RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
October 18, 2016

The Richland County Water Resource Board (RCWRB) met October 18, 2016 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, 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. Haugen to approve the minutes of the October 11, 2016 meeting as corrected. The motion carried unanimously.

Mail
1.) Richland County Commission- Minutes of the September 2016 meetings.
2.) Dennis Drewes, Inc- Copy of letter to Interstate Engineering regarding the contract completion deadline for the Proj #5(27) reconstruction. (RCWRD #14-124)

Fargo-Moorhead Flood Diversion Project
This past week the Office received correspondence from the MnDak Coalition asking for a note to be sent to Minnesota Governor Dayton thanking him for his support in following the permitting process for the Fargo-Moorhead Flood Diversion Project. Upon review of the letter prepared by the District's legal counsel, a motion was made by Mgr. Rostad and seconded by Mgr. Burvee authorizing Chr. Moffet to sign the letter.

Drain Tile Outlets
The Managers were informed that Mr. Johnson found two drain tile outlets discharging into legal drains which did not have fabric and riprap placed when the systems were installed. Tightline Drainage installed both systems. Mr. Johnson reported that he also has seen various outlets with no fabric and riprap which discharge into township or county road ditches. Two drain tile outlets (with fabric and riprap), which discharge into Proj #12, have caused erosion. The Managers discussed the outlet conditions included in the drain tile permits. The conditions were included for the purpose of deterring erosion. Upon conclusion of the discussion, a motion was made by Mgr. Burvee and seconded by Mgr. Haugen to implement the following procedures:

●Drain tile outlets discharging into Richland County Legal Drains with no fabric and riprap installed- A letter shall be sent to the landowner notifying them of the situation and granting them 30 days from the date of the District's letter to complete installation of fabric and riprap. If the work is not completed within the 30 day time period, the District shall enforce the terms of the permit.

●Drain tile outlets discharging into township or county road ditches with no fabric and riprap installed- A letter shall be sent to the road authority notifying them of the situation and terms of the permit.

●Drain tile outlets discharging into Richland County Legal Drains with erosion at the discharge site or along the legal drain- A letter shall be sent to the landowner notifying them of the situation and granting them 30 days from the date of the District's letter to complete repairs. If the work is not completed within the 30 day time period, the District shall enforce the terms of the permit.

●Drain tile outlets discharging into township or county road ditches with erosion at the discharge site or along the road ditch- A letter shall be sent to the road authority notifying them of the situation and terms of the permit.

The motion carried.

The Managers directed that, in addition to letters being sent to the landowners with issues Mr. Johnson reported on, a letter shall be sent to Myron Tschakert, owner of Tightline Drainage, notifying him that fabric and riprap is required at all drain tile outlets.

Richland County Commission and Water Resource District Joint Meeting
Those present, in addition to the WRB, Technician, and Secretary, were Cmrs. Campbell, Berseth, Berg, Ehlert, States Attorney McBeth, Richland County Administration personnel Bailey and DelVal, and a *Daily News* Reporter.

●Proj #63 Culvert Replacement- The RCWRD is looking at the possibility of replacing the mainline culvert on Proj #63, located in the SWCR Section 27, Nansen Township, next year. The County is responsible for a 40% cost share. A hydraulic study will be done by the RCWRD. An update will be provided when more information is available.
●Fargo-Moorhead Flood Diversion Project- Brief discussion held; no action taken.
●Drain Work- Work is proceeding.

The Joint Meeting adjourned.

Engineer Mike Bassingthwaite joined the meeting.

Fargo-Moorhead Flood Diversion Project
Cmr. Berseth met briefly with the Board to discuss the RCWRD's appeal of the North Dakota State Engineer granting the permit for the Fargo-Moorhead Flood Diversion Project inlet structure.

Interstate Engineering
The following matters were discussed with Mr. Bassingthwaite:

●Proj #2 Reconstruction- Riley Bros has completed the excavation east of Interstate 29 and moved to the west side of the Interstate. Mr. Bassingthwaite expressed concern that the contractor has not installed any inlet culverts or the box culverts yet. Mr. Bassingthwaite reported that he recently received a call from Joe Riley. Mr. Riley feels they should be allowed to do the work on the west end this fall, but Mr. Bassingthwaite is concerned that the pipe crew has weeks of work before they could do the pipes on the west end. Mr. Bassingthwaite and the Managers were in agreement that the west end should wait until spring as it is too late to establish vegetation. Mr. Bassingthwaite will discuss these issues with Mr. Riley. Mr. Bassingthwaite also reported the fence along Interstate 29 could not be salvaged. He feels the fence should be the North Dakota Department of Transportation's (ND DOT) responsibility, as the fence was in poor condition. He will contact Troy Gilbertson, at the ND DOT. (RCWRD #10-079)
●Proj #3- Assistant Engineer Lowell Bladow recently inquired about Proj #3 finances, work the District may be planning on Proj #3, and the possibility of replacing a bridge on the drain in 2017. Discussion was held in regard to the condition of the drop structures on the drain and the need for work on the structures in the future. The Managers felt Mr. Bladow should look into the possibility of replacing a bridge. Mr. Bladow will be advised accordingly.
●Proj #5(27) Reconstruction- Mr. Bassingthwaite reported that Dennis Drewes, Inc will not complete the Proj #5(27) reconstruction by their October 21, 2016 completion date. They are making good progress with the dirt work; however, the concrete subcontractor is not making much progress with the two concrete drop structures. (RCWRD #14-124)
●Proj #10- The Managers were informed that Attorney Sean Fredicks will meet with the Board on December 6, 2016 regarding the Thomas and Jill Lavelle matter. (RCWRD #10-104)
●Proj #31- Gravel is needed at the intersection (NECR Section 7, Lamars Township) where the culvert was replaced (part of the 2016 Proj #31 reconstruction). Appl #16-076 was completed and a motion was made by Mgr. Burvee and seconded by Mgr. Haugen authorizing Comstock Construction to install gravel on the township road in the NECR Section 7, Lamars Township. Work at Proj #31 expense. The motion carried. (RCWRD #13-054)
●Proj #63- Appl #16-077 was completed for replacement of the field approach and mainline culvert in the SE1/4 Section 21 and mainline culvert in the SWCR Section 27, all in Nansen Township. A motion was made by Mgr. Rostad and seconded by Mgr. Haugen authorizing Interstate Engineering to complete a hydraulic study on the two mainline culverts. The motion carried.
●APPLICATION FOR SURFACE DRAIN NO. 4838 for Dan Walter in the Northeast Quarter of Section 17 of Lamars Township. (RCWRD Walter Appl #16-075)

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN No. 4838 for Applicant Dan Walter. Under the application, Applicant seeks to construct channel improvements to the south township road ditch along the north boundary of the Northeast Quarter of Section 17; the project will include 2,500 feet of ditch improvements, with a bottom width of 11 feet; 4:1 side slopes, and a maximum cut of 2.5 feet. The ditch improvements will accommodate tile drainage by Mr. Ray Schroeder in the Northwest Quarter of Section 17. Mr. Schroeder's tile outlet will be via a culvert through an approach along the boundary of the Northwest Quarter of Section 17 and the Northeast Quarter of Section 17; as a component of Applicant's project, Applicant has granted Ray Schroeder permission to lower the culvert 2 feet 3 inches to accommodate the tile discharge; the tile discharge will then flow east through the ditch improvements across Applicant's property via the ditch improvements. The project will flow east through County Road 81 through an existing culvert and will ultimately discharge into Richland County Drain No. 3. The Richland County Water Resource District has notified Mr. Ray Schroeder of his obligation to obtain a tile permit regarding his proposed project in the Northwest Quarter of Section 17.

According to records on file with the Richland County Recorder's office, Dan and Mary Walter own the North Half of the North Half of Section 17 of Lamars Township where Applicant intends to construct the project.

The Board and their engineer prepared responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will require Applicant to obtain permission from the Lamars Township Board of Township Supervisors to construct, operate, and maintain an improved channel in the township's road ditch. Further, the Board concluded the project will not result in adverse impacts to downstream landowners since the project will simply convey drainage that already flows to the east. The Board ultimately concluded no hearing was necessary, and the project will not result in adverse impacts to downstream property owners.

Manager Burvee, seconded by Manager Rostad, moved to approve APPLICATION FOR SURFACE DRAIN No. 4838 for Dan Walter, subject to the conditions attached by the State Engineer's office, and subject to the following conditions:

1) That Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application, including a drain length of 2,500 feet; an 11-foot bottom width; 4:1 side slopes; and a maximum cut of 2.5 feet;

2) To the extent any portion of the project will be on property not owned by Applicant, that Applicant obtain an easement from the record owner of any land on which Applicant will construct any portion of the project;

3) That Applicant obtain written permission from the Lamars Township Board of Township Supervisors to construct, operate, and maintain a surface drain in its township road ditch, to otherwise utilize its township road ditch; or to modify any approaches or culverts within its township right of way;

4) That Applicant notify the Richland County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application; and

5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, Managers Haugen, Moffet, Rostad, and Burvee voted in favor of said motion; Manager Friskop was absent and not voting. The motion carried. The Board directed Sean Fredricks to prepare the requisite NOTICE OF DECISION and to provide the NOTICE to all parties of record. (Walter #16-075)

●Proj #14 Erosion Repair- JAV Construction is on-site and making repairs. Fill material will be taken from the spoil bank on the east side of the NE1/4 Section 35, Barrie Township, per Mr. Bassingthwaite's agreement with Verdell Jordheim. (RCWRD #13-181)

Mr. Bassingthwaite left the meeting.

Technician's Report

●Metro Flood Diversion Authority- Mr. Johnson reported on the October 13, 2016 meeting.

●Hip Boots- Mr. Johnson asked if the Board would purchase hip boots for times he needs to cross the drains. The Managers denied the request. For Mr. Johnson's safety, the Managers do not want him walking into deep water.

Applications

Appl #16-078, Jan & Sandra Rieger: NE1/4 Sec 29, Colfax West A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to defer the application due to an objection that has been filed, assessment issues, and possible state-wide significance issues. The motion carried.

Appl #16-079, Blaine & Megan Kummer: SW1/4 Sec 1, Nansen Twp The RCWRB acknowledged receipt of the drain tile application. No action required as project is less than 80 acres.

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