

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
August 11, 2020

The Richland County Water Resource Board ("RCWRB") met August 11, 2020 at 8:00 AM at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Mark Fahsholz, Gary Friskop, James Haugen, Don Moffet, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: None

### **Approval of Agenda**

Mr. Johnson reported an issue arose on Proj #5(64) and needs to be added to the agenda under "Technician's Report/Drain Projects". A motion was made by Mgr. Moffet, seconded by Mgr. Haugen, and unanimously carried to amend the order of the agenda as reported.

### **Minutes**

The July 28, 2020 minutes were presented. A motion was made by Mgr. Burvee, seconded by Mgr. Fahsholz, and unanimously carried to approve the July 28, 2020 minutes as presented.

### **Financial Matters**

●**July 2020 Financial Reports**- A motion was made by Mgr. Fahsholz and seconded by Mgr. Haugen to accept the July 2020 financial reports as presented. Upon roll call vote, the motion carried unanimously.

●**Bremer Bank Letter of Credit**- 110% of the District's securities totaled \$7,517,726.56. Bremer Bank's Letter of Credit in the amount of \$8,000,000 adequately covers the District's funds.

### **Mail**

- 1) U.S. Army Corps of Engineers ("USACE")- Notification that the USACE, in cooperation with the Fargo-Moorhead Flood Diversion Authority, will conduct geomorphic surveys alongside the Red River near Fargo and Moorhead. Rights-of-entry have been secured for all survey site locations.

### **Applications**

Drain Tile Appl #20-029, Allen Ward: SE1/4 Section 20, Ibsen Township- Secretary-Treasurer Zentgraf reported the District received an email from Mr. Ward on August 4, 2020 formally withdrawing Drain Tile Appl #20-029. Mr. Ward indicated he will be tiling only half of the project. Mr. Ward will be submitting a new application for the revised project for notification purposes only; a State permit is not required for projects under 80 acres. No action required by the Board on Appl #20-029.

### **Application to Install a Subsurface Water Management System No. 20-037 for Cynthia Schreiber-Beck in the SW1/4 Section 21, Summit West Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 20-037*, dated July 27, 2020, and filed July 28, 2020, for Cynthia Schreiber-Beck. Under the application, Applicant seeks to install a 156-acre drain tile system in the SW1/4 Section 21, Summit West Township, Richland County, North Dakota. The project will include a single gravity outlet along the south boundary of the SW1/4 Section 21; the outlet will discharge into the north road ditch along 88th Street SE, and will flow south, under 88th Street, through an existing 18-inch culvert; the tile discharge will outlet into Richland County Legal Drain #31 on the south side of 88th Street. The Richland County Water Resource District owns and operates Richland County Drain #31.

Because the project will discharge into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, because the project will discharge into a legal assessment drain, the District cannot require Applicant to obtain any written consent from downstream landowners. However, the District can require Applicant to install and maintain erosion protection at the outlet into the north road ditch along 88th Street.

According to records on file with the Richland County Recorder's Office, Cynthia Schreiber-Beck owns the SW1/4 Section 21, Summit West Township.

Mgr. Burvee moved, and Mgr. Moffet seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20-037*, dated July 27, 2020, and filed July 28, 2020, for Cynthia Schreiber-Beck in the SW1/4 Section 21, Summit West Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 20-037, subject to the following conditions:

- 1) that Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) that Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Summit Township at any and all outlets into Summit Township's road right of way.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant comply with the following:

- 1) that Applicant obtain written permission from the Summit Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches;
- 2) that Applicant notify the Richland County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 3) 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.

Drain Appl #20-038, Dustin Erickson, Jon and Paula Erickson: N1/2 Section 21, Walcott West Township- A motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to defer Drain Tile Appl #20-038 pending the 30 day notice to downstream landowners. Upon roll call vote, the motion carried unanimously.

Drain Appl #20-039, Chris Johnson: NE1/4 Section 15, Mooreton Township- The RCWRB acknowledged the application for drain tile was filed for notification purposes only. No State Subsurface Permit is required and no action is required by the RCWRB as the project involves less than 80 acres.

### **Proj #1 Reconstruction**

Kelly Miller met with the Board to discuss the status of the reconstruction of a portion of Proj #1. Mike Bassingthwaite, of Interstate Engineering, was also present.

Discussion centered around the financial status of Proj #1 and lack of funding available for the proposed project. The Managers feel North Dakota State Water Commission ("ND SWC") cost share assistance is highly unlikely now or for the coming years. In order to be considered for cost-share assistance, an economic analysis must be completed. Recent discussion at the State level has been that projects must be "shovel ready" before being considered for assistance. Mr. Miller has been reluctant to commit funds to the project until cost share assistance is approved.

Various suggestions were made for what could be done, including moving forward with the project (dependent upon Mr. Miller's financial contribution), installing a new culvert under County Road 81 and through Jeff Christopherson's driveway (both culverts would need to be lowered), maintain the drain as is and continue to accumulate funds for a project in the future, or abandon the drain. Mr. Miller was not in favor of abandoning the drain. No decisions were made; Mr. Miller will meet with Mr. Bassingthwaite to review costs for reconstruction.

Board consensus was to move forward with the \$4 per acre (weighted method) maintenance levy on Proj #1 for tax year 2020 as approved at the July 14, 2020 meeting. (RCWRD #17-017)

#### **Proj #66A Study**

Before proceeding with discussion of Proj #66A, the Secretary-Treasurer announced that on July 28, 2020, the Board conducted a conflict analysis regarding Chr. Friskop's interest in property in the Drain #66A assessment district. The Board agreed the potential impacts to Chr. Friskop's property, and his Mother's property Chr. Friskop farms, create a clear "direct and substantial personal ... interest" in the matter, and that his conflict should preclude him from voting regarding a proposed project. However, the Board also agreed Chr. Friskop understands that area better than any of the other Board Members and that he should still be allowed to participate in discussions regarding a project, just to provide context in light of his personal knowledge of the area. At the July 28, 2020 meeting, the Board declared that Chr. Friskop has a conflict in the matter under Section 44-04-22 and passed a motion to preclude Chr. Friskop from voting on matters related to Drain #66A.

Mr. Bassingthwaite met with the Board at their request to discuss conducting a study of the Proj #66A watershed for the purpose of identifying potential solutions to flooding concerns along the drain which were recently addressed by local landowners.

Gene and Cari Wefel joined the meeting.

Discussion was held regarding the function of the Interstate 29 ditch, including work that should be done in the ditch such as spraying cattails and cleaning. The Managers stressed that they could only facilitate work off the drain; locals would need to fund and do the project(s).

Appl #20-040 was completed and a motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz to secure a scope of work and cost estimate from Interstate Engineering for a watershed study on Proj #66A. Upon roll call vote, Managers Burvee, Moffet, Fahsholz, and Haugen voted in favor of the motion. Chr. Friskop abstained. The motion carried.

Mr. and Mrs. Wefel left the meeting.

#### **North Branch Antelope Creek Watershed Study Regional Conversation Partnership Program ("RCPP")**

Before finalizing the RCPP study, Mr. Bassingthwaite reported that he needs to meet with the Managers to review his findings. A meeting was scheduled for August 27, 2020 at Interstate Engineering's office.

Mr. Bassingthwaite left the meeting.

### **Technician's Report**

Mr. Johnson provided the following reports:

- Proj #3 Texas Crossing- Tim Matejcek contacted Mgr. Burvee about the Board's decision to replace the low water crossing with a Texas crossing in the middle of Section 6, Fairmount South Township. Mr. Matejcek indicated the crossing will not help him and he does not want the crossing. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to cancel the installation of the Texas crossing on Proj #3 in Section 6, Fairmount South Township. Upon roll call vote, the motion carried unanimously. (RCWRD #20-018)

- Proj #4(33)

Mr. Johnson reported that he contacted some of the landowners about downsizing the culverts in the SW1/4 Section 12 and the SW1/4 Section 13, Ibsen Township, as the Board previously directed. The landowners are not in favor of downsizing the culverts; they want the Board to keep the new culverts the same size as the existing culverts. Given the wishes of the parties he contacted, Mr. Johnson wanted to know if the Managers wished to pursue downsizing the culverts.

Mr. Johnson reviewed the results of the hydraulic study with the Managers. A motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to replace the culverts as herein reported with culverts the same size as the existing culverts. Work assigned to Comstock Construction. Upon roll call vote, the motion carried unanimously. (RCWRD #20-023)

- Proj #5(64)

Site #65: NW1/4 Section 26, Walcott West Township- Two 54 inch x 77 foot cmps failing.

Appl #20-041 was completed and a motion was made by Mgr. Burvee and seconded by Mgr. Moffet to order a hydraulic report from Houston Engineering. Upon roll call vote, the motion carried unanimously.

- Contractor Updates- Mr. Johnson provided a brief update on projects contractors are currently working on. He also reported Matt Dockter, of Comstock Construction, met with the District's staff. Discussion included projects to be finished, future projects, and the need for communication with the District.

- Beaver Dams- Office Staff inquired whether the Managers want to continue funding removal of beaver dams. The question is due to the Richland County Commission having cut the District's General Fund mill levy for this year and the likelihood that it may be cut again for the coming year. Board consensus was to utilize drain funds for dams in the drains and continue utilizing Waterways funds for dams in natural channels.

### **Proj #4**

Secretary-Treasurer Zentgraf reported she received a call from Kathy Radig regarding the permanent easement for the 2009 reconstruction of Proj #4. Mr. & Mrs. Radig wish to have their attorney review the easement document before signing it. Since they are not receiving compensation for the easement, Mrs. Radig requested reimbursement for their attorney fees, which she estimated to be approximately \$100. While the District does not pay for

Grantors attorneys fees, the consensus was to cover this expense since there is no payment being made for the easement.

**Video Conference Equipment**

Due to concern with the on-going coronavirus pandemic, Staff suggested purchasing webcams so board meetings can be held virtually when meetings cannot be held in the office. An added advantage of the video conference equipment is so meetings can be held when travel is not advised during inclement winter weather conditions. Mr. Johnson estimated the cost to be \$100 to \$120 per webcam. A motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to purchase webcams. Upon roll call vote, the motion carried unanimously.

**Minute Books**

Secretary-Treasurer Zentgraf requested approval to purchase two minute books; cost is approximately \$600. A motion was made by Mgr. Fasholz and seconded by Mgr. Moffet to approve the purchase of two minute books. Upon roll call vote, the motion carried unanimously.

**Adjournment**

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

Respectfully submitted,

*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Gary Friskop*  
Gary Friskop  
Chairman of the Board