

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
July 19, 2016

The Richland County Water Resource Board (RCWRB) met July 19, 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 July 12, 2016 meeting as presented. The motion carried unanimously.

### **Mail**

- 1.) Wells Fargo Bank- Explanation of Wells Fargo (BNY Mellon) pledging process.
- 2.) Senator Larry Luick- Copy of letter to State Engineer Erbele objecting to issuance of the permit for Stage 1 of the Fargo-Moorhead Flood Diversion Project and the manner in which it was handled.

### **Ohnstad Twichell Legal Representation**

The consent document relative to Sean Fredricks and Ohnstad Twichell's legal representation of the RCWRD (for all matters not related to the Fargo-Moorhead Flood Diversion Project) and Mr. Fredricks and Ohnstad Twichell's legal representation of the Cass County Water Resource District in the matter of the Fargo-Moorhead Flood Diversion Project was brought back to the Board for further consideration (from the June 27 and July 12, 2016 meetings). A motion was made by Mgr. Haugen and seconded by Mgr. Burvee authorizing Chr. Moffet to sign the consent document. Upon roll call vote, Mgrs. Friskop, Rostad, Haugen, Moffet, and Burvee voted in favor of said motion. The motion carried unanimously.

The Managers moved to the Richland County Commission Office.

### **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, a *Daily News* reporter, and numerous other guests. The following matters were brought forward:

- Reconstruction Projects- RCWRB Chr. Moffet reported reconstruction projects are going on and weed spraying in the drains has been completed. The Board is happy with the results of the spraying.

- Fargo-Moorhead Flood Diversion Opposition Expenses- The WRB Managers inquired about the Commission's decision on funding the WRD's legal and engineering expenses associated with opposing the Fargo-Moorhead Flood Diversion Project and eminent domain in Richland County. Cmr. Berseth explained that the Richland-Wilkin Joint Powers Authority (JPA) is not able to pay the RCWRD's expenses, but they were agreeable to Richland County reimbursing the District for their expenses and deducting those payments from Richland County's share of the JPA costs. Richland County's 2016 budget includes \$200,000 for JPA expenses with approximately \$78,000 having been spent year-to-date. A motion was passed by the Richland County Commission to approve reimbursement of \$6,761.15 to the RCWRD for the current bill. Mgr. Burvee explained to all present that the District is requesting funding from the County because the District does not have a mechanism for funding. He also stated that the Managers are willing to serve as the Agent in this matter.

- Proj #2 Reconstruction- Cmr. Berg asked when the contractor would be starting the project? It was reported that the contractor was delayed due to the hold up with the US Army Corps of Engineers permit; anticipated contractor start date is mid-September.

●Drain Tile- Cmr. Berseth inquired about possible changes in the drain tile law. At this time it is unknown whether or not there will be any changes.

Upon conclusion of the meeting with the Richland County Commission, the Managers returned to the RCWRD Office.

### **Reconstruction Project Guidelines**

Consideration was given to establishing a guideline for weed control within permanent and temporary rights-of-way on reconstruction projects. Considerable discussion was held concerning the manner in which to handle the weed issue, i.e. landowners or RCWRD spraying weeds, landowner cost or cost to the project, and the need for consistency on all reconstruction projects. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to include weed spraying as a part of reconstruction projects. No reimbursement to landowners who choose to spray the weeds within the project area. Mgrs. Burvee, Rostad, Moffet, and Friskop voted in favor of said motion; Mgr. Haugen voted against said motion. The motion carried.

### **Applications**

Appl #16-056, David Fixen: W1/2 Sc 13, Ibsen Twp A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to approve a culvert-to-culvert cleanout in the W1/2 Sec 13 and removal of concrete from the culvert in the NWCR Sec 13, all in Ibsen Twp. Work assigned to JAV Construction. No crop damage to be paid if work is done before crop is harvested. The motion carried unanimously.

Appl #16-057, Bob & Bruce Yaggie Farms: E1/2 Sec 5, Abercrombie East A motion was made by Mgr. Haugen and seconded by Mgr. Friskop to approve the field ditching conditioned upon the signatures of Burton Nypen, Eric Drewlow, Earle Myhre, and Vance Gylland. Work in road ditches referred to the Abercrombie Township Board of Supervisors and Richland County Hwy Department. Work at no cost to the RCWRD. The motion carried unanimously.

Engineer Mike Bassingthwaite met with the Managers. The following matters were addressed:

### **Proj #14**

Bids were opened for the erosion repair in the SE1/4 Section 26, Barrie Township. The following bids were received

<u>Contractor</u>	<u>Bid Amount</u>
Comstock Construction, Inc	\$106,207.00
JAV Construction, Inc	\$103,288.00
Jensen Brothers Construction, Inc	\$124,535.00
Landmark Drainage	\$184,277.56
Sletten Excavating	\$217,234.00
Veit & Company, Inc	\$152,920.00

A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to refer the bids to Interstate Engineering for verification and tabulation. The motion carried unanimously.

Upon conclusion of the bid opening, discussion was held relative to the District securing mortgage releases on the 0.41 acres of land covered under the easement in the SE1/4 Section 26. (The land required for the erosion repair.) The property owner is not willing to allow the District to contact the mortgagees for purposes of securing releases. Ramifications to the District for not securing releases were considered by the Board. Consensus of the Board was not to pursue mortgage releases. (RCWRD #13-181)

### **Proj #2 Reconstruction**

The original completion date for the Proj #2 reconstruction was October 1, 2016. At the pre-construction conference Riely Brothers notified Mr. Bassingthwaite that they do not intend to start the project until the second week in September. Given the delays because of the US Army Corps of Engineers permit, Mr. Bassingthwaite felt an extension was necessary and he recommended the contractor completion date be extended to October

29, 2016. A motion was made by Mgr. Friskop and seconded by Mgr. Burvee to extend Riley Brothers completion date for the Proj #2 reconstruction to October 29, 2016. The motion carried unanimously. (RCWRD #10-079)

Mr. Bassingthwaite left the meeting.

**Technician's Report**

Mr. Johnson reported that he found scouring rush at various locations in the drains. It will need to be monitored. Mr. Johnson also reported on the July 14, 2016 meeting of the Flood Diversion Board of Authority.

**Adjournment**

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 10:45 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

Don Moffet  
Chairman of the Board