Regular Meeting January 11, 2022 8:00 AM

Members present: Larry Skiftun, Tom Deede, Bryon Brynjulson, Devin Long, and Chad Reimche.

Zachary Burmeister-Rinke-Noonan, was in attendance via video conference. Thomas Demke- Apex Engineering were also in attendance via video conference.

The Wells County Water Resource District Board meeting began at 8:00 am.

Minutes of the December 14, 2021 meeting were reviewed. Devin made the motion, seconded by Chad to approve the minutes. All voting aye, motion carried.

**Hurdsfield Project**

* The pump has been winterized.
* Reviewed the 2022 Annual Inspection Agreement from Dakota Pump Control. Tammy will contact them regarding a price for this service.
* Hurdsfield Lake ditch needs to be extended with an open cut approximately 250 feet. Bryon made the motion, seconded by Tom to hire Brian Schimelfenig in the spring to complete this project. All voting aye, motion carried.
* SWC is reviewing the John Roller dike appeal.

**Harvey Dam**

* The district is still waiting on the water permit.

**Highway 52 Bridge Clean Out**

* The ND DOT will clean out their ROW, but the WRD would need permission to clean out the area outside of the ROW. There is a question on how many feet of ROW is owned by the DOT and by the Railroad. Thomas is waiting for information from the DOT and CP Rail.

**Drain #1 Culvert Project.**

* DOT needs stamped plans for this project.
* Tom made the motion, seconded by Chad to hire Apex Engineering to create the design plans. All voting aye, motion carried.
* Tom made the motion, seconded by Devin to allow Larry to sign the permit once complete. All voting aye, motion carried.

**Drain #1 Easement**

* Thomas reported that we have not yet received the permit from Fish and Wildlife.

**Construction Permit Application 2675 (Monty Schaefer)**

* Larry and Doug Zink, FCWRD met with the Eddy County Commissioners.
* Zachary explained to the commissioners that the ECWRD cannot turn the dam over to Monty Schaefer. He explained the risk to the county and county taxpayers if a study is not completed.
* Jennifer Malloy-Apex Engineering spoke with the Department of Water Resources and provided them with additional information.
* Rinke-Noonan is sending a letter to Eddy County explaining the risks of not having a hydrology study. Bryon made the motion, seconded by Devin to approve the letter being sent.

**Reorganize the Board**

* Larry turned the meeting over to Vice Chairman Tom Deede. Tom called for nominations for Chairman. Devin nominated Larry, seconded by Bryon . All voting aye, motion carried.
* Tom turned the meeting back over to Larry. Larry called for nominations for Vice Chairman. Bryon nominated Tom seconded by Devin. All voting aye, motion carried.

**Kingdom Construction Drain #1 Clean-out.**

* Jerald Weckerly, Kingdom Construction met with the board regarding the Drain #1 clean out. Jerald explained how he determines the material that needs to be removed and how he moves that material. Discussion was held regarding the spoil piles that were left cleaning out Drain #1 east of Fessenden (E of 40th Ave NE & N of 15th St NE).
* The board explained that they have received complaints from that landowners that the spoil piles have not been leveled out. Jerald assumed that the landowners would level out the spoil piles. The board felt that there was a miscommunication between the board and Kingdom Construction on the work to be completed.

**Upper Sheyenne Joint Board**

* The Wells County Water Resource District and Foster County Water Resource District were mentioned during the legislature’s Water Topics Overview Committee meeting on December 7, 2021.
* Chair Jim Schmidt notes his recollection that when the Upper Sheyenne River Joint Board was applying for funding for this pilot project, it was discovered that the eligibility for funding required support from all county water resource districts in the basin being managed, and that two county water resource districts had not participated. Chair Schmidt asked for an update on their participation and Ben Varson mentioned that the two non-member counties were the Wells County Water Resource District and the Foster County Water Resource District. Ben noted that both boards wrote letters of support of the joint board’s efforts, but that they were not due-paying members of the joint board.
* Chair Schmidt notes after the presentations that it is key all county water resource districts participate in the efforts of joint boards managing water on the watershed level and that perhaps those county water resource districts that do not participate should not be eligible for cost-share funding from the state on their independent projects.
* Kale investigated whether re-joining the joint board’s membership could result in Wells County being forced to contribute to the joint board efforts financially against the will of the Wells County WRD Board. I concluded that it could, because the joint powers agreement under which the joint board operates allows for the joint board to pass a budget by 2/3 vote of membership and each member district must contribute to the budget from its individual general funds. In addition, Century Code, section 61-16.1-11 allows the joint board to levy by resolution a tax not to exceed two mills upon the taxable valuation of real property within each district within the river basin or region subject to the joint agreement. This levy would be in excess of the levy already made by the Wells County WRD and approved by the Wells County Commissioners. My recollection is that based on this information, the Board was not conformable re-joining the joint board unless there were assurances that it could veto the requirement it contribute to a joint board budget it did not support or veto any resolutions requiring authorizing a mill levy in the county.
* Rep. Schmidt’s threat of withholding funding would impact Wells County as the Wells County WRD is active in conducting projects that are eligible for state cost-share funding.
* Larry and Chad will attend the meeting in February.

**Training for the Board**

* Tabled until February

**Mileage Rate Increase**

* Tammy reported that ND state mileage rates have increased from .56 to .585 for 2022.

**2022 Raises for WRD Employees**

* The board reviewed the salaries for the Gate Man. Tom made the motion, seconded by Bryon to raise the gateman salary to $30 per hour. All voting aye, motion carried.
* The board reviewed the salaries for the Secretary. Chad made the motion, seconded by Devin to increase the secretary salary by $100 per month. All voting aye, motion carried.

The board reviewed the bill from Rinke-Noonan. Bryon made the motion, seconded by Tom to pay this bill. All voting aye, motion carried.

The board reviewed the bill from Kingdom Construction for clean out on Drain #1. Tom made the motion, seconded by Devin to pay this bill. All voting aye, motion carried.

The board reviewed the bill from Dakota Pump Control. Bryon made the motion, seconded by Devin to pay this bill. All voting aye, motion carried.

The following bills were allowed and ordered paid.

#6577 Chad Reimche-per diem, mlge & exp 177.99

#6578 Devin Long-per diem, mlge & exp 176.82

#6579 Tom Deede-per diem, mlge & exp 172.14

#6580 Larry Skiftun-per diem, mlge & exp 333.18

#6581 Bryon Brynjulson-per diem, mlge & exp 202.56

#6582 Tammy Roehrich-Salary 1292.90

#6583 Rinke-Noonan-Legal Fees 6907.00

#6584 Wells Co Treasurer-Ottertail share 35.29

**Drain Fund**

#818 Rinke-Noonan-Legal Fees 2174.00

#819 Dakota Pump Control-Supplies-Hurdsfield 120.00

#820 Kingdom Construction-Clean out Drain #1 16286.00

With no further business, meeting adjourned.

Approved: Attest: