

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, NOVEMBER 21, 2019 AT 9:10 A.M. IN THE COMMISSIONERS ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN, NORTH DAKOTA.

Managers present: Todd Stein, Michael Wyum and Roger Zetocha. Absent: Lucas Siemieniewski and Bruce Speich. Also present: Chris Gross, the Board’s engineer and Sherry Hosford, Secretary-Treasurer. Sean Fredricks, the Board’s attorney was present via conference call. Others present were: Sargent County Commissioners Richard Ruch, Jason Arth, Bill Anderson and Jerry Waswick; Robert Banderet and Paul Mathews; Sue Seelye, Park Manager; Jim Peterson, Park Board Chair; Zac Hatting, Interstate Engineering, Inc.; and Clifton Brown, Cogswell City Mayor.

**SILVER LAKE DAM FEASIBILITY STUDY:** The Final Feasibility Study was presented and copies handed out to those in attendance. Chris reviewed the study and explained all the alternatives considered and that No. 2 (Breaching-\$37,675.00) and No.5 (Toe Drain Installation-\$273,000.00) were the alternatives remaining. After much discussion those in attendance agreed that breaching is not an option and agreed that the County Commission would participate in 50% funding for the Toe Drain Installation if the two boards can secure cost-share funding from other sources. Manager Zetocha moved to authorize Moore Eng. to submit cost-share share requests to both the State Water Commission and the Red River Joint Board. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously. There is also possible funding available from the ND Heritage Fund. Chris will work with the park manager, Commissioner Waswick, and the water board with funding options. Sean stated that a Joint Powers Agreement is not required by North Dakota law at this point as long as the parties agree on the concepts, and they have publicly agreed on a path forward for this next incremental step to seek cost-share funding. The commission agreed that they are in favor of proceeding with the project if cost-share funding is available and will ultimately provide 50% of all local costs to pursue this project.

**COGSWELL CITY:** Mayor Clifton Brown expressed his concern about the excess water that has inundated Cogswell City – four quarters of land drain into the city. The city has not declared an emergency but has applied for an Emergency Permit to drain one of the bladders of the lagoon to relieve the pumps which have been running continuously for the past 30 days. The Board appreciated his concerns and recognized there are similar water issues all over the state. All the closed basins are full and no storage for the water. In the short-term, pumping and sandbagging are the City’s options, but a long-term solution would require a project that would help the city. Possibly there may be funds to help the city. Cogswell City declaring an emergency and keeping track of all costs was suggested to help if a Federal Declaration is approved.

Manager Stein moved to approve the Board’s October 17 and 23, 2019 minutes and the October 2019 financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Zetocha moved to approve payment of the following bills:

79666	Daniel Bishoff	Dr#9-beaver removal	50.00
79667	Helwig Excavating	Dr#11-Cleanout-Jackson-Sec 27 & 34	8,775.00
79668	Moore Eng. Inc.	General meetings-\$595.60; Silver Lake Feasibility Study - \$3,050.60;	
		Jason Bosse permit-\$355.60; Shortfoot Creek-\$8,872.50; Dr#11 Imp.-\$1445.60; Dr#11-Design Engineering-	
		\$6,700.00; Dr#16 & Brampton Project-\$4,588.05; Dr#12-SWC cost share-\$265.60; Tewaukon Watershed-BL –	
		BL Final Construction Eng. - \$91.81 and BL Grazing plan - \$235.60 TOTAL	26,200.96
79669	Ohnstad Twichell	General-\$1,214.95-meetings; Steve Hansen Permit 2019-06-\$464.35; Will	
		Rust permit 2019-12-\$314.45; Bosse/Rust permit-\$528.80; J Bosse/G Bosse permit-\$846.80; Kelley Mathews-	
		\$58.50 and Dr#11 reassessment-\$96.00 =	TOTAL 3,523.85
79670	Quill Corporation	2020 Desk calendar	9.99
79671	The Teller	Pump Restriction Notice	65.00
79672	SRT Excavation LLC	Dr#2 cleanout – Section 10	4,350.00
79673	Todd Stein	Travel	18.56
79674	Michael Wyum	Travel	23.20
79675	Roger Zetocha	Travel	29.00
17104	Sherry Hosford	Salary less taxes	560.48
DD	Sargent County Bank	Withholding taxes	723.52

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

**DRAIN NO. 11:** Chris asked that the public information meeting be held in December for the Drain No. 11 Channel Improvement Project. This is not a legally-mandated “hearing”; instead, this is an informational meeting intended to provide project information, especially landowners from whom the Board will have to acquire right of way. The date was set for Tuesday, December 17<sup>th</sup> at 6:00 p.m. in the Cogswell Community Center. Chris gave an update on right of way including lands owned by the State of ND and Game and Fish lands. At the meeting he will present the technical details, the right of way process, and give an update on NRCS issues. In addition, Chris will explain that land acquisition will be the next step in the process. Richard Ruch reported that there is piling on Drain No. 11 between Section 2 of Brampton Township and Section 35 of Sargent Township that is letting loose and bending into the water. Todd will check with Helwig to see if he is able to make the repairs.

**H2 OVERVIEWERS-DRAIN NO. 11 BENEFITS QUESTIONS:** H2 Over Viewers asked the Board to provide them with answers on when separate consideration should be given to 1) Residential lands-both rural and urban (within the city); 2) Woodlots; 3) Wetlands; 4) DNR or government managed lands not used for ag purposes; 5) Legal drain footprint (area the open ditch channel occupies; 6) Roads – Township, County, State; and Railroads. All were answered no separate consideration except for 1) Rural residential and Urban Residential; County and State Roads and Railroads. The detail should be grouped in both contour and quarter sections with separate quotes for those two details; the watershed boundary should be the exact boundary and include land in both Dickey County and Ransom County. The Board also requested a per acre quote on reassessing. Once the Over Viewers have calculated these items, the Board will know the cost of the reassessment. Commissioner Waswick expressed his concern over earlier projections of cost for the reassessment and felt that the board should ask all the people in the assessment area to vote on whether they wanted to spend this amount of money on a reassessment. It was also noted that the Sargent County Commission has hired The Sidwell Company to develop a countywide GIS data base. This project timeframe is 18 months and may provide some useful information for the water board by parcels.

**ENGAGEMENT LETTER FOR ATTORNEY:** Due to Sean’s Conflict of Interest in serving as attorney for Sargent County, Ransom County and Dickey County Water Boards, during the reassessment process, the Board has asked Pearce Durick PLLC to advise this board regarding the reassessment for Drain No. 11. An Engagement letter with legal fees, retainer (none), expenses, billing information, file disposition, communication by electronic mail, attorney-client privilege, discharge/withdrawal, tax advice and disclaimer was presented to the board. Manager Zetocha moved to authorize Vice-Chairman Wyum to approve, accept and sign the letter. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

**BRAMPTON WATER PROJECT:** Chris is waiting on one 1026 Form from an out of state adjacent landowner to proceed with information on maximum drawdowns.

**BRUMMOND-LUBKE DAM GRAZING AGREEMENT:** Chris had a conversation with Karen Goff, Dam Safety and Program Manager from the Office of the State Engineer and the state does not recommend year round grazing. Flash grazing for a short time is the preferred choice or allow no animals and hire someone to mow and bale. The Board will invite Boyd Brummond to the January 2020 meeting to discuss an agreement.

**FRENIER DAM SIDEWALK:** An estimate of \$7,700 was received from Comstock Construction Inc. to pour a 4 inch precast concrete walk to the gate valve including miscellaneous grading as required to set the slab. No action.

With no further business to discuss, the Board adjourned the meeting at 12:07 p.m.

---

MICHAEL WYUM, VICE- CHAIRMAN

ATTEST:

---

SHERRY HOSFORD, SECRETARY-TREASURER