

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
April 12, 2016

The Richland County Water Resource Board (RCWRB) met April 12, 2016 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, Gary Friskop, James Haugen, Don Moffet, Robert Rostad, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

### **Minutes**

A motion was made by Mgr. Rostad and seconded by Mgr. Haugen to approve the minutes of the March 29, 2016 meeting as presented. The motion carried unanimously.

### **Financial Reports**

A motion was made by Mgr. Friskop and seconded by Mgr. Rostad to accept the March 2016 financial reports as presented. The motion carried unanimously.

### **Mail**

- 1.) Bank of New York Mellon- March 31, 2016 pledged securities totaled \$5,001,315.57.
- 2.) Larson Helicopters- Mr. Larson may purchase an excavator and brush cutting head for cleaning brush and trees in the legal drains and on the side slopes. He is interested in knowing if the RCWRD could utilize this service. The Managers did not see a large need for this service.
- 3.) ND State Water Commission (ND SWC)- Minutes of the December 11, 2015 and February 9, 2016 meetings.
- 4.) Red River Basin Commission- Invitation to the Comprehensive Watershed Management Plan Workshop scheduled for April 26 and 27, 2016.

Engineer Bassingthwaite joined the meeting.

Continuation of Mail:

- 5.) Interstate Engineering- Solicitation of views for the wastewater treatment improvement project for the Colfax wastewater treatment ponds. The Board had no comments.
- 6.) Attorneys Sean Fredricks and David Bliss- Email correspondence relative to the hearing for Helendale Private Drain, LLC. The statewide significance hearing has been scheduled for July 25, 2016. (Leedahl/McDonald #13-088)
- 7.) Beaver Creek Archaeology- Bid not to exceed \$1,947 for the Class III Cultural Resource Inventory required by the US Army Corps of Engineers for the reconstruction of Proj #5(27). A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to award the Cultural Resource Inventory to Beaver Creek Archaeology. The motion carried unanimously. (RCWRD #14-124)

### **Proj #18 Reassessment**

Dan Onchuck recently contacted the Office about the Proj #18 benefit assessment of 70% assigned to the W120 rods of the NW1/4 Section 22, Center West. Mr. Onchuck attended the reassessment hearing and raised his concerns about the assessment placed on that parcel. The Board did not reduce the percentage of benefit when they finalized the reassessment of Proj #18. Mr. Onchuck feels the assessment should be reduced just as the assessment was reduced for the SW1/4 Section 15. He asked that the Board reconsider their earlier decision. Consensus of the Managers was not to reduce the assessment. Mr. Onchuck will be contacted to explain to him that the assessment in the SW1/4 Section 15 was reduced due to the river running through that land. The river does not run through the NW1/4 Section 22. (RCWRD #14-022)

### **Proj #5(27) Reconstruction**

Engineer Bassingthwaite reported the low bidder for the reconstruction of Proj #5(27) was Dennis Drewes, Inc. with a bid of \$655,322.05. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to award the Proj #5(27) reconstruction to Dennis Drewes, Inc. based on their bid of \$655,322.05. The motion carried unanimously. (RCWRD #14-124)

### **Proj #31 Reconstruction**

Engineer Bassingthwaite reported that the low bidder for the reconstruction of Proj #31 was Comstock Construction, Inc. with a bid of \$243,460.00. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to award the Proj #31 reconstruction to Comstock Construction, Inc. based on their bid of \$243,460.00. The motion carried unanimously. (RCWRD #13-054)

Engineer Bassingthwaite reported that Kelly Gilles will not be able to access a small parcel of his land, approximately 0.50 acre, next to the Proj #31 temporary easement area in Section 4, Devillo Township. The District will need to narrow up the temporary easement area or include the additional area in the temporary construction easement. The consensus of the Managers was to add it to the temporary construction easement and pay for the additional acreage.

### **Proj #65 Silt Berm Removal**

Mr. Johnson reported that Derek Rossow will not allow the spoil from the removal of the silt berms in Proj #65 to be placed on the land he farms in the NE1/4 Section 14, Waldo Township. The Managers directed Mr. Johnson to contact Mark Meyer to see if he wants the material or if it could be spread on his land in the N1/2NW1/4 Section 13. (If material is spread on Mr. Meyer's land the District will pay him \$150, as they have done on the rest of the project). Some material will be placed in the channel, as the channel is below grade. Any remaining material will need to be hauled away. (RCWRD #15-125)

Attorney Sean Fredricks joined the meeting.

### **Steve Mauch Concerns Relative To John Nagel Complaint in SW1/4 Section 30, Antelope Township**

Steve Mauch requested to meet with the Board to discuss his concerns over the handling of John Nagel's complaint against ditch work Mr. Mauch did last fall in the SW1/4 Section 30, Antelope Township. Mr. Mauch explained that he would like to remove the north-south culvert he installed in the SECR SW1/4, clean the north road ditch on the south side of the SE1/4 and run the water east in that ditch to the SECR SE1/4, install the culvert in the SECR to run the water on the south side of road, where it will continue to flow east. Mr. Mauch has submitted a state surface drainage application to the ND SWC. The RCWRD will process the application when they receive it from the State.

Mr. Mauch told the Board he felt he was acting in good faith and did not feel he was affecting anyone when he submitted his previous application, #15-169, to the District. He suggested the Board change their process when they receive a complaint and suggested the Board notify the party the complaint is filed against before money is spent on an attorney or engineer, when those expenses are going to be assessed back to that person.

Discussion returned to the issue of the unpermitted ditch work that was previously done and the May 1, 2016 deadline to restore the ditches to their previous condition. Mr. Mauch reported that he filled the cut through the berm in the NE1/4 Section 31. The Township Board of Supervisors have not ordered him to cap the culvert and the ditch work has not been closed. Given the fact that Mr. Mauch closed the cut and submitted an application to the ND SWC for an alternate route, the consensus of the Managers was to extend the deadline for the remaining work to July 1, 2016. (Nagel Obj #15-194)

The Managers moved to the Richland County Commission Office.

### **Richland County Commission and Water Resource District Joint Meeting**

Those present, in addition to the WRB, Technician, and Secretary, were Cmr. Campbell, Berseth, Thompson, Berg, Ehlert, States Attorney McBeth, Richland County Asst Engineer Bladow, Richland County Administration personnel Bailey, DeVal, Engineers DeVillers and Bassingthwaite, a *Daily News* Reporter, and several Richland County citizens.

Purpose of the meeting was for the RCWRD's attorney, Sean Fredricks, to explain county jurisdictional water issues to the Commissioners, Highway Department personnel, and States Attorney. (This meeting was held per an earlier request of the Richland County Commission.) Brief discussion was also held relative to the Fargo-Moorhead Flood Diversion Project.

Upon conclusion of the meeting with the Richland County Commission, the Managers returned to the RCWRD Office to discuss the follow matters:

**Proj #2 Reconstruction Financing**

Brief discussion was held with Mr. Fredricks relative to options available to the Board for funding the reconstruction of Proj #2. Ohnstad Twichell Bond Counsel will contact the District's Office to discuss the matter further.

Mr. Fredricks left the meeting.

**Proj #65 Silt Berm Removal**

The Managers visited about an on-site meeting held April 6, 2016 at the request of Darin Prochnow and Stan Stein to discuss concerns about the removal of silt berms in Proj #65. Mgrs. Friskop, Haugen and Technician Johnson met with Mr. Prochnow and Mr. Stein. They were also joined by Derek Rossow and Preston Prochnow. The main concerns voiced were:

- Additional water being added to the Proj #65 watershed. (Mainly water from the south in Sections 36, 25 and 24, Waldo Township.) Water should go to the Proj #31 lateral running along the south side of the railroad track starting in Section 19, Waldo Twp. The culverts through the railroad track used to have a block on the north end so the water would be contained to the Proj #31 lateral. Why was the block removed and the water allowed to go north to the Proj #65 lateral?
- Dissatisfaction with Roger Bommerbach's work in the past and the over excavation of the channel bottom.
- Need for reconstruction of the last two miles of Proj #65 in Sections 25 and 26, Brandenburg Township. Mr. Stein would not be in favor of giving up any land.
- The original grade of the drain and if culverts are on that grade.

Engineer Bassingthwaite left the meeting.

**Ben Eisenschenk Ring Dike**

Ben Eisenschenk wants to extend his ring dike further to the south on his property in the NE1/4 Section 15, Walcott West, because of plans to build a shop on the farmstead. The Managers were informed that considerable discussion has held with ND SWC staff this past week. Mr. Eisenschenk will have several issues to resolve if he wishes to move forward with his plan to extend the dike. The ND SWC will be asked to forward written comments to the District outlining the issues and what will need to be done before a meeting is held with Mr. Eisenschenk. (Eisenschenk Appl #10-050)

**RS #1 Beaver Dam Removal**

M&M Contractors, LLC submitted a bill in the amount of \$3,570 to the Richland-Sargent Joint Water Resource District, for "removal of beaver dams and mud from box culvert in railroad crossing and channel" in Section 18, Kingston Township. The Managers felt the bill was excessive, but will wait to make a decision about payment until they hear from the Sargent County Water Resource Board after their meeting later this month.

**Technician's Report**

Mr. Johnson reported on the Fargo-Moorhead Diversion Authority meeting he attended March 31, 2016.

**Adjournment**

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 1:00 PM.

Respectfully submitted,

Monica Zentgraf  
Secretary

Don Moffet  
Chairman of the Board