

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
August 27, 2019

The Richland County Water Resource Board ("RCWRB") met August 27, 2019 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.

THOSE ABSENT: None

Minutes

The August 20, 2019 minutes were presented. A motion was made by Mgr. Haugen and seconded by Mgr. Burvee to approve the August 20, 2019 minutes as presented. The motion carried unanimously.

Financial Matters

- Pay Estimate-

- Proj #7 Reconstruction- Pay Estimate #2 to JAV Construction in the amount of \$167,944.19

A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to approve the pay estimate as presented. The motion carried unanimously.

- Vouchers- Vouchers for the month of August 2019 were presented for the Board's review and approval. A motion was made by Mgr. Rostad and seconded by Mgr. Moffet to approve Vouchers #18145 through #18166 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

Mail:

- 1.) North Dakota State Engineer- Notification of free low head dam signs. Wahpeton Recreation Department will be contacted to inquire about the need for signs at the low heads in Richland County.
- 2.) Office of the North Dakota State Engineer- Copy of approved Construction Permit #2489 for the Fargo-Moorhead Diversion Inlet Structure; Wild Rice River Structure, located in Sections 31 and 32, T138N-R49W, Sections 2, 3, 5, and 6, T137N-R49W, all in Cass County.

Applications

Application to Install a Subsurface Water Management System No. 19-043 for Steven, Michael, and Daniel Haverland in the Southeast Quarter of Section 27 in Homestead Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 19-043* dated August 19, 2019, filed August 22, 2019, for Steven, Michael, and Daniel Haverland. Under the application, Applicants seek to install a 102-acre drain tile system in the Southeast Quarter of Section 27 in Homestead Township, Richland County, North Dakota. The project will include a single pump outlet located along the east boundary of the Southeast Quarter of Section 27; the pump will discharge into the west road ditch along County Road 30; the tile discharge will continue through the west road ditch along the east boundary of the Northeast Quarter of Section 27 until ultimately discharging into Richland County Drain No. 95. The Richland County Water Resource District owns and operates Drain 95.

The application would normally have required THIRTY-DAY NOTICES to downstream landowners under N.D. Cent. Code § 61-32-03.1. However, in this case, the downstream landowners in the Northeast Quarter of Section 27 executed "NOTARIZED LETTERS OF APPROVAL" in which they waived any objection to the project. Under Section 61-32-03.1, because the downstream landowners

submitted the "NOTARIZED LETTERS OF APPROVAL," no additional notices were required, and the Board could approve the permit without any 30-day waiting period. Under the tile law passed during the 2017 legislative session, the Board cannot require Applicants to obtain any additional consents from downstream landowners as a condition to the permit. The Board can require Applicants to install and maintain erosion protection in the County Road 30 ditch to protect the highway right of way from erosion and to protect downstream landowners.

According to records submitted by Applicants, Steven, Michael, and Daniel Haverland own the Southeast Quarter of Section 27 where Applicants intend to install the tile system. Further, Andrew Braaten owns the Northeast Quarter of Section 27, subject to a life estate interest in Kathleen A. Braaten, as Trustee of the Kathleen A. Braaten Revocable Living Trust.

Manager Haugen moved, and Manager Rostad seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 19-043* dated August 19, 2019, and submitted on August 22, 2019, for Steven, Michael, and Daniel Haverland in the Southeast Quarter of Section 27 in Homestead Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 19-043, subject to the following conditions:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicants provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Richland County at any and all outlets into Richland County's road right of way; and
- 3) That Applicants must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District.

Upon roll call vote, the motion carried unanimously.

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

- 1) That Applicants obtain written permission from Richland County to discharge into, or otherwise utilize, any of its County highway ditches;
- 2) That Applicants 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 Applicants 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.

Proj #5(64)

Mike Bassingthwaite, of Interstate Engineering, met briefly with the Board to discuss repairs to Proj #5(64), located in the NE1/4 Section 27, Walcott West. Damages are a result of work Stephen Anderson authorized his tile company to do. The tile company excavated approximately 600 feet of the channel bottom of the drain to accommodate Mr. Anderson's gravity flow outlet. The excavated area extends from the county road to the tile outlet.

Mr. Anderson joined the meeting. Chr. Friskop explained that fill material and an erosion control blanket will have to be installed in order to restore the channel bottom. If repairs are not made there will be on-going sloughing and erosion. Riprap removed by an inlet culvert will also need to be replaced. Cost for repairs is estimated to be in the area of \$12,000. Mr. Bassingthwaite provided survey results to show where the channel bottom should be. By restoring the channel bottom, the tile outlet will be buried; Mr. Anderson will need to adjust his outlet to accommodate the reestablished elevation of the drain. The gravity outlet will have to be relocated further east or a lift station/pump installed.

Fill material will be removed from the drain slope across the road in the N1/2 Section 26, however, standing crop will delay repairs which causes concern about repairs not being completed before the onset of winter. If fill material would be available in the SE1/4 Section 22, more timely repairs may be possible (dependent upon availability of contractors); costs would also be less. Mr. Anderson was open to using material from his property; the Managers directed Mr. Bassingthwaite meet with Mr. Anderson and investigate this option.

Mr. Anderson expressed his opinion that the drain is working good since the excavation was done. Even with the wet conditions, the channel has been dry several times this year. Mr. Bassingthwaite explained that repairs must be made or the channel bottom will continually washout and the banks will fall in. Sediment in the channel west of the damage will be removed when repairs are made; the cost of the cleanout will be drain responsibility.

The meeting with Mr. Anderson concluded. (RCWRD #19-024)

Mr. Bassingthwaite met with the Board to discuss the following matters:

- Proj #2- Brad Hage has had conversations with Mr. Bassingthwaite about getting permission from the RCWRB to farm the Proj #2 right of way where the back slope was recently used to build up the bank of the legal drain in Section 22, Colfax East. The area no longer needed by the drain, which is farmable, is approximately one acre of land. Considerable discussion was held relative to farming the drain right-of-way and selling the one acre back to the landowner. A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to offer to sell the one acre in Section 22, Colfax East, to the landowner for \$5,500 per acre (original price paid by the RCWRD) or to deny Mr. Hage's request to farm this right-of-way. Upon roll call vote, Mgrs. Moffet, Haugen, Friskop, and Burvee voted in favor of said motion; Mgr. Rostad voted against said motion. The motion carried. Mr. Bassingthwaite was directed to contact Mr. Hage accordingly.

- Proj #3 reconstruction- Mr. Bassingthwaite reported he did not get the cost estimate put together yet for reconstructing Proj #3 in the SW1/4 Section 4 and W1/2 Section 9, Lamars Township. (RCWRD #18-004)

- Proj #10 Repairs- Mr. Bassingthwaite advised that the contractor has not yet repaired the low water crossing on Proj #10, located in the SE1/4 Section 30, Sheyenne Township. The contractor anticipates getting to this work in a couple of weeks. (RCWRD #19-020)

- Proj #31- The Board previously met with Myron Holthusen regarding his driveway, which crosses Proj #31, in the NW1/4 Section 20, Summit West. The Board offered to install a new all-weather driveway out to the north of the farmstead and to remove the existing crossing. Mr. Holthusen was adamantly opposed to this and felt strongly an additional culvert would greatly reduce the number of times the driveway would overtop; he would be satisfied with a culvert. At the August 20th meeting, the Managers decided they would like to add a 78 inch cmp to the existing crossing to accommodate Mr. Holthusen's request for an additional culvert and to take the offer for an all-weather driveway off the table. Mr. Johnson inspected the site and reported a 78 inch cmp will not fit, as it is too tall. After much discussion about the size of pipe that will fit, a motion was made by

Mgr. Burvee, seconded by Mgr. Haugen, and unanimously carried, to install the largest culvert possible with the condition that 2 feet of cover be maintained over the crossing. Work assigned to JBX. Mr. Johnson will determine the pipe size. A letter will be sent notifying Mr. Holthusen of the Board's decision. (RCWRD #19-036)

- Proj #65- Discussion was held regarding the type of erosion control product to use for the damage to Proj #65, located in the SE1/4 Section 26, Brandenburg Township. Mr. Bassingthwaite will investigate costs for cable concrete and a turf reinforcement geogrid mat and advise the Board of his findings. (RCWRD #19-033)

- Regional Conservation Partnership Program (RCPP)- Mr. Bassingthwaite provided an update on the progress of the RCPP project. The September 11th public meeting was cancelled; Mr. Bassingthwaite does not have enough economic information ready for the draft plan which must be available at the public meeting. (RCWRD #16-017)

Mr. Bassingthwaite left the meeting.

Technician's Report

- Mr. Johnson reported on the Metro Flood Diversion Authority meeting he attended August 22nd.

- Drain Repairs- Mr. Johnson provided a brief update on projects completed.

- Proj #2 Fema Repairs- Mr. Johnson provided photographs of the two completed FEMA sites, located in the SE1/4 Section 24, Colfax West. Mgr. Rostad questioned if riprap should have been extended further than it was. A conference call was held with Mr. Bassingthwaite and photographs were emailed to him for his review. Mr. Bassingthwaite was satisfied with placement of the riprap. (RCWRD #19-015)

Ellingson Drain Tile Applications

The Managers were informed of two applications submitted by Ellingson Drain Tile Sales Representative Colin Anderson. A message was left on Mr. Anderson's cell phone to contact the office regarding inaccurate and missing information, but Mr. Anderson did not return the call. Both applications were deemed incomplete and the District's Secretary referred the applications to Sean Fredricks, the District's legal counsel, as she felt the matter was best handled by Mr. Fredricks. Mr. Fredricks prepared a draft letter to Mr. Anderson; the letter was reviewed with the Managers. The Managers had no objections to the letter.

Drain Tile Application Process

Office Staff presented changes they wish to implement immediately relating to the drain tile application process. After review of the changes, the consensus of the Managers was to proceed as outlined by Office Staff.

2020 Budget

The Richland County Commission has requested to meet with the Board on September 3rd to discuss the District's 2020 budget. Chr. Friskop and Vice Chr. Burvee volunteered to meet with the Commission, as the RCWRD will not meet that day.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 12:05 P.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board