

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
December 14, 2021

The Richland County Water Resource Board ("RCWRB") met December 14, 2021 at 9:00 A.M. at the Richland County Courthouse.

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

THOSE ABSENT: Clint Arndt

Approval of Agenda

A motion was made by Mgr. Moffet, seconded by Mgr. Fahsholz, and unanimously carried to approve the agenda as presented.

Minutes

The November 23, 2021 minutes were presented. A motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop, to approve the November 23, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

- **November 2021 Financial Reports**- A motion was made by Mgr. Fahsholz and seconded by Mgr. Moffet to accept the November 2021 financial reports as presented. Upon roll call vote, the motion carried unanimously.

- **Bremer Bank Collateral Report**- 110% of the District's securities totaled \$7,323,204.00; Bremer Bank's collateral in the amount of \$8,483,992.00 adequately covers the District's funds.

Mail

- 1) Richland County Commission- Minutes of the November 2021 meetings.
- 2) Interstate Engineering- Photos of work completed by Lance Meyer in Section 31, Fairmount South Township. This work was done to resolve the complaint filed by Mr. Meyer against Joe Sauter. These are baseline photos to be used for the spring inspection. (Meyer #21-035)

Applications

Appl #21-086, MLGC, LLC: NE1/4 Section 14 and SW1/4 Section 10, Walcott West Township- Request to bore fiber optic cable under Dr. #5(37). The Managers reviewed Interstate Engineering's report regarding the project. A motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop to approve Appl #21-086 and issue a utility permit accordingly. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Water Management System #21-087 for Jan Rieger in the NE1/4 Section 29, Colfax West Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-087*. Under the application, Jan Rieger seeks to install a 133-acre drain tile system in the NE1/4 Section 29, Colfax West Township. The project will include a single pump outlet located in the NWCR NE1/4. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Friskop moved, and Mgr. Moffet seconded the motion, to approve Appl #21-087 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-087, subject to the following conditions:

that Applicant install and maintain proper erosion protection at all outlets;

that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;

that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;

that Applicant must turn off any pump outlets and control structures during "critical flood periods," as determined by the Richland County Water Resource District;

that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;

that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

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 recommends Applicant consider complying with the following :

that Applicant obtain written permission from all applicable road authorities to discharge into, or otherwise utilize, any township, county, or state road ditches; to install, operate, and maintain buried pipe in any township, county, or state road ditches; or to bore or cut through any township, county, or state roads and road ditches; and

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.

Application #21-088, Mike Haverland: NW1/4 23, Colfax West Township
Applicant requests reimbursement for payment he made to Kummer Construction for removal of a beaver dam. The RCWRD originally contacted Joel Lyons at Animal Damage Control to trap beaver, but it did not get done. When Mr. Haverland contacted Mr. Lyons he advised him the dam could be removed, as it was late enough in the year that the beaver would not rebuild.

The District's policy is all work has to be approved by the Board prior to commencement of work. A motion was made by Mgr. Moffet and seconded by Mgr. Friskop to deny the request for payment. Upon roll call vote, the motion carried unanimously.

Technician's Report

●Dr. #31 Reconstruction- Office Staff suggested running the advertisement for bids for reconstruction of Dr. #31 on 12/28/21, 01/04/22, and 01/09/22, and set bid opening for January 25th, 2022 at 10:00 am. A motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop to proceed with advertising and bid opening as suggested. Upon roll call vote, the motion carried unanimously. (RCWRD #18-022)

●2020 Sheyenne River Snagging and Clearing Project- American Enterprises called to inform the Office they were not able to do the clearing in the SW1/4 Section 5, Walcott West Township, as land owner John Fercho would not grant access. American Enterprises sent pictures of another bridge that needed clearing: NW1/4 Section 8, Bridge #114-2.2, Walcott West Township. Their bid for this project was \$20,000, which is \$8,000 lower than the original site. A motion was made by Mgr. Friskop and seconded by Mgr. Moffet to proceed with the snagging and clearing at the new location in the NW1/4 Section 8, Bridge #114-2.2, Walcott West Township, in lieu of the SW1/4 Section 5. Upon roll call vote, the motion carried unanimously. (RCWRD #20-070)

●Section 23/24, Colfax West Township- Mr. Johnson explained a landowner asked if there was anything the RCWRD could do to re-establish the natural drain. Mr. Johnson contacted Gabe Bladow at Houston Engineer about possible funding for reestablishment of this natural. Mr. Johnson is going to do more research on this area and get back to the Board when he has more information.

Engineering Agreements

The three year Engineers Joint Contract Documents Committee ("EJCDC") Agreement between Interstate Engineering and the RCWRD was presented to the Board. The document was reviewed by the District's legal counsel and is ready for the Board's approval. Upon review, a motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop authorizing Chr. Burvee to sign the three year EJCDC agreement with Interstate Engineering. Upon roll call vote, the motion carried unanimously.

Annual Fall Township Officers Meeting

Chr. Burvee reported on the November 23, 2021 Township Officers Meeting he attended.

ND Water Users Convention

Chr. Burvee and Mr. Johnson reported on the ND Water Users Convention held December 8-10, 2021 that they attended.

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 10:30 A.M.

Respectfully submitted,
Tiffany Bladow
Tiffany Bladow
Acting Secretary

Arv Burvee
Arv Burvee
Chairman of the Board