

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
February 23, 2016

The Richland County Water Resource Board (RCWRB) met February 23, 2016 at 9:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, James Haugen, Robert Rostad, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

### **Minutes**

A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to approve the minutes of the February 2, 2016 meeting as presented. The motion carried unanimously.

### **Financial Matters**

**2015 Year End Report**- Upon review, a motion was made by Mgr. Burvee and seconded by Mgr. Haugen to accept the 2015 year end report as presented. The motion carried unanimously.

**February Vouchers**- Upon review, a motion was made by Mgr. Haugen and seconded by Mgr. Burvee to approve Vouchers #17053 thru #17078 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

### **Mail**

- 1.) Bank of New York Mellon- \$3,999,664.52 pledged securities.
- 2.) Richland County Commission- Minutes of the January 2016 meetings.
- 3.) ND State Water Commission- "*The Current*" Newsletter.
- 4.) ND State Water Commission- Minutes of the October 6, 2015 meeting.
- 5.) North Dakota Insurance Reserve Fund- Notice that the Conferment of Benefits will be reduced considerably this year.
- 6.) Attorney Fredricks- Legislative Water Topics Overview Committee will meet March 7 and 8, 2016. Quick take eminent domain for Water Resource Districts is on the agenda. Attorney Fredricks requested Managers attend the meeting. Mgrs. Burvee and Rostad and Justin Johnson will attend the meeting.
- 7.) Dakota Helicopters, Inc- Bid for weed and cattail spraying for 2016.
- 8.) Pat Downs, Moore Engineering- Planning process update for the Shortfoot Creek Watershed Retention Project.
- 9.) ND State Water Commission- Surface Drain Permit #4811 application for the reconstruction of Proj #5(27) has been reviewed by the State Engineer's Office. The project has been determined to not be of statewide or interdistrict significance. It is now the responsibility of the RCWRD to approve or deny the application. A motion was made by Mgr. Haugen and seconded by Mgr. Burvee to approve Permit #4811 for the reconstruction of Proj #5(27). The motion carried unanimously. (RCWRD #14-124)

### **Proj #18 Reassessment**

Manager Burvee introduced the following resolution and moved its adoption:

#### **RESOLUTION SETTING HEARING ON REASSESSMENT REGARDING RICHLAND COUNTY DRAIN #18**

WHEREAS, the Richland County Water Resource District (the "District"), or its predecessor, previously created, established, made assessments for, and constructed RICHLAND COUNTY DRAIN #18 ("DRAIN #18") in various portions of Richland County, North Dakota; the District owns and operates DRAIN #18 as a legal assessment drain in accordance with Chapter 61-16.1 of the North Dakota Century Code.

WHEREAS, in accordance with North Dakota law, the District may, on its own motion, hold a hearing for purposes of re-evaluating assessments and benefits of a project and, if necessary, modifying the existing assessment district and assessment list for the project.

WHEREAS, the District may reassess DRAIN #18 to more accurately reflect benefits of DRAIN #18, to consider current conditions in the DRAIN #18 watershed, to include newly-developed property, to address other changes to property within the DRAIN #18 watershed, and to ensure all properties pay their fair share of project costs.

WHEREAS, the District and its agents recently reviewed the assessment district for DRAIN #18 and discovered that certain tracts, lots, pieces, or parcels of land not previously included in the assessment district created to pay for DRAIN #18 benefit from DRAIN #18.

WHEREAS, the District similarly discovered that the benefits of DRAIN #18 to some of the parcels within the assessment district have changed over time.

WHEREAS, the District believes reassessing DRAIN #18 is necessary, fair, and equitable.

WHEREAS, in considering the reassessment of DRAIN #18, the District determined it could more effectively and efficiently manage, own, operate, and maintain DRAIN #18 as a "Project" under Chapter 61-16.1 of the North Dakota Century Code.

NOW, THEREFORE, be it resolved by the Board of Managers of the Richland County Water Resource District that the District will conduct a hearing on the reassessment for DRAIN #18, as required by law, on Monday, March 21, 2016, at 1:00 p.m. at the Richland County Commission Chambers in the Richland County Courthouse, 418 Second Avenue North, Wahpeton, North Dakota. Agents of the District will publish notice of the hearing one time in *The Daily News* and will mail notice of the hearing, by first-class mail, to each owner currently within the DRAIN #18 assessment district, and to each owner of land who benefits from DRAIN #18 but who is not currently within the assessment district.

BE IT FURTHER RESOLVED that the Board of Managers of the Richland County Water Resource District approves the assessment list attached to this RESOLUTION as the preliminary reassessment list for DRAIN #18.

BE IT FURTHER RESOLVED that, from the date of the District's execution of this RESOLUTION, the District will manage, own, operate, and maintain DRAIN #18 as a "project" under Chapter 61-16.1 of the North Dakota Century Code.

APPROVED:

\_\_\_\_\_  
Robert L. Rostad, Vice Chairman

ATTEST:

\_\_\_\_\_  
Monica Zentgraf, Secretary-Treasurer

The motion for the adoption of the foregoing RESOLUTION was duly seconded by Manager Haugen. On roll call vote the following Managers voted aye: Burvee, Rostad, and Haugen. The following Managers voted nay: none. The following Managers were absent and not voting: Friskop and Moffet. The motion carried unanimously, and the RESOLUTION was duly adopted.

Date Approved: February 23, 2016

## EXHIBIT A

### Preliminary Assessment List

Parcel #	Description	Sec.Twp.Rng.	Acres	% Benefit
<b>CENTER WEST</b>				
17-3390	NE4 exc Hwy ROW & Pcls	10-132-48	102.49	50%
17-3390+100	L1 Mesa Mall NE4	10-132-48	3.22	50%
17-3390+200	L2 Mesa Mall NE4	10-132-48	1.01	50%
17-3390+300	L3 Mesa Mall NE4	10-132-48	1.01	50%
17-3390+400	L4 Mesa Mall NE4	10-132-48	1.01	50%
17-3390+500	L5 Mesa Mall NE4	10-132-48	3.99	50%
17-3390+600	L6 Mesa Mall NE4	10-132-48	1.00	50%
17-3390+700	L7&8 Mesa Mall NE4	10-132-48	2.41	50%
17-3390+900	Pcl NE4	10-132-48	12.24	50%
17-3390+925	Pcl NE4	10-132-48	19.90	50%
17-3390+950	Pcl NE4	10-132-48	2.00	50%
17-3392	SW4 exc Hwy ROW	10-132-48	152.08	70%
17-3393+001	SE4 exc Ruddy's Sub & .29 Ac	10-132-48	127.84	100%
17-3393+005	SECR Lt 5, Blk 1 Ruddy's Sub (Pt NE4SE4)	10-132-48	0.29	100%
17-3393+010	L1 Ruddy's Sub (Pt SE4)	10-132-48	1.16	100%
17-3393+020	L2 Ruddy's Sub (Pt SE4)	10-132-48	1.17	100%
17-3393+030	L3 Ruddy's Sub (Pt SE4)	10-132-48	1.17	100%
17-3393+040	L4 Ruddy's Sub (Pt SE4)	10-132-48	1.17	100%
17-3393+051	L5 Ruddy's Sub exc .29 Ac (Pt SE4)	10-132-48	1.58	100%
17-3393+061	.28 Ac L5 & All L6 exc 1.19 Ac Ruddy Sub (Pt SE4)	10-132-48	8.14	100%
17-3393+065	1.19 Ac L6 Ruddy's Sub (Pt SE4)	10-132-48	1.19	100%
17-3393+071	L7 & L8, Ruddy's Sub (Pt SE4)	10-132-48	2.34	100%
17-3393+090	L9, Ruddy's Sub (Pt SE4)	10-132-48	1.17	100%
17-3393+100	L10, Ruddy's Sub (Pt SE4)	10-132-48	1.17	100%
17-3393+110	L11, Ruddy's Sub (Pt SE4)	10-132-48	1.17	100%
17-3393+120	L12, Ruddy's Sub (Pt SE4)	10-132-48	1.18	100%
17-3393+130	L13, Ruddy's Sub (Pt SE4)	10-132-48	1.18	100%
17-3393+140	Out L1, Ruddy's Sub (Pt SE4)	10-132-48	5.33	100%
17-3395+001	Pcl SECR NE4	11-132-48	0.87	50%
17-3395+100	Pcl SECR NE4	11-132-48	11.28	50%
17-3396+001	Pcl S2 NE4	11-132-48	31.99	50%
17-3396+010	Pcl SWCR NE4	11-132-48	4.77	50%
17-3400+001	Pcl SE4 NW4 (Tract B)	11-132-48	4.43	50%
17-3400+050	Pcl S2 NW4 (Tract A)	11-132-48	4.43	50%
17-3400+100	Pcl SECR NW4	11-132-48	3.83	50%
17-3400+200	Pcl SE4 NW4	11-132-48	1.92	50%
17-3400+205	Pcl SE4 NW4	11-132-48	0.35	50%
17-3400+301	Pcl SWCR NW4	11-132-48	9.13	50%
17-3400+375	Pcl S2 NW4	11-132-48	15.37	50%
17-3400+401	Pcl SW4 NW4	11-132-48	12.78	50%
17-3400+450	Pcl S2 NW4	11-132-48	5.97	50%
17-3400+500	Pcl SE4 NW4	11-132-48	6.11	50%
17-3401	E2 SE4 exc 2.66 Ac Hwy ROW	11-132-48	77.34	100%
17-3402	W2 SE4 exc Hwy ROW	11-132-48	77.27	100%
17-3403	SW4 exc Hwy ROW	11-132-48	152.61	100%
17-3414	NW4	13-132-48	160.00	60%
17-3415	SW4	13-132-48	160.00	60%
17-3416	NE4	14-132-48	160.00	100%
17-3417	NW4	14-132-48	159.00	100%
17-3418	Pcl NWCR SW4	14-132-48	4.00	100%
17-3418+100	SW4 exc 4 Ac Pcl	14-132-48	156.00	100%
17-3419	SE4	14-132-48	160.00	100%
17-3420	E2 SE4 exc 2 Ac Dr	15-132-48	78.00	100%
17-3421	NE4	15-132-48	160.00	100%
17-3423	W2 SE4	15-132-48	80.00	100%
17-3424	SW4	15-132-48	160.00	60%
17-3457	NE4 exc 4.85 Ac Pcl	22-132-48	153.15	100%
17-3457+100	Pcl NW4 NE4	22-132-48	4.85	100%

17-3458	W120 Rods NW4	22-132-48	120.00	70%
17-3458+100	NW4 exc W 120 Rods	22-132-48	40.00	70%
17-3459	SW4	22-132-48	160.00	70%
17-3460	SE4	22-132-48	158.00	100%
17-3461	E2	23-132-48	320.00	100%
17-3462	NW4	23-132-48	160.00	100%
17-3463	SW4	23-132-48	160.00	100%
17-3464	NE4	24-132-48	160.00	50%
17-3465	NW4	24-132-48	160.00	80%
17-3466	SW1/4	24-132-48	160.00	100%
17-3467	SE4	24-132-48	160.00	100%
17-3468	NE4	25-132-48	158.00	100%
17-3469	SE4 exc 14 Ac Pcl	25-132-48	146.00	100%
17-3469+100	Pcl SECR SE4	25-132-48	7.65	100%
17-3469+200	Pcl SECR SE4	25-132-48	6.35	100%
17-3470	SW4	25-132-48	160.00	100%
17-3471	NW4	25-132-48	158.00	100%
17-3472	NW4 exc 2 Ac Ditch	26-132-48	160.00	100%
17-3473	NE4	26-132-48	158.00	100%
17-3474	N352' of S704' SE4	26-132-48	21.33	100%
17-3475	N352' of S1056' SE4	26-132-48	21.33	100%
17-3476	N352' of S1408' SE4	26-132-48	21.33	100%
17-3477	S352' SE4	26-132-48	21.33	100%
17-3478	S352'of N1232' SE4	26-132-48	21.33	100%
17-3479	N880' of SE4	26-132-48	53.35	100%
17-3480+001	SW4 exc 11.52 Ac Pcl	26-132-48	148.48	100%
17-3480+100	Pcl SWCR SW4	26-132-48	11.52	100%
17-3481+001	E2 NE4	27-132-48	80.34	100%
17-3481+100	W2 NE4	27-132-48	80.37	100%
17-3482+002	S2 SE4 exc 10 Ac Pcl	27-132-48	70.40	100%
17-3482+050	Pcl SECR SE4	27-132-48	7.83	100%
17-3482+100	Pcl SECR SE4	27-132-48	2.17	100%
17-3482+200	N2 SE4	27-132-48	80.38	100%
17-3483	NW4	27-132-48	160.00	70%
17-3484	S2 SW4	27-132-48	80.00	60%
17-3484+100	N2 SW4	27-132-48	80.00	60%
17-3516	NE4	34-132-48	160.00	90%
17-3517	NW4	34-132-48	160.00	60%
17-3518	SW4	34-132-48	160.00	60%
17-3519	S2 SE4	34-132-48	80.00	80%
17-3520	N2 SE4	34-132-48	80.00	80%
17-3521	NE4	35-132-48	160.00	90%
17-3522	NW4	35-132-48	160.00	90%
17-3523	SE4	35-132-48	160.00	80%
17-3524	SW4	35-132-48	160.00	80%
17-3525	SW4NE4	36-132-48	40.00	90%
17-3525+300	NW4 NE4	36-132-48	40.00	90%
17-3526	N2 NW4	36-132-48	80.00	90%
17-3526+100	S2 NW4	36-132-48	80.00	90%
17-3527+001	SW4 exc 4.48 Ac Pcl	36-132-48	155.52	80%
17-3527+050	Pcl SWCR SW4	36-132-48	1.27	80%
17-3527+100	Pcl SWCR SW4	36-132-48	3.21	80%
17-3528+100	W2 SE4 exc 2.55 Ac Pcl	36-132-48	77.45	80%
17-3528+150	Strip along W Side SE4	36-132-48	2.55	80%
<b>SUMMIT WEST</b>				
26-5008	S2 SW4	2-131-48	80.00	50%
26-5009	N2 SW4 exc 2.24 Ac Pcl	2-131-48	77.76	50%
26-5009+100	Pcl NWCR SW4	2-131-48	2.24	50%
26-5010	NW4, Lots 3-4 exc 6.15 Ac Pcl	2-131-48	152.47	50%
26-5010+100	NWCR NW4	2-131-48	6.15	50%
26-5011	S2 NE4, Lots 1-2	2-131-48	159.42	30%
26-5012	S2 SE4	2-131-48	80.00	30%
26-5013	N2 SE4	2-131-48	80.00	30%
26-5014	S2 NW4, Lots 3-4	3-131-48	157.60	50%
26-5015+001	SE4 exc 11.19 Ac Pcl	3-131-48	148.81	50%

26-5016+001	Pcl NECR SE4	3-131-48	11.19	50%
26-5017	N2 SW4	3-131-48	80.00	50%
26-5017+100	S2 SW4	3-131-48	80.00	50%
26-5018	S2 NE4, Lots 1-2	3-131-48	158.00	50%
26-5057	W2 NE4	10-131-48	80.00	40%
26-5057+050	E2 NE/4 exc 4.93 Ac Pcl	10-131-48	75.07	40%
26-5057+101	Pcl NECR NE4	10-131-48	4.93	40%
26-5061+002	S2 SE4 exc 1.98 Ac Pcl	10-131-48	78.02	30%
26-5061+050	Pcl SWCR SE4	10-131-48	1.98	30%
26-5061+100	N2 SE4	10-131-48	80.00	30%
26-5062+001	W2SE4	11-131-48	80.00	30%
26-5063	E2SE4	11-131-48	80.00	30%
26-5064	N2NE4	11-131-48	80.00	30%
26-5064+100	S2NE4	11-131-48	80.00	30%
26-5065	NW4	11-131-48	160.00	40%
26-5066	E2SW4	11-131-48	80.00	40%
26-5067	W2SW4	11-131-48	80.00	40%
26-5080	SE4	14-131-48	160.00	30%
26-5081	NE4	14-131-48	160.00	30%
26-5082	W2NW4	14-131-48	80.00	30%
26-5083	E2NW4	14-131-48	80.00	30%
26-5084	S2SW4, S2N2SW4	14-131-48	120.00	30%
26-5084+100	N2N2SW4	14-131-48	40.00	30%
26-5086	N2NE4	15-131-48	80.00	20%
26-5086+101	S2NE4 exc 9.38 Ac Pcl	15-131-48	70.62	20%
26-5086+150	Pcl NECR S2NE4 (Bin Site)	15-131-48	9.38	20%
26-5088	E2SE4 exc 3 Ac Pcl	15-131-48	77.00	20%
26-5090	Pcl SWCR E2SE4	15-131-48	3.00	20%
Total Acres			11,022.19	

### **Ehlert Excavating**

LeRoy and Jason Ehlert, of Ehlert Excavating, submitted the required documentation to the Office for the Board to consider Ehlert Excavating, Inc as an authorized contractor for the District. A motion was made by Mgr. Haugen and seconded by Mgr. Burvee to approve Ehlert Excavating, Inc, as an authorized RCWRD contractor. The motion carried unanimously.

### **Contractor Guidelines**

Mr. Johnson presented contractor guidelines to the Board with a suggestion that the guidelines be implemented at the start of the 2016 construction season. The guidelines would assist the District in completing repairs in a more efficient manner. The Managers reviewed the guidelines and made minor revisions; this matter will be given further consideration at the next RCWRD meeting.

### **Technician's Report**

Mr. Johnson provided a report on the Fargo-Moorhead Flood Diversion Board of Authority meeting he attended February 11, 2016.

### **Proj #14**

Engineer Mike Bassingthwaite met with the Board to discuss work on Proj #14 in the SECR Section 26, Barrie Township. The Engineer recommended installation of a 70 foot long sheet pile wall to stop head cutting from the north and erosion at the road. The District will need to secure right-of-way for this project. The project is estimated to be in excess of \$100,000 and therefore the District must advertise for bids. The landowner will be contacted about granting the needed right-of-way. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to set the bid opening for April 12, 2016 at 10:30 AM contingent upon the District securing the required right-of-way. (RCWRD #13-181)

### **Proj #72**

The following people met with the Board to discuss raising the "Zion" road between Sections 27 and 28, Colfax West: Steve and Mike Haverland, Blake Ista, Jessie Rieger, and Colfax Township Officer Lester Johnson. Engineer Bassingthwaite presented a map

showing the following work that is planned for 2016 (in addition to building up the road two feet in the area of the dip):

- SE1/4 Section 27- Replace flapgate on the south side of the 18 inch culvert  
Repair and extend berm 100 feet north along Proj #72  
Replace the 36 inch cmp with a 42 inch cmp  
Replace the 12 inch cmp with an 18 inch cmp and flapgate
- SW1/4 Section 27-Extend 36 inch cmp

The Board plans to raise the road due to water breaking out of Proj #72 and going to Proj #2 and also because of flooding in the SE1/4 Section 27. Township Officer Lester Johnson reported that the Colfax Township Board supports the RCWRD's decision to raise the road two feet. Haverlands expressed concern about impact to their drain tile outlet and also passed along flooding concerns voiced by members of the church located south of the area to be raised. The Managers and Engineer assured them the road should top before the church would be affected and also noted that raising the road would do nothing but help the cemetery. Raising the road would essentially remove the steep dip; however, there would still be a low point in the road at this spot. Water could still overtop the road so the church should not be affected. Haverlands also expressed considerable concern with silting on their land in the SE1/4 Section 28 and stated the water should be metered coming off of the Ista land in the NE1/4 Section 28. They felt this problem should be looked at before making a decision about raising the road. Vice Chr. Rostad told Haverlands the silt problem is a private issue between the landowners. The Board suggested the landowners consider grassing the waterway and working together to resolve their problem. The meeting concluded with the Managers agreeing to raise the road (in the area of the dip) by one foot, rather than two. (RCWRD #11-004)

#### **Adjournment**

There being no further business to come before the Board, Vice Chr. Rostad adjourned the meeting at 11:15 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

Robert L. Rostad  
Vice Chairman of the Board