

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
May 17, 2016

The Richland County Water Resource Board (RCWRB) met May 17, 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 May 10, 2016 meeting as amended. The motion carried unanimously.

### **Financial Reports**

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

### **Mail**

- 1.) Bank of New York Mellon- April 29, 2016 pledged securities totaled \$4,745,497.
- 2.) Minnesota Department of Natural Resources- The final Environmental Impact Statement for the Fargo-Moorhead Flood Risk Management Project has been released for public review.

### **Technician's Report**

Mr. Johnson provided a report on the May 12, 2016 Fargo-Moorhead Flood Diversion Board of Authority meeting he attended.

Mr. Johnson also reported on various projects currently being worked on by the contractors. He will be doing spring drain inspections this week.

### **Proj #72**

In order to get the water away from the culvert being replaced in the SE1/4 Section 27, Colfax West, the ditch needed to be cleaned for a distance of approximately 1/2 mile in the NE1/4 Section 34, Colfax West. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee authorizing JAV Construction to clean the ditch for 1/4 mile in the NE1/4 Section 34, Colfax West. The motion carried unanimously. (RCWRD #11-004)

### **Applications**

Appl #16-028, Mooreton Enterprises: W1/2 Sec 29, Viking Twp A motion was made by Mgr. Haugen and seconded by Mgr. Friskop to approve the application at no cost to the drain. Mgrs. Rostad, Moffet, Friskop, and Haugen voted in favor of said motion; Mgr. Burvee voted against said motion. The motion carried.

The RCWRB acknowledged receipt of Appls #16-029 and #16-030. No action required by RCWRB as work is within the jurisdiction of the Richland County Hwy Department.

Appl #16-029	R. C. Hwy Dept	SW1/4 Sec 27, Helendale Twp
Appl #16-030	R. C. Hwy Dept	SW1/4 Sec 21, Ibsen Twp

### **Interstate Engineering**

Engineer Mike Bassingthwaite met with the Board at this time. The following matters were presented for discussion:

- Proj #5(27) Reconstruction- An overhead power line in the N1/2 Section 20, Walcott East, needs to be moved for reconstruction of the legal drain. Cass County Electric Cooperative provided Mr. Bassingthwaite with an estimate of \$42,994 to remove the overhead line and bury it underground. The RCWRD's share is estimated to be \$28,342. A motion was made by Mgr. Rostad and seconded by Mgr. Friskop to approve the cost share at Proj #5(27) expense. The motion carried unanimously. (RCWRD #14-124)

- Proj #65- Mr. Johnson reported that he left two voice mail messages on Derrick Rossow's telephone to inform him that the spoil spreading was completed on the land he farms in the NE1/4 Section 14, Waldo Township. Mr. Rossow has not responded, therefore it is assumed that he has no issues with the condition of his field. JAV Construction completed the touch up work on Bruce Stein's berm and Mr. Stein was notified accordingly; no response was received from Mr. Stein. It is assumed that he has no further issues. In both cases, the seven day response time for the two parties to present concerns has passed and the contractor has been released from the project.

Discussion was held regarding Mr. Rossow's open records request for the elevation of the box culvert in the NECR Section 14, Waldo Township. Mr. Bassingthwaite advised the Board that he does not have the elevation of the box culvert and the cost to obtain that information would be approximately \$1,000. The Managers discussed whether there was a need for this information at the present time and concluded there was not. Per N.D.C.C. §44-04-18(4), the RCWRD is not required to create or generate a record for a party making a request if that information does not currently exist. Consensus of the Board was not to authorize a survey for the purpose of obtaining the elevation. If Mr. Rossow desires the information, the cost to determine the elevation would be at his expense. (Rossow open records request attached to Appl #16-031 for filing purposes.)

- Proj #5(64)- Comstock Construction replaced two culverts through an approach in the NE1/4 Section 27, Walcott West, this past week. The culverts were placed too far to the field side of the ditch and the lifting hooks were pushed through the culverts. The culverts were removed, repaired, and reinstalled. During the process, additional damage occurred to the culverts and they needed to be removed a second time. Consensus of the Managers was to require Comstock Construction to replace the culverts at their expense due to the extensive damage. The Managers directed Mr. Johnson and Mr. Bassingthwaite to meet with Jesse Jacobson, of Comstock Construction, to discuss problems with their work, as similar problems occurred last year on Projs #15 and #66A. (Ulven #15-127)

- Projs #2, 5(27), and 31 Reconstructions- Mr. Bassingthwaite reported that he is waiting for the US Army Corps of Engineers permits for all three reconstruction projects. Work cannot begin until the permits are issued.

- Helendale Private Drain, LLC- Mgrs. Rostad, Haugen and Mr. Bassingthwaite reported on the Red River Joint Water Resource Board (RRJWRB) meeting they attended yesterday. The Joint Board met with the Helendale Private Drain, LLC applicant and their engineer to discuss the "statewide" process with the Board. The Joint Board concluded that they needed additional information regarding pre-project flows compared to post-project flows. The applicant will need to conduct an analysis regarding peak flow for the summer 10-year, 24-hour event and the 10-day, 100-year run-off event regarding pre-project conditions, post-project conditions (with gates open) and post-project conditions (with gates closed). No date was set for the statewide significance hearing pending submission of the additional information. The RCWRB Managers agreed with the requirements set forth by the RRJWRB. (#13-088)

Mr. Bassingthwaite left the meeting.

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

A conference call was held with the Board's attorney, David Bliss, regarding the Fargo-Moorhead Flood Diversion Project. Mr. Bliss recommended the Managers request a meeting with the engineers for the Flood Diversion Board of Authority for the purpose of having them define their plan and how and when the land in Richland County will be affected. Consensus of the Managers was to allow Mr. Bliss to schedule a meeting and to invite one or two members of the Cass County Joint Water Resource Board. Mgrs. Moffet and Rostad will attend the meeting along with Mr. Bliss and Mr. Bassingthwaite.

### **Adjournment**

There being no further business to come before the Board, Chr. Moffet adjourned the meeting at 11:00 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

Don Moffet  
Chairman of the Board