

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
August 9, 2016

The Richland County Water Resource Board (RCWRB) met August 9, 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 2, 2016 meeting as presented. The motion carried unanimously.

### **Mail**

- 1.) Richland County Commission- July 2016 meeting minutes.
- 2.) Bank of New York Mellon- July 29, 2016 pledged securities totaled \$4,304,288.44.
- 3.) Office of the State Engineer- Temporary Water Permit #1400A for Cargill. Point of diversion is Section 7, Dwight East.
- 4.) Senator Larry Luick- Copy of State Engineer Erbele's response to Senator Luick's July 18, 2016 formal objection to permitting of the Fargo-Moorhead Flood Diversion inlet structure.

### **Proj #15 Reconstruction**

Engineer Mike Bassingthwaite met briefly with the Board. He reported on the status of the grass seeded last fall in conjunction with the Proj #15 reconstruction. Mr. Bassingthwaite reported the grass in the SW1/4 Section 6, Antelope Township, did not grow. Wheat, which was part of the cover crop, flourished and there is now a mature stand on the drain right-of-way. Mr. Bassingthwaite further reported that since the cover crop came up, he assumed the grass would also come and therefore the project was closed out and the contractor was paid in full. Mr. Bassingthwaite recommended the wheat be removed and the ground over seeded with grass. The cost for HCI (the contractor who initially seeded the ground) to reseed the right-of-way is \$2,795. The Managers directed Mr. Bassingthwaite to try to negotiate the price down to HCI's cost. If he cannot negotiate with HCI, the Managers directed Mr. Bassingthwaite to obtain a quote from another contractor. The Managers also asked Mr. Bassingthwaite to contact David Olson to see if he would be willing to harvest the wheat. If so, he would be given the wheat in lieu of payment. (RCWRD #12-192)

### **Fargo-Moorhead Flood Diversion Project**

A conference call was held with the District's legal counsel, David Bliss. Mr. Bliss provided the Board with a brief update on the RCWRD's recent appeal from the State Engineer's approval of the diversion inlet structure. The main purpose for the conference call with Mr. Bliss was to discuss submission of comments to the Minnesota Department of Natural Resources (MnDNR) regarding the Dam Safety and Work in Public Waters permit application (2016-0386) for the proposed Fargo-Moorhead Flood Risk Management Project. The comment period ends August 26, 2016. Mr. Bliss felt it was important to get the input of their engineer before submitting comments. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee authorizing Mike Bassingthwaite, of Interstate Engineering, to provide input on the Fargo-Moorhead Diversion project/MnDNR application review. The motion carried unanimously.

### **2016 Drain Maintenance and Excess Levies**

The Managers reviewed the financial status of all drain maintenance accounts. Discussion was held relative to fund balances and work pending and anticipated. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to approve the following drain maintenance levies for the purpose of paying for drain work done in 2016 and anticipated maintenance expenses in 2017 and beyond and the Bond #2 excess levy for the reconstruction of Proj #2. The motion carried unanimously.

| <u>Drain #</u> | <u>Levy Amount</u>  | <u>Drain #</u> | <u>Levy Amount</u>  |
|----------------|---------------------|----------------|---------------------|
| Dr. #1         | \$1.00 Weighted     | Dr. #2         | \$4.00 Weighted     |
| Dr. #3         | \$4.00 Weighted     | Dr. #4         | \$4.00 Weighted     |
| Dr. #5         | \$4.00 Weighted     | Dr. #6         | \$4.00 Weighted     |
| Dr. #7         | \$4.00 Weighted     | Dr. #10        | \$1.00 Weighted     |
| Dr. #12        | \$4.00 Weighted     | Dr. #14        | \$4.00 Weighted     |
| Dr. #15        | \$4.00 Weighted     | Dr. #17        | \$4.00 Weighted     |
| Dr. #18        | \$4.00 Weighted     | Dr. #19        | \$2.00 Weighted     |
| Dr. #26        | \$4.00 Weighted     | Dr. #31        | \$4.00 Weighted     |
| Dr. #34        | \$4.00 Weighted     | Dr. #35        | \$2.00 Weighted     |
| Dr. #39        | \$4.00 Across Board | Dr. #41        | \$4.00 Weighted     |
| Dr. #48        | \$4.00 Weighted     | Dr. #55        | \$4.00 Weighted     |
| Dr. #58        | \$4.00 Weighted     | Dr. #62        | \$3.00 Weighted     |
| Dr. #63        | \$4.00 Weighted     | Dr. #65        | \$4.00 Weighted     |
| Dr. #66        | \$4.00 Weighted     | Dr. #67-8      | \$4.00 Weighted     |
| Dr. #72        | \$4.00 Weighted     | Dr. #95        | \$4.00 Across Board |
| Dr. #97        | \$2.00 Across Board | CR #1          | \$0.50 Weighted     |

**State Surface Drain Permits**

The Managers discussed the need to establish a fee for legal services, engineering services, and any and all other costs associated with processing state surface drain permits. The District, in accordance with Chapter 61-32 of the North Dakota Century Code, must conduct certain investigations and reviews before the District can make a final decision to approve or deny the applications, including land ownership, watershed impacted, impacts to downstream landowners, and other items, all in accordance with North Dakota Century Code § 61-32-03 and Chapter 89-02-01 of the North Dakota Administrative Code. The only mechanism available to the District to conduct and fund the requisite reviews as required by law to consider the applications is its general fund. The use of the District's limited general fund dollars to review and consider applications would minimize the District's ability to finance and fund all of its operations and to perform other tasks to benefit the residents of Richland County, with the exception of assessment projects. In light of the financial burden on the District's general fund as a result of the District's obligation to consider, investigate, and process all state surface drain permits in Richland County in accordance with North Dakota law, a motion was made by Mgr. Rostad and seconded by Mgr. Friskop to establish a fee of \$600 or actual costs (whichever is greater). The motion carried unanimously.

**Applications**

Appls #16-062 and #16-063 were reviewed by the Board. No action was taken as all work is within township road rights-of-way and under the jurisdiction of the Brandenburg Township Board of Supervisors.

|              |                |                              |
|--------------|----------------|------------------------------|
| Appl #16-062 | Darin Prochnow | E1/2 Sec 28, Brandenburg Twp |
| Appl #16-063 | Darin Prochnow | E1/2 Sec 33, Brandenburg Twp |

**Technician's Report**

A contractor update was given by Mr. Johnson.

**2017 Budget**

Various budget issues were discussed.

**Adjournment**

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 10:35 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

Don Moffet  
Chairman of the Board