

MINUTES OF THE MEETING OF THE SARGENT COUNTY WATER RESOURCE BOARD HELD ON THURSDAY, APRIL 20TH, 2023 AT 8:26 A.M. IN THE WATER BOARD CONFERENCE ROOM AT THE SARGENT COUNTY COURTHOUSE, FORMAN NORTH DAKOTA

Managers present: Chairman Luke Siemieniewski, Vice-Chairman Michael Wyum, Managers Roger Zetocha, Bruce Speich and Todd Stein. Also, in attendance was Wendy Willprecht Secretary/Treasurer, Nathan Trosen, engineer for Moore Engineering, Landon Evenson-Wild Rice Soil Conservation, and Sargent County Commissioner Wade Anderson. Present via video conference was Attorney Sean Fredricks of Ohnstad Twichell, and Leon Mallberg and Bob Banderet. Also present via video conference from Richland County were Tiffany Bladow-Secretary/Treasurer, Brandon Ward, Gary Friskop, Tom Kubela and Arv Burvee.

Manager Wyum moved to approve the March 16th, 2023 regular meeting minutes. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Stein moved to approve the following bills:

085198 Ohnstad Twichell- Bd. Mtgs./Permits \$300.00; 1099 prep/2022 acquisitions \$77.04; Matt Bosse Tile App. \$635.60; Drain No. 4 reassessment \$785.01; Drain No. 11 Improv. Proj. \$771.00/Eminent Domain \$4,369.07; Drain No. 7 closing docs. \$487.86
Total: \$7,425.58

085197 Moore Engineering- Bd Mtgs. \$1,267.50; Drain No. 4 reassessment \$560.00; Drain No. 7 reassessment \$2,722.50; Crooked Creek Task 3 \$6,347.50
Total: \$10,897.50

085206 Cannon Bosse- beaver section 2 Brampton Twp/Drain No. 11
Total: \$50.00

085208 Sargent County- reimbursement for gravel used for wash out along Drain No. 7
Total: \$587.25

085193 Jacquelyn Krieger- Easements/Warranty deed
Total: \$9,225.00

085200 Rust Family LP- Easements/Warranty deed
Total: \$52,965.00

085194/085189/085195 Jacqueline Lamb Revocable Trust, Kenneth and Kay Lewis- Kenneth Curtis Lewis, PR of Kenneth C. Lewis Estate \$2,321.66; Jacqueline Lamb Trust U/A \$16,251.69; Kay Bjorke \$2,321.66
Total: \$20,895.00

085199 Pearce Durick, LLC- Drain No. 7 reassessment
Total: \$990.00

085190 Marshall Braaten- Snow removal Drain No. 8
Total: \$3,625.00

085191 Lance Hogness- 3 Beavers Drain No. 7
Total: \$150.00

085192 Innovative Office Supplies- office supplies
Total: \$124.74

085196 John Manikowski- 1 Beaver Drain No. 12
Total: \$50.00

Manager Wyum seconded the motion. Upon roll call the motion carried unanimously.

Drain No. 11:

Project: Nathan Trosen of Moore Engineering said there is no project update, but asked the board for permission to use a drone to capture the current flooding activity that is taking place. Trosen said the footage will be good information to have when planning future projects and improvements to the drain. Trosen also asked for authorization to direct Brady Woodard to look at the dams in the county. Trosen estimated this would take around 10 hours to complete all the inspections. These inspections will give both the board and Moore Engineering before and after information regarding conditions in the area. Trosen will reach out to Manager Stein to find out when the water along Drain 11 will be at its peak, and then Woodard will come down and do the inspection. The board directed Moore to do the inspections.

Glen Thompson Utility Permit: The Board is waiting for a response from Mr. Thompson regarding the utility permit he requested to accommodate his proposed tile project. Mr. Thompson has indicated he would like to resolve his tile access before closing on the Drain 11 right of way acquisition for his property.

Kelly Cooper: Willprecht received a call from Sargent County landowner, Dorn Malpert, regarding overland flooding on his and Bishoff's land. Malpert said the overland flooding was happening because of two pumps that Kelly Cooper had installed on his land last fall. The area most significantly affected is the road 2 miles straight south of Brampton. Manager Stein and Trosen will inspect the area after today's meeting.

Sean Fredricks indicated the purchase agreement with the Lambs will require an amendment. The signed purchase agreement identifies the seller as Jacqueline Lamb and Kay Bjorke as Surviving Co-Trustees of the Jacqueline Lamb Trust U/A dated 3/22/02; the amendment will identify the Seller as Ken Curtiss Lewis as Personal Representative of the Estate of Kenneth C. Lewis; Kay Bjorke, f/k/a Kay M. Lewis; and the Jacqueline Lamb Revocable Trust. Manager Wyum moved to approve the Purchase Agreement Amendment. Manager Speich seconded the motion. Upon roll call, the motion carried unanimously.

There was discussion regarding an email sent by Leon Mallberg asking if the board had set a timeline to increase the right of way payments to the landowners who signed purchase agreements voluntarily, to reflect the updated appraisals for the eminent domain trial. The Board agreed to wait to discuss this issue until after the project is complete.

Landon Evenson-Wild Rice Soil Conservation:

Mr. Evenson said that he has hired two youths to work at the conservation office this summer. Manager Zetocha said that due to the high-water levels, it is hard to know what areas we will need sprayed and worked on. Manager Stein asked Evenson if the conservation office could do some tree removal west of the drain on County Road 3. Evenson said that he has asked for some updated equipment and may be able to tackle the tree problem. The board said by next month's meeting they would have a better idea of what areas they could use the conservation office.

Drain No. 4:

Reassessment: The rescheduled reassessment hearing will be on May 10th, 2023 at 5:00 p.m. at the Forman City Hall. Chairman Siemieniewski and Willprecht signed the resolution drafted by attorney Fredricks and previously approved by the Board.

Trosen of Moore Engineering reviewed the Forman Park Board/Golf Course & Randy Bergh permit for this drain. Trosen found the permit was issued due to flood control and as a result will not be included in the reassessment for tile consideration.

Mayor Bopp had said there is a significant number of cattails that are restricting flow of this drain. The managers and Trosen said that once the current water levels recede, they will go out and take a look at the drain.

Drain No. 7:

Project: Great American reached out wanting a status and expected completion date for this project. Trosen and Willprecht sent this information to Great American. Other than that, there is no update.

Reassessment: The rescheduled reassessment hearing will be on May 10th, 2023 at 2:00 p.m. at the Minor Senior Citizens building. Chairman Siemieniewski and Willprecht signed the resolution drafted by Pearce Durick and previously approved by the Board.

Monte Haugen has requested the waterboard spray the leafy spurge along Drain No. 7. The area he is referring to is within city limits. This may be a weed board issue.

Trosen of Moore Engineering reviewed 3 tile projects along this drain that could impact benefits and should be considered by the Board in the reassessment:

Emerick & Calvin Erickson-after review it was determined this tile project was for ag purposes and, as a result, will have tile included in the proposed reassessment of this property.

Miles Johnson-the permit was for a buried pipeline for sewer purposes and was not installed for ag purposes. Therefore, this permit will not have tile included in the proposed reassessment of this property.

Tom Mund-this permit was for buried pipes connecting wetlands with ag purpose. This permit will have tile included in the proposed reassessment of this property.

Drain No. 9 Extension: No report.

Drain No. 8: Chairman Siemieniewski requested Manikowskis' to come to Rutland and remove snow from the drain to get the water moving. The goal was to avoid flooding in the city of Rutland. When the snow was removed from one end, the water started flowing right away. The snow on the north end of the drain is now breaking up and starting to flow. The Board discussed legal drain snow removal as a flood preparedness measure. The idea was to assign drains to managers to inspect with the idea that the Board might authorize snow removal for a particular drain up to a maximum dollar amount, to put the Managers in a position to react to emergency flooding situations without having to call a special Board meeting. This discussion will be picked up next January, 2024.

Cogswell Tile: No report

Drain No. 2: Manager Speich said the drain is working well. Chairman Siemieniewski asked what the Board should do with the spoil left. Manager Speich reported that there appears to be areas of erosion from the spring snowmelt. Trosen will look at the ROW to see what the Board can do with the slopes. The county wants a large amount of the clay spoil. The Board will further discuss this matter at the May meeting.

Shorth Foot Creek: Trosen reported that we are still waiting for the NRCS to finish their review of the other watershed plans that have been submitted.

Crooked Creek: A letter of termination was sent to the NRCS. All reports are finished. This item can be removed from future agendas.

085201 Lucas Siemieniewski	Travel	\$72.71
085203 Todd Stein	Travel	\$10.48
085204 Michael Wyum	Travel	\$17.03
085205 Roger Zetocha	Travel	\$32.75
085202 Bruce Speich	Travel	\$26.20

DD	Lucas Siemieniewski	PD	\$831.05
DD	Todd Stein	PD	\$207.77
DD	Michael Wyum	PD	\$623.30
DD	Roger Zetocha	PD	\$207.77
DD	Bruce Speich	PD	\$207.77
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.	

NEW BUSINESS:

Gary Anderson: Less than 80 acres tile permit notification received.

Application to Install a Subsurface Water Management System No. 2023-03 for Edwin Erickson and Terry Erickson in the Southwest Quarter of Section 1 in Hall Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-03*, filed April 14, 2023, by Applicants Edwin Erickson and Terry Erickson. Under the Application, Applicants seek to install a 152-acre drain tile system in the Southwest Quarter of Section 1 in Hall Township, Sargent County, North Dakota. The project will include a single pump outlet located along the south boundary of the Southwest Quarter of Section 1; the pump will discharge directly into the Tri-County Drain, a legal assessment drain owned and operated by the Tri-County Joint Water Resource District.

According to records supplied by Applicants, Edwin Erickson, Jr., and Terrance Erickson own the Southwest Quarter of Section 1 of Hall Township.

Manager Speich moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-03*, filed April 14, 2023, for Edwin Erickson and Terry Erickson in the Southwest Quarter of Section 1 in Hall Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-03, subject to the following conditions:

1. Applicants will re-establish any areas disturbed installing or maintaining Applicants' tile system.
2. Applicants will install and maintain erosion protection at any and all outlets into the Tri-County Drain.
3. Applicants will set and install any drain tile pump at least 25 feet from the top of the back slope of the Tri-County Drain, with a pipe buried from the pump to the Tri-County Drain.
4. Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Southwest Quarter of Section 1 in Hall Township under any blanket easements, or otherwise beyond the Water District's existing easement.
5. Applicants will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
6. Applicants must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-03 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-03, and Applicants' downstream flow map to the Department of Water Resources, the Tri-County Joint Water Resource District, and Southeast Water Users District.

Casey Decker: Less than 80 acres tile permit notification received. This tiling project will be considered in the reassessment.

Application to Install a Subsurface Water Management System No. 2023-04 for Steven Bopp and Scott Bopp in the Northeast Quarter of Section 15 and the Northwest Quarter of Section 14 in Vivian Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-04*, filed April 18, 2023, by Applicants Steven Bopp and Scott Bopp. Under the Application, Applicants seek to install a 227-acre drain tile

system in the Northeast Quarter of Section 15 and the Northeast Quarter of Section 14 in Vivian Township, Sargent County, North Dakota. A line under 124th Avenue SE will connect project components in the Northeast Quarter of Section 15 to the system in the Northwest Quarter of Section 14. The project will include a single pump outlet located in the Northwest Quarter of the Northwest Quarter of Section 14; the pump will discharge directly into a pond, slough, or lake.

According to records supplied by Applicants, Steven Bopp owns the Northwest Quarter of Section 14 of Vivian Township and Scott Bopp owns the Northeast Quarter of Section 15.

Manager Stein moved, and Manager Zetocha seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-04*, filed April 18, 2023, for Steven Bopp and Scott Bopp in the Northeast Quarter of Section 15 and the Northwest Quarter of Section 14 in Vivian Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-04, subject to the following conditions:

1. Applicants will re-establish any areas disturbed installing or maintaining Applicants' tile system.
2. Applicants will install and maintain erosion protection at any and all outlets into the pond, slough, or lake the Northwest Quarter of Section 14 in Vivian Township.
3. Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Northeast Quarter of Section 15 and the Northwest Quarter of Section 14 in Vivian Township under any blanket easements, or otherwise beyond the Water District's existing easement.
4. Applicants will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
5. Applicants must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-04 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants comply with the following:

1. The Board recommends that Applicants obtain written consent from Vivian Township to install and maintain any project components within the Township's right of way.
2. The Board recommends that Applicants obtain all other necessary and requisite licenses, permit, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-04, and Applicants' downstream flow map to the Department of Water Resources, Vivian Township, and Southeast Water Users District.

DSJTB bills for approval –

DSJTB bills for approval

DVEC – electricity –	\$ 134.00
Ohnstad Twichell- professional services	\$ 84.00

Balances as of February 28th, 2023

Maintenance Account Balance:	\$ 33,297.80
Improvement Account Balance:	\$ 329,440.86

Bills were approved in the Dickey-Sargent Joint Board meeting that proceeded the SCWRD meeting on 4/20/23.

RICHLAND-SARGENT DRAIN NO. 1 PHASE III IMPROVEMENT PROJECT

Nate Trosen noted the Joint Board has a few items to consider to ensure the Joint Board meets the cost-share application deadlines. First is the surface permit.

The Joint Board reviewed information from the Department of Water Resources regarding APPLICATION FOR SURFACE DRAIN NO. 6195, a surface drainage application previously submitted by the Richland-Sargent Joint Water Resource District regarding the Board's RICHLAND-SARGENT DRAIN NO. 1 PHASE III IMPROVEMENT PROJECT. The project will include reconstruction and improvement of approximately 4.5 channel miles of Richland-Sargent Drain No. 1, east of Cayuga, in Section 28, the Northeast Quarter of Section 33, Section 34, and the South Half of Section 35 of Kingston

Township. The Project will include channel and side slope improvements, culvert replacements, and road crossing improvements at 146th Avenue, 95th Street, 147th Avenue, and 148th Avenue.

The Department of Water Resources reviewed the application and concluded the project is not “of statewide or interdistrict significance.” The Board reviewed Nathan Trosen’s draft responses to the eight elements under § 890201-09.2 of the North Dakota Administrative Code. The Board determined no hearing was necessary under § 89-02-01-09.1(2) of the North Dakota Administrative Code; the Board will acquire additional right of way to accommodate the project and landowners in the area generally support the project. The road crossing improvements will comply with the North Dakota Stream Crossing Standards and will not result in a significant increase in volume conveyance downstream. Ultimately, the project will provide more efficient and effective drainage for properties in the Richland-Sargent Drain No. 1 watershed.

Manager Siemieniewski moved to adopt Nathan Trosen’s responses to the 8-point questionnaire under Section 89-02-01-09.2 of the North Dakota Administrative Code; to approve APPLICATION FOR SURFACE DRAIN NO. 6195; and to authorize the Secretary-Treasurer to sign PERMIT FOR SURFACE DRAIN NO. 6195. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

Sean Fredricks will provide notice of the Board’s decision to the Department of Water Resources and to parties of record, as required by North Dakota law.

Trosen indicated the Joint Board must submit a cost-share application to the State Water Commission for construction funding by April 27th, 2023. Trosen said the economic analysis has a favorable benefit cost ratio of 1.0.

Manager Zetocha moved to direct Trosen to submit a cost-share application to the North Dakota State Water Commission for project construction cost-share. Manager Wyum seconded the motion. Upon roll call vote, the motion carried unanimously.

Moore Engineering submitted a 404 nationwide permit to the Corps in January. The Corps has since requested a Phase III Cultural Resources survey which is a “boots on the ground” archeology review. The cost for this review is around \$6000.

Manager Wyum moved to authorize the archeologist review. Manager Siemieniewski seconded the motion. Upon roll call vote, the motion carried unanimously.

If the cost-share for this project is approved in June, the Joint Board could proceed with bids later this summer. The project timeframe would go into next year. Box culvert orders are about a year out.

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

Checking:	\$ 0.53
Savings:	\$ 446,802.43
Total Assets:	\$ 446,802.96

Liabilities & Equity

Equity

3950-Retained Earnings	\$173,727.96
3996-Fund Balance	\$ 217,361.67
Net Income	\$ 55,713.33
Total Equity	\$446,802.96

Income:

4060-Taxes Received	
4060M-Drain Maintenance Taxes Rec'd	\$122,550.39
4060's-Bond Sinking Taxes Rec'd	0
Total 4060-Taxes Received	\$122,550.39
Gross Profit	\$122,550.39

Expenses:

6010 Expenses	
6010M-Drain Maintenance Expense	\$66,837.06
6010S-Bond Sinking Expense	0
Total 6010 Expenses	\$66,837.06

Net Income: \$55,713.33

The meeting adjourned at 9:27 a.m.

APPROVED:

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER