

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
April 17, 2018

The Richland County Water Resource Board (RCWRB) met April 17, 2018 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: Robert Rostad

Minutes

The April 10, 2018 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Burvee to approve the April 10, 2018 minutes as presented. The motion carried unanimously.

Banking Services

Discussion was held regarding banking services for the RCWRD. Services available through Wells Fargo and Bremer banks were considered. A motion was made by Mgr. Haugen and seconded by Mgr. Moffet authorizing Monica Zentgraf to transfer all funds from Wells Fargo Bank to Bremer Bank. Accounts to be established are checking and savings; authorized signors on the accounts shall be the Chairman, Vice Chairman, and Treasurer. The motion carried unanimously.

Red River Joint Water Resource Board

Mgrs. Burvee and Moffet reported on the April 11, 2018 meeting of the Red River Joint Water Resource Board (RRJWRB). The Joint Board is in the process of planning meetings with the individual water resource districts and the legislators for each individual district. Consensus of the Managers was to also invite the candidates to the RCWRD meeting.

Mike Bassingthwaite, of Interstate Engineering, joined the meeting.

Proj #4(28) Reconstruction Bid Opening

The following bids were received for the Proj #4(28) reconstruction:

<u>Contractor</u>	<u>Bid Amount</u>
American Enterprises	\$245,975.85
Comstock Construction	\$241,226.00
Dennis Drewes	\$168,582.05
Dirt Dynamics	\$187,682.00
JAV Construction	\$161,039.00
Kern & Tabery	\$255,320.44
M&M Contractors	\$291,845.75
R.J. Zavoral & Sons	\$190,990.90
Riley Bros Construction	\$175,584.85
States Borders Construction	\$239,968.75

Upon conclusion of the bid opening, a motion was made by Mgr. Moffet and seconded by Mgr. Burvee to refer all bids to Interstate Engineering for verification and tabulation. The motion carried unanimously. (RCWRD #17-095)

Proj #3 Reconstruction

Discussion was held with Mr. Bassingthwaite about potential work on Proj #3 in the SW1/4 Section 4, the W1/2 Section 9, and the NW1/4 Section 16, LaMars Township. Mr. Bassingthwaite explained that when the drain was built in the 1960's it was constructed with 3:1 side slopes. The bridge located between Sections 9 and 16 had a distance of 11 feet from the top of the bridge to the channel bottom; that distance is now 13 feet. The channel has cut deeper and the field side slopes are breaking down. Mgr. Burvee and Mr. Bassingthwaite spoke

about the need to bring the bottom of the channel up, install rock checks, drop structures, and bring the side slopes back to 3:1.

Bob Green, owner of the W1/2 Section 9, joined the meeting. Mr. Green was given a brief explanation of work needed. (More detail to follow when Arnie Anderson, owner of the NW1/4 Section 16 arrives.) Mr. Green felt the drain is “working fine” and no work is needed. He also indicated he would not sell any land to the District. His opinion was that placing dirt in the bottom of the channel would not work and the dirt would wash away. Because Mr. Green would not be willing to sell the needed right-of-way to the District, Mgr. Burvee made a motion to adjourn the meeting on Proj #3, but subsequently withdrew the motion.

Arnie and Dustin Anderson joined the meeting; considerable discussion followed regarding the condition of the channel in Sections 4, 9, and 16 and potential work. The explanation of work being contemplated included re-establishing side slopes, placing dirt from the side slopes in the bottom of the channel to raise it, installing multiple rock checks, adding additional rock drops or drop structures to slow low flows, and replacing the two concrete drop structures. The landowners were informed additional right-of-way would be needed to do the project; they would be compensated for the land. Dustin Anderson stated a tile main runs the length of the field in the NW1/4 Section 16; they would need to be guaranteed the RCWRD would accept responsibility for any and all damages to the tile line. According to Mr. Anderson, estimated replacement cost of the line is \$80,000. Neither Mr. Green nor Arnie Anderson were willing to sell land to the District. Discussion followed with multiple concerns expressed, including further erosion after the project is done but before vegetation is established, the RCWRD accepting responsibility for the tile line, amount of right-of-way needed, and compensation for right-of-way. Dustin Anderson asked if the Board considered other options such as lining the channel bottom with rock or hauling in dirt. Lining the channel for a distance of two miles was estimated to cost \$300,000 plus costs to repair damage to the road from trucks hauling the rock; placing non-native material in the drain bottom was likely to fail. The Andersons and Mr. Green were told if no repairs are made, erosion will continue, leading to silt being deposited downstream, the slopes eventually failing, and possible blowouts in the adjacent fields. The meeting concluded with the Managers asking Mr. Anderson to give the matter further consideration over the next month. The Andersons agreed and will get back to the Board with an answer. Mr. Green was adamant that he would not sell any land to the District; the Managers accepted his answer.

Upon conclusion of the meeting, the Managers asked Mr. Bassingthwaite to provide a cost estimate for engineering services for reconstruction on the Anderson portion of the drain, in the NW1/4 Section 16, LaMars Township. Application #18-004 was completed accordingly.

Permanent Berm Easements

Mr. Bassingthwaite reported that the District’s Legal Counsel is recommending the District secure permanent berm easements as opposed to temporary construction easements for spoil and back slopes on new and reconstruction projects. The Managers considered the matter, but the consensus was to continue using the temporary easements. Legal Counsel will be notified according.

Proj #7 Reconstruction

Mr. Bassingthwaite reported that he met with the US Army Corps engineer assigned to the Proj #7 reconstruction to discuss the work. Mr. Bassingthwaite was informed by the engineer assigned to the Proj #7 reconstruction, that he thinks he found a prairie fringed orchid on a drain east of State Highway 18 sometime in the past. As a result of this, he is conferring with the US Fish and Wildlife Service to see if the reconstruction work could impact an orchid. Mr. Bassingthwaite noted that the orchid was not necessarily found on this drain, but on “a” drain. If US Fish and Wildlife feels there could be an impact to the flower, the reconstruction project could be delayed for a considerable length of time. (RCWRD #17-016)

Danton Township Application #17-030

Mr. Bassingthwaite and the Board reviewed Mr. Bassingthwaite's March 29, 2018 report regarding Danton Township Supervisors concerns about water from Projs #67-8 causing five of their road crossings to wash out during flood events. Consensus of the Managers was for Mr. Bassingthwaite to send the report to the Board's Legal Counsel for an opinion regarding the RCWRD's responsibility.

Applications

Appl No. 18-005, Bison 64-58, LLP and Lars & Christie Bergmann: NW1/4 Section 13, West Abercrombie Township

Applicants seek to install a subsurface water management system ("drain tile") in the NW1/4 Section 13, West Abercrombie Township, Richland County, North Dakota. The project will include one gravity outlet that will discharge via an underground pipeline that will run south from the SECR of the NW1/4 into the NECR of the SW1/4 and turn east and enter into the NWCR of the SE1/4 and continue east along the north side of the SE1/4. The gravity outlet will discharge directly into the Wild Rice River in the N1/2 of the SE1/4 Section 13.

According to documents provided by Bruce Yaggie, of BDB Management, LLP, the General Partner of Bison 64-58, Applicant Bison 64-58 owns the N1/2NW1/4 Section 13, and Applicants Lars and Christie Bergmann own the S1/2NW1/4 Section 13, where the tile system will be installed, with the exception of the underground pipeline. The underground pipeline will be installed on property in the SW1/4 Section 13, owned by Nancy Yaggie and in the SE1/4 Section 13, owned by BD Yaggie Family Limited Partnership.

Because the project will discharge directly into the Wild Rice River (a natural watercourse), no THIRTY DAY NOTICE was necessary to downstream landowners under N. D. Century Code § 61-32-03.1. Further, in accordance with the new tile law passed by the North Dakota legislature during the 2017 legislative session, the District could **not** require Applicants to obtain written permission from Nancy Yaggie and BD Yaggie Family Limited Partnership, regarding installation of the Applicants underground pipeline.

A motion was made by Mgr. Moffet, seconded by Mgr. Haugen, and unanimously carried to approve *Application to Install a Subsurface Water Management System* No. 18-005, subject to the following conditions:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That all work to be done in a neat and professional manner;

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicants permit. However, for Applicants protection, and to ensure protection of Applicants tile system, the District recommends that Applicants consider complying with the following:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submit an additional permit application;
- 2) That Applicants obtain easements from the owners of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 3) 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.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 11:30 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board