

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, DECEMBER 16TH, 2021 AT 8:00 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Chairman Luke Siemieniewski, Roger Zetocha, Todd Stein and Michael Wyum. Josh Hassell and Nathan Trosen, Moore Engineering; Wendy Willprecht, Secretary/Treasurer, Sargent County Commissioner Richard Ruch and Kevin Rodine were also present at the courthouse. Others present via video conference were Sean Fredricks of Ohnstad Twichell, P.C., the Board's Attorney; Paul Mathews, Bob Banderet, and Leon Mallberg.

The meeting was called to order by Water Board Chairman Luke Siemieniewski.

Manager Wyum moved to approve the November 18th, 2021 meeting minutes and the November 30th, 2021 financial statement. Manager Zetocha seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Zetocha moved to approve the following bills:

82936 Ohnstad Twichell- Gerald Bosse Permit-\$682.30/Board Mtgs. \$445.50 & \$243.00/ Research \$37.55=\$1,408.32; Drain No. 11 Fees/Expenses \$3,436.59; Drain No. 7 Review cost-share and map \$105.00; Drain No. 11 Eminent Domain \$5,544.75	Total: \$10,494.69
82934 Moore Engineering- Silver Lake Dam Permit/ Close Out \$1,040.00; Board Meetings \$1,583.48; Short Foot Creek Task 6/NRCS Step 7 \$6,480.00; Drain No. 11 Phase 300 & 400 \$681.50/ROW \$4,550.00/ Legal Descript. \$5,872.50/ Permitting \$90.00=\$11,194.00; Drain No. 7 ROW \$775.00/ Legal Descript. \$2,265.00/Final Design, Survey, Specs \$700.00=\$3,740.00; Crooked Creek Watershed- Task 2 \$12,686.66/Task 4 \$5,426.92=\$18,113.58	Total: \$42,151.06
82938 Sargent County Treasurer- Drain No. 4 tax/special assessment \$651.80/Drain No. 11 tax/special assessment \$218.53	Total: \$870.33
82937 Richland County Water Resource District- Administration Fees	Total: \$1,478.80
82935 ND Water Resource District- Dues	Total: \$675.00
82933 Pearce Durik PLLC- Drain No. 11 Assessment	Total: \$1,822.50
82932 Deborah M. Bosse Revocable Living Trust- Warranty Deed \$61,515.00; Permanent Easement \$44,730.00; Temporary Easement \$5,205.00	Total: \$111,450.00

Lucas Siemieniewski	Travel	\$76.72
Todd Stein	Travel	\$8.96
Michael Wyum	Travel	\$11.20
Roger Zetocha	Travel	\$28.00
Bruce Speich	Travel	
DD Lucas Siemieniewski	PD	\$554.10
DD Todd Stein	PD	\$775.74
DD Michael Wyum	PD	\$664.92
DD Roger Zetocha	PD	\$526.02
DD Bruce Speich	PD	\$221.64
DD Wendy Willprecht	Sec-Treas -Salary less taxes \$457.17	\$2042.83
DD Stock Grower's Bank	Withholding Taxes	\$626.42
DD ND State Tax Commission	State Tax	\$22.00
DD Job Service ND	Unemployment Comp.	\$2.50

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

DRAIN NO. 11:

Permit Extension:

Attorney Fredricks discussed extending the Drain No. 11 permit. The Board previously approved a one-year extension of SURFACE DRAIN PERMIT NO. 4857, for the Drain 11 project, in accordance with Section 89-02-01-09.12 of the North Dakota Administrative Code. The extension is valid through February 26, 2022. Due to the outstanding eminent domain action filed by the Board in the Southeast Judicial District, Case No.

41-2021-CV-00034, and the outstanding Corps of Engineers permit, the Board was not in a position to complete the project by February 26, 2022. The Corps of Engineers recently approved Permit Number NOW-2006-60492-BIS, and the Court set a trial date in the eminent domain matter in January of 2022. However, the Board will not have access to the properties identified in the eminent domain action until the Court issues a judgment and the District makes payment. With that in mind, an additional extension is necessary.

In accordance with Sections 89-02-01-09.11 and 89-02-01-09.12, the Board may approve an additional extension, with conditions. Manager Wyum moved to approve an additional one-year extension of SURFACE DRAIN PERMIT NO. 4857, subject to the following condition:

The extension of SURFACE DRAIN PERMIT NO. 4857 may be extended beyond one year for good cause shown; good cause may include, but will not be limited to, delays resulting from the eminent domain action in the Southeast Judicial District, Case No. 41-2021-CV-00034; any other project-related litigation and resulting appeals; and construction delays not caused by the Sargent County Water Resource District.

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

Engineer Hassell said the legals for the project are done. Three out of the four remaining purchase agreements are assembled and mailed to the landowners. Moore continues to work with the Game and Fish Dept. on the easement documents.

Reassessment: The public hearing for the reassessment will be held January 12th, 2022 at the Forman City Hall at 2:00 p.m. Moore will continue to field questions at this hearing as well as respond to comments as requested. The preliminary assessment will be dependent upon the review of the data collected. There will be both an in person and video option to attend the hearing. The engineers at Moore have been making a log of every comment and question received. They will summarize these comments and questions for the SCWRD to review. Hassell suggested that the Board revisit the assessment issue with both Dickey and Ransom counties after everything is finalized. Attorney Charles Carvell, who is spear heading the legal requirements relating to the reassessment will be present at the public hearing.

Culvert: There was discussion regarding a culvert replacement along Drain No. 11 which is believed to be in Section 11 of the Southwest Township. Engineer Trosen presented the SCWRD Board with two options; first is the culvert could be replaced with the same culvert type and size that currently exists at the crossing. The other option could be to replace the culvert with the future “with project” design based off of Moore’s 2016 Upper Wild Rice Watershed Report. Trosen suggested discussing this matter at the January 2022 meeting once the exact location of the culvert in question is known.

DRAIN NO. 7:

Prior to today’s meeting, attorney Fredricks had forwarded a draft purchase agreement for the SCWRD managers to review regarding the Drain 7 project. The managers were asked to take a look at the purchase agreement and let him know if they would suggest any revisions. Attorney Fredricks said that one thing to note is the topsoil stripping language

Fredricks said in terms of right of way values, we ordered an appraisal report and he will send that to the managers as soon as he gets it so all can review the numbers, and the Board can ultimately approve the proposed right of way values at the January 2022 meeting (at the appraisal numbers or with any modifications the Board deems necessary).

Engineer Nathan Trosen said that the legals for this Drain are wrapped up. We are now waiting on the appraisal report. After we receive the appraisal report we can set the ROW values. Trosen did mention that Moore is still working with the U.S. Fish & Wildlife Service on the portion of the project that is along their land.

SHORT FOOT CREEK:

A meeting has been set up between Moore Engineering and the landowners on January 5th, 2022 at 3:30. Moore will walk through the changes and the addition of natural resource enhancements to the plan to add additional environmental benefits to offset the low benefit cost analysis. It is the recommendation of Josh Hassell of Moore Engineering to finish the plan.

DRAIN NO. 9 EXTENSION:

No report.

CROOKED CREEK WATERSHED PLAN:

There was a lot of good discussion that took place at the November 22nd, 2021 meeting at the Forman City Hall. The discussion identified problems (excess water, water quality, and others) throughout the watershed. The next meeting

would discuss strategies that could be implemented to address noted problems within the watershed area. These strategies will lay the ground work for evaluating specific alternatives and how those alternatives address the identified problems. The next meeting is scheduled for December 20th, 2021 at the Forman City Hall at 1:00 p.m.

TEXAS CROSSING:

This project is complete. JBX did the clean out.

JIM LYON COMPLAIN: Mr. Lyon has withdrawn his complaint. No action is required at this time.

MAHRER/ELLEFSON COMPLAINT: Manager Stein brought up the complaint that had been filed between the two parties. Stein asked if the complaint was still unresolved? Attorney Fredricks said he would research the complaint and report back to the SCWRD Board.

AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES: The SCWRD completed an engineering services selection process earlier this year that is mandated by the SWC. As required under this process, the SCWRD should approve a new agreement with Moore Engineering. Moore Engineering presented the agreement for the SCWRD Board's approval. Attorney Fredrick's had previously reviewed the agreement and recommended the Board to approve it. Manager Stein made a motion to approve the agreement between owner and engineer professional services. Manager Zetocha seconded it. Upon roll call, the motion passed unanimously.

GRASS LAKE:

Chairman Siemieniewski brought to the SCWRD attention that there is a problem with overland flooding and erosion on the eastern side of the county. Landowners north of Hankinson are really struggling. Discussion was had about completing a watershed study regarding these flooding and erosion issues. When water gets high in this area and levels increase at Grass Lake, the water moves straight east.

January 25th, 2022 is the deadline for application for the watershed studies. Engineer Hassell said that discussion based on the location of the water issue, it would be a good idea for Sargent & Richland Counties on who should be the lead and if this may be better to be a Richland-Sargent Joint WRD project.. He also suggested that it could be helpful to hold an informational meeting with landowners in the affected area.

Chairman Siemieniewski said that Sargent County would have a smaller benefit in comparison to Richland County should a project take place. Siemieniewski said he has been approached by farmers in the Hankinson area because they have brought it to their own WRD and they can't get any traction on the project.

Manager Zetocha said that if an improvement project was to take place, it would need to be looked at as one large project and did not suggest Sargent County to take the lead considering a vast majority of the benefit would be received in Richland County.

Chairman Siemieniewski suggested they discuss this at the next Richland-Sargent Joint Water Resource District meeting. Engineer Hassell informed the Board that if funds are still available after the January 25th deadline, there may be another application window that would open later in the year which would be more obtainable.

CONVENTION REPORT: A pilot study is being run by the Red River Joint Board. The state would appropriate dollars to the Red River Joint Board and then the RRJB would distribute funds and decide cost share percentages.

RS #1:

1) Balance as of November 30th, 2021	\$315,654.66
Total Revenue Received:	
Richland Cty Tax and Business	\$160.12
Sargent Cty Tax and Business	\$712.69
Total:	\$872.81
Total Expenditures:	
Daily News	\$151.20
Sargent Cty. Teller	\$117.76
JBX, LLC	\$25,000.00
Interstate Engineering	\$2564.60
Monica Zentgraf Admin Hrs.	\$1478.80

A motion was made by Manager Wyum and seconded by Manager Stein to approve both the Interstate Engineering bill as well as the administrative hours reimbursement request. Upon roll call, the motion carried unanimously.

DICKEY-SARGENT JOINT BOARD: The following Dickey-Sargent Joint WRD bills were presented for approval by Wendy Willprecht, Secretary-Treasurer:

DVEC – electricity – \$134.00

82931 Ohnstad Twichell, P.C.- Conference with attorney Lukas O. Andrud re: closing documents/complete NDRIN search; conference with paralegal Meghan Hockeret/electronic correspondence **Total: \$995.72**

Manager Zetocha made a motion to approve payment of the Dickey-Sargent bills. Manager Wyum seconded the motion. Upon roll call, the motion carried unanimously.

Meeting adjourned at 9:32 a.m.

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER