

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
December 22, 2015

The Richland County Water Resource Board (RCWRB) met December 22, 2015 at 9:00 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**

It was moved by Mgr. Burvee and seconded by Mgr. Haugen to approve the minutes of the December 15, 2015 meeting as presented. The motion carried unanimously.

### **Financial Matters**

#### **Proj #15 Reconstruction Contract Change Order and Pay Estimate**

Contract Change Order #1, to Comstock Construction, was presented to the Board. The Change Order was for a decrease of \$1,723 due to a change in the bid quantities to actual constructed quantities. The change was primarily due to normal deviations to field conditions. Pay Estimate #3 (Final), to Comstock Construction, in the amount of \$6,728.75 was also presented to the Board.

A motion was made by Mgr. Rostad and seconded by Mgr. Friskop to approve Contract Change Order #1 and Pay Estimate #3 as presented. The motion carried unanimously. (RCWRD #12-192)

#### **Vouchers**

A motion was made by Mgr. Haugen and seconded by Mgr. Rostad to approve Vouchers #17004 through #17033 as presented. The motion carried unanimously.

#### **2015 General Fund Budget Amendment**

Actual expenses totaled \$259,787.88; budgeted expenses totaled \$323,774.46. Actual expenses did not exceed budgeted expenses, therefore no budget amendment was required for 2015.

#### **2015 General Fund Year End Transfer**

The Managers discussed transferring money from the General Fund to Waterways Fund for future projects, including, but not limited to retention/detention projects, snagging and clearing projects, beaver dam removal, complaints, and other miscellaneous items. A motion was made by Mgr. Burvee and seconded by Mgr. Friskop authorizing a transfer of \$125,000 from the General Fund to Waterways Funds. The motion carried unanimously.

#### **Vacation Time**

Monica Zentgraf reported that she has 81.75 hours of unused vacation time over the 240 hour maximum carryover. A motion was made by Mgr. Rostad and seconded by Mgr. Haugen allowing Monica Zentgraf to carry 81.75 additional hours of vacation time into 2016. The motion carried unanimously.

#### **Meeting with Attorney Sean Fredricks**

Mr. Fredricks met with the Board for the purpose of discussing the following issues:

- Road Authority Jurisdiction- Mr. Fredricks provided a handout entitled "Culvert Responsibilities and Jurisdiction and Other Drain Issues". He reviewed the document with the Managers and Office Staff and answered various questions. Discussion was also held relative to Kadlec and Ness case law. Consensus of the Managers was to forward the document to all Township Boards of Supervisors, the Richland County Commissioners, and Richland County Highway Department.

- 80 Acre Watershed Determinations- Mr. Fredricks reviewed the process to be followed relative to State permitting requirements for projects draining a watershed of 80 acres or more.

- Drain Tile- Mr. Fredricks provided a sample set of minutes regarding tile permitting, as well as a copy of a typical permit packet.
- Surface Drain Applications- Discussion was held regarding the RCWRD's surface drain application process and recording of minutes.

Mr. Fredricks left the meeting.

**Technician's Report**

Mr. Johnson reported on the Flood Diversion Board of Authority meeting he attended December 17, 2015. He also reported that the contractors have shut down due to winter weather conditions, although JAC Construction is still planning to install some flap gates.

**Applications**

Appl #15-209, Paul Langseth: W1/2 Sec 29, Viking Twp A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to deny the request to pump water from the W1/2 Sec 29, Viking Twp into Legal Drain #14 during and after heavy rainfall events, as Legal Drain #14 is at capacity at those times. Mgrs. Burvee, Rostad, and Moffet voted in favor or said motion; Mgrs. Friskop and Haugen voted against said motion. The motion carried. Mr. Johnson will inspect the elevation of the culvert in the SECR SW1/4.

Appl #15-210, James Griffith: NE1/4 Sec 31, Abercrombie West A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to refer the application to the Richland County Highway Department (not RCWRD jurisdiction). The motion carried unanimously.

Appl #15-211, James Griffith: NE1/4 Sec 7, Ibsen Twp A motion was made by Mgr. Burvee and seconded by Mgr. Friskop to approve the field ditching between the NE1/4 and SE1/4 conditioned upon Paul Gorder's signature filed with RCWRD before work commences. Work at no cost to the drains. Work in road ditch referred to Richland County Highway Department (not RCWRD jurisdiction). Work at no cost to the drains. The motion carried unanimously.

Appl #15-212, James Griffith: S1/2 Sec 25, Nansen Township A motion was made by Mgr. Friskop and seconded by Mgr. Rostad to refer the application to the Richland County Highway Department and Nansen Township Board of Supervisors (not RCWRD jurisdiction). The motion carried unanimously.

Appl #15-213, Goltz Farms, LLC: SE1/4 Sec 31, Garborg Twp A motion was made by Mgr. Burvee and seconded by Mgr. Haugen that no action required on field ditching as work has already been completed. Application referred to ND DOT for work within their right-of-way (not RCWRD jurisdiction). The motion carried unanimously.

**Deferred Applications**

The following 2012 deferred applications were reviewed by the Managers:

Appl #12-009	Lyle West Farm	Sec 12, Center West
Appl #12-175	Richardson Trust	W1/2 Sec 25, Viking Twp

A motion was made by Mgr. Friskop and seconded by Mgr. Haugen to deny the applications due to age and inactivity. The motion carried unanimously.

**Board Reorganization**

Chr. Moffet turned the meeting over to Secretary Zentgraf for the Board's reorganization.

A motion was made by Mgr. Burvee that the following positions be filled for calendar 2016 as currently held:

Chairman of the RCWRD	Don Moffet
Vice Chairman of the RCWRD	Robert Rostad
Secretary/Treasurer of the RCWRD	Monica Zentgraf
Banking Institutions	Wells Fargo Bank & Bank of the West

A motion was made by Mgr. Haugen and seconded by Mgr. Friskop that a unanimous ballot be cast. The motion carried.

A motion was made by Mgr. Haugen and seconded by Mgr. Friskop for the following delegate positions:

Tri-County Water Resource Executive Board- Mgr. Haugen  
Red River Joint Water Resource Board- Mgr. Rostad  
Sheyenne River Joint Water Resource Board- Mgr. Moffet  
Southern Valley Initiative- Mgr. Burvee and Mgr. Friskop  
Flood Diversion Board of Authority- Justin Johnson  
MnDak Coalition- Mgr. Rostad

The motion carried unanimously.

**Adoption of Meeting Schedule**

A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to adopt the following regular meeting schedule of the Richland County Water Resource Board:

Regular meetings will be held every Tuesday, from January 1, 2016 through December 31, 2016. Time of meetings:

January 1, 2016 through March 31, 2016	9:00 AM
April 1, 2016 through November 30, 2016	8:00 AM
December 1, 2016 through December 31, 2016	9:00 AM

The motion carried unanimously.

**2016 Priority List**

The Managers reviewed the current priority list. Consensus of the Board was to adopt the following priority list for 2016:

- County Wide Flood Retention
- 2013 FEMA Projects
- Antelope Creek/Wild Rice River Snagging & Clearing
- Sheyenne River Snagging & Clearing

**Adjournment**

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 12:45 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

Don Moffet  
Chairman of the Board