

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
December 6, 2016

The Richland County Water Resource Board (RCWRB) met December 6, 2016 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.

### **Proj #10**

A conference call was held with the District's Legal Counsel, Sean Fredricks, as he was unable to attend the meeting due to inclement weather. The District's Engineer, Mike Bassingthwaite, was in attendance.

Discussion was held relative to the letter the District received September 30, 2016 from John Boulger, attorney for Thomas and Jill Lavelle. Mr. and Mrs. Lavelle are requesting the District to either cease using the NE1/4 Section 30, Sheyenne Township, as part of Proj #10 or that the District propose a plan to repair the damaged property; stop the continuing erosion Proj #10 is causing; and compensate Lavelles for the damage caused. The District previously made every possible attempt to work with Mr. Lavelle and make repairs before the 2010 FEMA disaster deadline. Despite numerous attempts, the District was unable to come to an agreement with Mr. Lavelle and consequently the FEMA money was de-obligated. Mr. Bassingthwaite provided photos of the conditions in 2010 as well as current conditions. He reported that vegetation has reestablished, the area has stabilized, and conditions are better now than in 2010. For these reasons and the fact that the soil is sandy, the Board and Engineer felt it would be counterproductive to make any repairs at this time. Per the Board's request, Mr. Fredricks will prepare a letter to Mr. Boulger to explain that the RCWRD established the drain in 1906; to demonstrate that the Board has maintained and operated the drain across the NE1/4 Section 30 for several decades; to explain that the Board attempted to negotiate with Mr. Lavelle regarding the repair and improvement project which he rejected; to explain that the erosion has stabilized; and to notify him that the Board disagrees with all allegations presented. Mr. Fredricks will forward the letter to the office for the Board's review. (2010 FEMA PW #1083/RCWRD #10-104)

The conference call concluded at this time.

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

Nathan Berseth, Richland County Commissioner, met briefly with the Managers to update them on recent action taken by the Richland-Wilkin JPA regarding the Fargo-Moorhead Flood Diversion Project and also on his recent conversation with Dave Bliis, the District's Legal Counsel in this matter.

Mr. Berseth left the meeting.

### **Proj #14**

Mr. Johnson informed the Board that he recently received a telephone call from someone regarding the condition of the road in the SECR Section 26, Barrie Township, as a result of the recent work on Proj #14. Mr. Bassingthwaite indicated all of the roads in the County are soft right now due to weather conditions. The party who called also expressed concern that in the winter people will not see the edge of the road and drive off it. They wanted to know if the District would install signage or a guard rail to protect the traveling public. Mr. Bassingthwaite suggested installation of reflector posts. A motion was made by Mgr. Rostad and seconded by Mgr. Friskop authorizing the installation of reflector posts in the SECR Section 26, Barrie Township. The motion carried unanimously. (RCWRD #13-181)

### **Proj #2 Reconstruction**

Mr. Bassingthwaite reported that the minimum maintenance road west of County Road #1, in the SECR Section 30, Colfax East, has been closed for the winter and a "Bump

Ahead” sign will be installed on the east side of Section 22, Colfax East, due to concerns expressed by a local landowner. (RCWRD #10-079)

### **Proj #14 Reconstruction**

The District’s cost share request will be considered by the North Dakota State Water Commission on December 9, 2016. Mr. Bassingthwaite reported the legal descriptions for the right-of-way documents should be completed soon.

Mr. Bassingthwaite left the meeting.

### **Ransom County Water Resource District**

Scott Olerud, Ransom County Water Resource Board (WRB) Member, joined the meeting. Mr. Olerud misunderstood the time in which the Proj #10 (Lavelle) matter was scheduled for. The Managers updated Mr. Olerud on their conference call with Mr. Fredricks and the action taken. The Ransom County WRB has an interest in Proj #10 as the McLeod Drain outlets into Proj #10 and they share maintenance costs with the RCWRD.

Mgr. Friskop left the meeting.

Mr. Olerud provided an update on the McLeod Drain. He reported the Ransom County WRB is in the process of securing the required permits for the drain. On January 5, 2017, the Board will be meeting with representatives of the US Army Corps of Engineers, Forest Service, and all other entities having an interest in the project.

### **Minutes**

The November 22, 2016 minutes were presented. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to approve the minutes as amended. The motion carried unanimously.

### **Financial Reports**

A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to accept the November 2016 financial reports as presented. The motion carried unanimously.

### **Mail**

- 1.) ND State Engineer’s Office- Temporary Water Permit #ND2016-17788 issued to Cargill, Inc. Point of Diversion is Section 7, Dwight East. The Managers had no comments.
- 2.) Sean Fredricks- Utility Permit for installation of Lucas Siemieniewski’s 56 acre drain tile project, located in the SW1/4 Section 35, Kingston Township, Sargent County, North Dakota. The utility permit is required by the Richland-Sargent Joint Water Resource Board due to the pump outlet discharging into Richland-Sargent Drain #1. The Sargent County WRB previously approved the Utility Permit conditioned upon the approval of the RCWRB. The Managers tabled action pending submission of the drain tile plan.

### **Wetland Mitigation Land**

The Office received a telephone call this past week from someone interested in purchasing land owned by the RCWRD in the SE1/4 Section 33, Homestead Township. This land was used for wetland mitigation when Proj #95 was constructed and a portion of Proj #14 was reconstructed; there is no land available for sale. The interested party also asked about hunting on the land. Consensus of the Managers was that the land can be hunted when there is no livestock on the land.

### **Technician’s Report**

- Contractors Update- Contractors are wrapping up for the year.
- Drain Tile Outlet Repairs- Most of the drain tile outlets did not get repaired before winter weather conditions set in. Since notices were sent late in the fall, it was suggested that repair deadlines be extended until next year. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to extend the deadline for all existing drain tile repairs to July 1, 2017. The motion carried unanimously.

**Drain Tile Outlet Repair Procedures**

The procedure adopted by the RCWRB on October 16, 2016 grants the landowner 30 days to make repairs to drain tile outlets. This time limit was reconsidered by the Managers and a motion was made by Mgr. Rostad, seconded by Mgr. Haugen, to amend the Procedure to reflect 90 days to complete repairs to drain tile outlets. The motion carried unanimously.

**Annual Fall Township Officers Meeting**

Mgr. Burvee reported on the December 2, 2016 meeting. He suggested a county drain map be sent to all Township Boards in which legal drains are located. The Managers agreed.

**Adjournment**

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 11:30 AM.

Respectfully submitted,  
*Monica Zentgraf*  
Secretary

*Don Maffet*  
Chairman of the Board