

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
August 16, 2016

The Richland County Water Resource Board (RCWRB) met August 16, 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. Burvee and seconded by Mgr. Friskop to approve the minutes of the August 9, 2016 meeting as presented. The motion carried unanimously.

Mail

- 1.) North Dakota State Water Commission- March 9 and April 17, 2016 meeting minutes.
- 2.) Interstate Engineering- Hydraulic study for replacement of a 36 inch CMP on the north side of the NW1/4 Section 35, Summit West. It was also reported that repairs are needed in Section 28. Those repairs include riprap in the NECR NW1/4 and culvert repairs in the NECR NW1/4 NW1/4. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to assign the culvert replacement, riprap, and culvert repairs to Ehlert Excavating. Completion date was set for November 1, 2016. All work at Proj #31 expense. The motion carried unanimously. (RCWRD #16-055)

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 Administration personnel Bailey and DelVal, and a *Daily News* reporter.

- Current Projects-Routine work is being done and the District has start dates for the reconstruction projects.
- Fargo-Moorhead Diversion Opposition Expenses- RCWRB Chairman Moffet presented two bills to the Commission for legal fees associated with opposing the Fargo-Moorhead Flood Diversion Project. Considerable discussion was held between the Commission and Finance Director Bailey regarding who should pay the bills. Mr. Bailey preferred the bills be paid by the MnDak Upstream Coalition. A motion was made and passed by the Commission to reimburse the RCWRD for the two bills presented to the Commission in the amounts of \$550 and \$12,020.72.
- Proj #2 Reconstruction- Cmr. Berg asked about the start date for the reconstruction of Proj #2? Tentative start date is September 12, 2016.
- Proj #14- Cmr. Berg reported that he received a telephone call from James Anderson regarding the culvert and weir structure installed between Sections 32 and 33, Viking Township. Mr. Anderson wants it removed, as he claimed there was an agreement that the pipe and weir would only remain in place for two years. Mr. Anderson claimed he has a letter from the County stating same. Lowell Bladow, Asst Engineer, joined the meeting at this time and discussion continued. RCWRD Manager Burvee stated the culvert and weir were installed to protect the Gruba farmstead as farmsteads are given priority over farmland. Cmr. Berg will contact Mr. Anderson to get a copy of the letter. No further action was taken. (Anderson Obj #14-023)

Fargo-Moorhead Flood Diversion Project

A conference call was held with the District's legal counsel, David Bliss. Mr. Bliss reported that he would be working with Mr. Bassingthwaite to prepare comments for the District to submit to the Minnesota Department of Natural Resources (MnDNR) before the August 26, 2016 deadline.

Mr. Bliss also informed the Managers that the State Engineer has made a decision on the type of hearing to be held regarding the District's appeal on the State Engineer's approval of the inlet structure. The hearing will be handled by an Administrative Law Judge rather than the State Engineer. Mr. Bliss will be working with the Attorneys at the State and will notify the District when a date is set for the hearing.

Proj #18

The Board met with the following parties to discuss cleaning and culvert work on the outlet end of Proj #18 in West Center Township: Ryan Hoefs, Delwayne Hoefs, Duane Smith, Christina Knapp, Joel Hermes (Pioneer Hi-Bred), Gary Page (Heitkamp Construction), Center Township Supervisor Rod Romereim, Center Township Clerk Lori Weick, Dan Onchuck, and Mike Bassingthwaite (Interstate Engineering). Mr. Bassingthwaite explained that Proj #18 ends at the west section line in the NW1/4 Section 11. The District also has a flowage easement which extends to the railroad track for the discharge of water from the legal drain. The District is willing to clean the natural channel since the natural serves as the outlet for the drain. Mr. Bassingthwaite provided a map showing the areas to be cleaned, culverts which need to be replaced, and a beaver dam and tree fall to be removed. He will not be able to determine if cleaning is required on the Schuler property in Section 10 until the beaver dam is removed and the water recedes. A comment was made about changing the low water crossing, located in the Bois-de-Sioux overflow channel in Section 3, into a Texas crossing. Mr. Smith opposed this idea as he needs access to his field. All parties were in favor of the work as proposed. The Township Board was asked if they would replace the culvert in the overflow channel, since the drain does not utilize that culvert. Mr. Romereim indicated they would contact the City of Wahpeton to see if the City would provide financial assistance. They will need to meet to take formal action on replacing the culvert. Mr. Bassingthwaite was directed to contact Jay Schuler about removing the beaver dam and tree debris in the channel on his property.

At this time a motion was made by Mgr. Burvee and seconded by Mgr. Friskop to assign the Proj #18 work to JBX with a completion date of November 1, 2016. Work at Proj #18 expense. The motion carried unanimously.

Upon conclusion of the meeting with the group, the Managers were informed of a high spot and erosion by the box culvert in the NWCR Section 14, Center West. Shirley Marohl recently contacted the office about standing water and a mosquito problem because of the high spot holding back the water in Proj #18. A motion was made by Mgr. Rostad and seconded by Mgr. Friskop to assign the cleaning and erosion repair to Ehlert Excavating with a completion date of November 1, 2016. Work at Proj #18 expense. (Hoefs & Group #16-005)

Fargo-Moorhead Flood Diversion Project

The Board visited briefly with Mr. Bassingthwaite about the letter he and Mr. Bliss will be preparing and will be sent to the MnDNR regarding the Fargo-Moorhead Flood Diversion Project.

Mr. Bassingthwaite left the meeting.

Proj #18

Mr. Johnson reported that he spoke with Gary Page, of Heitkamp Construction, after the Proj #18 meeting earlier today. Mr. Page wanted to know why the Board did not consider Heitkamp Construction for the work they assigned to JBX. The Board directed Mr. Johnson to ask Mr. Page to provide the District with the required paperwork before the Board will consider them for the District's work. Consensus of the Managers was not to change the assignment of the current project.

Mail

- 3.) Interstate Engineering- Proj #39 report regarding culverts discharging through the township road on the south side of Section 19, Fairmount South, as well as the topography in the SE1/4 of the section. (RCWRD #14-062)

North Dakota Water Topics Overview Committee Meeting

The Water Topics Overview Committee is scheduled to meet August 24, 2016. Water Resource Districts quick-take authority is on the agenda. The Managers reviewed a memorandum prepared by Office Staff for the purpose of sending it to all of the Committee Members. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad authorizing Chr. Moffet to sign the memorandum. The motion carried unanimously.

Proj #18

Center Township Clerk Lori Weick met briefly with the Board to further discuss the work on Proj #18. Mrs. Weick advised the Managers that the Township Board contacted the City of Wahpeton regarding financial assistance for replacing the culvert in the Bois-de-Sioux overflow channel. The City denied any financial assistance. On behalf of the Township Board, Mrs. Weick proposed a cost share with the Township Board paying for the culvert materials and the WRD paying the installation costs.

Mrs. Weick left the meeting.

The Managers discussed Mrs. Weick's request. A motion was made by Mgr. Friskop and seconded by Mgr. Burvee to approve the labor charges for replacing the culvert in the Bois-de-Sioux overflow channel, located in the SW1/4 Section 3, Center West. Labor costs at Proj #55 expense due to Proj #55 overflow water utilizing the culvert in the Bois-de-Sioux overflow channel. The motion carried unanimously. (Hoefs & Group #16-005)

Proj #65

This past week Derrick Rossow notified a Board Member that one of his haybales blew into the drain from the SE1/4 Section 35, Brandenburg Township, during a high windstorm. Office staff contacted legal counsel regarding legal responsibility for removing the bale from the drain; the responsibility lies with Mr. Rossow.

Mr. Rossow was not happy with the decision and felt the WRD should, at a minimum, share the cost of removing the bale from the drain. Discussion followed and a motion was made by Mgr. Haugen and seconded by Mgr. Burvee that removal of the bale was Mr. Rossow's expense. Mgrs. Haugen, Moffet, Rostad, and Burvee voted in favor of said motion; Mgr. Friskop voted against said motion. The motion carried. (Hoefs & Group #16-005)

Technician's Report

- Fargo-Moorhead Diversion Board of Authority meeting- Mr. Johnson reported on the meeting he attended August 11, 2016.

- Proj #4- Mr. Johnson reported the culvert in the NW1/4 Section 2, Ibsen Township, is rusted out and needs to be replaced. Appl #16-064 was completed and a motion was made by Mgr. Rostad and seconded by Mgr. Burvee to defer the matter pending a hydraulic study by Interstate Engineering. The motion carried unanimously.

- Contractor Update- Mr. Johnson provided a status report.

Applications

Appls #16-065 & #16-066 were reviewed by the Managers. The Managers acknowledged receipt of the drain tile applications; no further action was taken as the applications involve less than 80 acres of drain tile.

Appl #16-065

Stuart Gunness

SE1/4 Sec 10, Colfax East

Appl #16-066

Stuart Gunness

NE1/4 Sec 36, Walcott West

Appl #16-067, John Sherven: S1/2SW1/4 Sec 14, Abercrombie West Work is within township road right-of-way and therefore under the jurisdiction of the Abercrombie Township Board of Supervisors.

Adjournment

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 11:05 AM.

Respectfully submitted,

Monica Zentgraf
Secretary

Don Moffet
Chairman of the Board