commits to paying the local cost (15%) of the proposed study if it is funded by the Department.

Drain No. 2:

JBX Excavating replaced the CR-14 crossing. There were three tile outlets that were damaged during the cleanout of the Drain. The contractor is repairing each outlet. A suggestion was made by the managers that future permits should require tile outlets be marked. Renter Lyons told one of the managers that he thought maybe he could fix two of the outlets, but one is completely crushed. One outlet was steel.

JBX did a great job getting the old culvert out and it is in good shape. The landowner has asked for one section of the culvert and there are (3) 42" x 40' sections totaling 120' of pipe. Manager Zetocha said before we sell off the sections, we should check with the county to see if they need the culvert since it was paid for by the county. The culvert has only been in the ground around 5 years.

Drain No. 12:

No update.

Shortfoot Creek:

Trosen reported that the NRCS is reviewing other watershed plans and the Shortfoot Creek plan will be adapted after the other plans' comments are received. Trosen is hoping to be able to submit the Shortfoot plan by the end of the year.

CROOKED CREEK WATERSHED PLAN:

Trosen reported that Moore is working with the NRCS to finish the current tasks at hand. The information generated from the plan will be available to the District which could be used in the future if the District creates a maintenance district for Crooked Creek.

Unfinished Business:

Brian Vculek Surface Drainage Application 6042:

The Board reviewed information from the Department of Water Resources regarding APPLICATION FOR SURFACE DRAIN No. 6042 for Applicant Brian Vculek. Under the application, Applicant seeks to extend the drain permitted under SURFACE DRAIN PERMIT NO. 5958, approved by the Board on March 17, 2022. Applicant proposes construction or improvements of additional surface drainage ditches in the Southeast Quarter of Section 12 of Denver Township; those drainage ditches will all discharge on the south boundary of the Southeast Quarter of Section 12, into the surface drainage system in the East Half of Section 13 permitted under SURFACE DRAIN PERMIT NO. 5958. The following is a description of the system approved by the Board for SURFACE DRAIN PERMIT NO. 5958:

... a number of surface drainage improvements, including surface ditches and underground pipelines, in the East Half and the Southwest Quarter of Section 13 and in the South Half of Section 14 in Denver Township, Sargent County, North Dakota. The project proposed under APPLICATION FOR SURFACE DRAIN No. 5958 will incorporate the drainage improvements permitted under SURFACE PERMIT NO. 4720, previously approved by the Sargent County Water Resource District for Bernard Vculek; SURFACE PERMIT NO. 5958 will ultimately supplant SURFACE PERMIT NO. 4720. The new channel improvements will commence in the Northeast Quarter of Section 13; near the boundary between the Northeast Quarter and the Southeast Quarter of Section 13, the ditch improvements will discharge into the existing channel improvements permitted under SURFACE PERMIT NO. 4720. The channel improvements will outlet via a 36" pipe with a pump at the upstream end, commencing near the center of the Southwest Quarter of Section 13; the pipe will run west, under 119th Avenue SE; the pipe will then run to the southwest, diagonally across the Southeast Quarter of Section 14 to the south boundary of the Southeast Quarter of Section 14; from there, the underground pipeline will run west in the north township road ditch along 81st Street SE until approximately the half-section line where the pipeline will daylight; the discharge will continue west in the north road ditch until ultimately reaching Sargent County Drain No. 11.

The new surface ditch improvements [under SURFACE DRAIN PERMIT NO. 5958] will include 6,280 feet of new surface channel improvements, with a maximum bottom width of 12 feet; a maximum cut of 6 feet; and 3:1 side slopes. The project also includes 4,700 feet of existing surface channel improvements with a maximum bottom width of 10 feet; a maximum cut of 8 feet; and 4:1 side slopes. The project will include approximately 4,100 feet of pipeline. In total, the drain will extend 15,080 feet.

The project proposed under APPLICATION FOR SURFACE DRAIN No. 6042 will extend that project for an additional 13,074 feet of new surface ditches, north of the improvements constructed under SURFACE PERMIT NO. 5958. The improvements in the Southeast Quarter of Section 12 under APPLICATION FOR SURFACE DRAIN No. 6042 will include a maximum bottom width of 1012 feet; a maximum cut of 6-8 feet; and side slopes of 3:1 or 4:1. The objective of the project is to completely drain ponds and sloughs along the project. The parcels that will benefit from the project are already within the Drain 11 assessment district.

According to records on file with Sargent County, Brian Vculek and Julie Vculek own the Southeast Quarter of Section 12 of Denver Township. With regard to the properties improved under SURFACE DRAIN PERMIT NO. 5958, Bernard L. Vculek, as Trustee of the Bernard L. Vculek Revocable Trust, and Marlene Vculek, as Trustee of the Marlene Vculek Revocable Trust, own the East Half of Section 13 in Denver Township; Julie Vculek owns the Southwest Quarter of Section 13; and Wayne V. Witkowski, Trustee of the Wayne V. Witkowski Revocable Family Trust, and Dianne F. Witkowski, Trustee of the Dianne F. Witkowski Revocable Family Trust, own the South Half of Section 14.

The Board reviewed Nathan Trosen's draft responses to the eight elements under Section 890201-09.2 of the North Dakota Administrative Code; Nathan concluded the project will not result in adverse downstream impacts. More specifically, Nathan indicated the downstream discharge from the project will be limited due to the limited pump capacity of approximately 20 cfs and the 36" pipe capacity permitted under SURFACE PERMIT NO. 5958. Under SURFACE PERMIT NO. 5958, the Board already required Applicant to obtain permission from Denver Township to install any project components in Township right of way and will attach the same condition for this project as well. Applicant owns the Southeast Quarter of Section 12 of Denver Township where Applicant will construct the project, and the property is already within the Drain 11 assessment district. With this in mind, the Board determined no hearing was necessary under Section 890201-09.1(2) of the North Dakota Administrative Code and concluded the project will not result in adverse impacts that would require any downstream easements.

Manager Stein moved, and Manager Wyum seconded the motion, to approve the responses to the eight elements under Section 890201-09.2 of the North Dakota Administrative Code prepared by the Board's engineer; and to approve APPLICATION FOR SURFACE DRAIN No. 6042 for Brian Vculek, subject to the conditions attached by the Department of Water Resources, and subject to the following conditions:

1. Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application.
2. Applicant will obtain written permission from the Denver Township Board of Township Supervisors to construct, operate, and maintain any project components in any Township right of way.
3. Applicant will obtain and record easements from the owners of any land, besides land owned by Applicant, on which Applicant will construct any drain components.
4. Applicant will notify the Sargent County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, will submit an additional permit application.

Upon roll call vote, the motion carried unanimously.

In addition to those conditions, the Board will also recommend that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board directed Sean Fredricks to prepare the requisite NOTICE OF DECISION and to provide the NOTICE to all parties of record.

New Business:

Andy Seyer Utility Permit Application (Dickey-Sargent):

Mr. Seyer has submitted a utility permit to be placed in a field along the north side of the highway along the Jackson Drain. Seyer would like to place a pipe on the north side of the drain and then pump the water to his irrigation system to irrigate his fields. A manager noted that Seyer moving water out of the drain would result in less electricity fees as there would not be as much water for the joint board to pump out. Sean Fredricks and Nathan Trosen are working with Mr. Seyer on a Utility Permit application Mr. Seyer will have to submit to the Dickey-Sargent Joint Water Resource District for the Joint Board’s meeting on January 19th, 2023.

84528	Lucas Siemieniewski	Travel	\$70.00
84531	Todd Stein	Travel	\$10.00
84534	Michael Wyum	Travel	\$12.50
84535	Roger Zetocha	Travel	\$31.25
84530	Bruce Speich	Travel	\$56.25
DD	Lucas Siemieniewski	PD	\$415.53
DD	Todd Stein	PD	\$623.30
DD	Michael Wyum	PD	\$415.53
DD	Roger Zetocha	PD	\$207.77
DD	Bruce Speich	PD	\$415.53
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 October 31st, 2022	\$402,662.50
Revenue:	
Rt. #2-0079 Sargent County Tax & Business	\$13.08
Total Revenue Received:	\$13.08
Expenditures:	
Ck # 19008 Moore Engineering, Inc.	\$185.00
Total Expenditures:	\$185.00
Total Balance October 31 st , 2022	<u>\$402,490.58</u>

RS#1 Maintenance Checking Account Balance	\$0.75
RS#1 Maintenance Savings Account Balance	<u>\$402,489.83</u>
Total Maintenance Fund Balance September 30 th , 2022	<u>\$402,490.58</u>

DICKEY-SARGENT JOINT BOARD:

The following bills were presented for approval and payment during the Dickey-Sargent Joint Board meeting.
Bills:

DSJTB bills for approval –

DVEC – electricity –	\$ 592.00
84520Agtegra- Drip oil 2.5 gal.	\$ 46.00
Moore Engineering- Assessment List Assistance	\$ 417.50

****Special Assessments received:**

1) Maintenance Account:	\$437.65
2) Improvement Account:	\$4,488.18
Total:	\$4,925.83

3) Maintenance Account:	\$ 17,053.68
4) Improvement Account:	\$109,533.19

The above balances are as of September 30th, 2022

Terracon completed the final water quality tests which looked good. Manager Zetocha said that even though we are no longer obligated to test the water, it would be a good idea to test it from time to time. He said he would ask Matt Olson of the Wildrice Soil Conservation if they would do the sampling.

The meeting adjourned at 9:45 a.m.

APPROVED:

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER