

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
February 11, 2020

The Richland-Sargent Joint Water Resource Board (RSJWRB) met February 11, 2020 at 9:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, Mark Fahsholz, Gary Friskop, James Haugen, Lucas Siemieniewski, Todd Stein, Mike Wyum, Secretary-Treasurer Monica Zentgraf, Technician Justin Johnson, Mike Bassingthwaite (Interstate Engineering), Rick Lenarz, Jason Mayer, and Bryce Cable (TrueNorth Steel), Jim Viele, (JAV Construction), and Clint Arndt.

THOSE ABSENT: Don Moffet, Bruce Speich, and Roger Zetocha

Vice Chr. Friskop called the meeting to order.

Minutes

The April 30, 2019 minutes were presented. A motion was made by Mgr. Burvee, seconded by Mgr. Stein, and unanimously carried to approve the minutes as presented.

Financial Matters

•Financial Reports- Maintenance, Construction, and Sinking Fund monthly financial reports for April 2019 through January 2020 and the 2019 year-end financial report were presented for the Board's review. A motion was made by Mgr. Fahsholz and seconded by Mgr. Wyum to accept all financial reports as presented. The motion carried unanimously.

Board Reorganization

The meeting was turned over to Ms. Zentgraf for the reorganization of the RSJWRB for calendar year 2020.

Nominations were opened for Chairman of the RSJWRB. Mgr. Burvee nominated Bruce Speich to serve as Chairman of the RSJWRB. A motion was made by Mgr. Stein and seconded by Mgr. Wyum that nominations cease and a unanimous ballot be cast for Bruce Speich to serve as Chairman of the RSJWRB. Upon roll call vote, all Managers voted in favor of said motion. The motion carried.

Nominations were opened for Vice Chairman of the RSJWRB. Mgr. Haugen nominated Gary Friskop to serve as Vice Chairman of RSJWRB. A motion was made by Mgr. Burvee and seconded by Mgr. Wyum that nominations cease and a unanimous ballot be cast for Gary Friskop to serve as Vice Chairman of the RSJWRB. The motion carried.

The meeting was turned over to Vice Chr. Friskop.

A motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz that Monica Zentgraf serve as Secretary-Treasurer and Sean Fredricks, of Ohnstad Twichell, PC

serve as Legal Counsel for the RSJWRB. The motion carried unanimously.

Phase II Reconstruction

- Status Report- Mr. Bassingthwaite reported work has been completed except seeding and some touch up work. Landowner concerns will be addressed in the spring.

- Crop Damage Payments- 2018 crop damage rates were set at the April 2019 meeting. They are as follows:

Corn: 200 Bushels/Acre @ \$5/Bushel
Soybeans: 50 Bushels/Acre @ \$11/Bushel

Mr. Bassingthwaite will contact landowners regarding both 2018 and 2019 damages. Some concern was expressed about payments for 2019, as the areas not farmed were put into "Prevented Planting" due to adverse weather conditions.

Consensus of the Board was any landowners with concerns should meet with the Board.

Damaged Culvert

As part of the Phase II reconstruction project, a 64 inch x 43 inch x 60 foot culvert, located between the SE1/4 Section 18 and NE1/4 Section 19, Kingston Township, was installed. Mr. Bassingthwaite was working on a project with Steele County and had a new culvert of the same size which they could not use. He arranged for the RSJWRD to purchase this pipe from Steele County rather than waiting for a culvert from TrueNorth Steel. (Note the culvert purchased from Steele County was manufactured and sold to them by TrueNorth Steel.) JAV Construction transported the culvert to the Richland-Sargent site and installed it. Late in the fall holes started showing up in the road shoulders. It was theorized that a portion of the culvert failed approximately 10 feet from the end. Mr. Lenarz, the Sales Representative for TrueNorth Steel, was contacted and the company proceeded with an investigation to determine the cause of the failure. A full report and photographs were provided to the Board by Mr. Lenarz. TrueNorth Representatives reported the company was not able to confirm the reason for the culvert failure was due to a poorly formed lockseam. During the meeting with the Board, the TrueNorth representatives stated there are multiple unknowns, i.e. damaged in transit, quality of the lockseam, installation issue such as a void, damage during freeze/thaw, design error in which the culvert was undersized causing too much head pressure. All lockseams passed TrueNorth's testing; however, it was noted that the lockseam which failed could not be tested.

Mr. Lenarz worked with Mr. Bassingthwaite and offered to reduce the cost of the culvert by 50% (\$2,602.60). Mr. Bassingthwaite counter offered with TrueNorth Steel bearing the cost of the new culvert and the RSJWRB bearing the \$5,870 cost of removing the old culvert and installing the new one. It was also noted that the District had already incurred engineering expenses in the amount of \$4,200. TrueNorth Steel did not accept the counter offer and therefore the reason for the meeting with the RSJWRB.

Considerable discussion followed including, but not limited to:

Contractor Warranty- If the cause was poor workmanship contractor warranty would come into play; however, there is no answer regarding the cause of the failure. Mr. Viele stated that if it had been a compaction issue water would have run alongside the pipe and caused a total road failure rather than just washing out the downstream end of the pipe. This tells him it was not an installation issue.

Damage During Transport or Installation- The culvert was transported from Steele County to the Richland-Sargent site and could have been damaged during transport or during installation. JAV Construction lifted the culvert with the lift hooks and was not "tossed around". The issue of transport or installation damage was refuted as numerous times in the past culverts have been handled very roughly without any lockseam failures.

Design- The culvert was designed for considerably more head pressure than experienced at this site. During flooding events many culverts exceed the design head and such a failure has not been experienced.

Purchase Of Culvert From A third Party- Arrangements for purchase of the culvert from Steele County was made by the Engineer. It was a new culvert and was readily available as opposed to waiting for a culvert from TrueNorth.

Split of the Culvert Cost- It was suggested that the cost of the culvert be split equally between all four parties (RSJWRD, TrueNorth Steel, Interstate Engineering, and JAV Construction) and a motion subsequently followed by Mgr. Siemieniewski and was seconded by Mgr. Stein. Upon roll call vote, Mgrs. Siemieniewski and Stein voted in favor of said motion; Mgrs. Friskop, Fahsholz, Burvee, Wyum, and Haugen voted against the motion. The motion failed.

More discussion followed and a motion was made by Mgr. Haugen and seconded by Mgr. Burvee that the RSJWRD pay 50% of the TrueNorth Steel culvert cost, 100% of JAV Construction installation cost, and 100% of Interstate Engineering costs. Mgr. Wyum offered an amendment that Interstate Engineering costs be reduced by 50%. The amendment was seconded by Mgr. Siemieniewski. Upon roll call vote of the amendment, Mgrs. Wyum, Siemieniewski, Stein, and Friskop voted in favor; Mgrs. Burvee, Fahsholz, and Haugen voted against the amendment. The amendment passed and was added to the original motion. Upon roll call vote to pay 50% of the TrueNorth Steel culvert cost, 100% of JAV Construction cost, and 50% of Interstate Engineering costs, Mgrs. Burvee, Stein, Siemieniewski, Friskop, Haugen, and Wyum voted in favor; Mgr. Fahsholz voted against the motion. The motion carried.

Mr. Bassingthwaite will prepare a Change Order accordingly to include the \$5,870 installation charge for the culvert to the next contractor pay estimate; he will also reduce his next engineering bill by \$2,100 as the engineering costs were paid as part of several previous months bills.

The TrueNorth Steel Representatives left the meeting.

Phase II Reconstruction Touch-Up Work

Mgr. Siemieniewski suggested additional riprap be placed on the west side of Section 28, Kingston Township. A brief discussion followed regarding how far to extend the riprap; this will be determined after spring runoff. A motion was made by Mgr. Siemieniewski to

include the installation of additional riprap in Section 28, Kingston Township, to the Change Order. The motion was seconded by Mgr. Burvee and unanimously approved.

Mr. Viele asked if seeding was needed. Mr. Bassingthwaite stated some seeding will be needed. Mr. Viele also inquired about the 5% retainage on the contract. Mr. Bassingthwaite indicated since the project is almost complete, the Board could consider further reduction of the retainage. A motion was made by Mgr. Burvee, seconded by Mgr. Wyum, and unanimously carried to reduce the retainage to 2%. The retainage will be reduced on the next pay estimate.

Mr. Viele left the meeting.

2019 Spring Damages

The 90 inch x 80 foot CMP, located between the SECR Section 2 and NECR Section 11, Kingston Township, that washed out during the 2019 spring flood event has been replaced and the damages were reported to FEMA. Total expenses submitted to FEMA were \$49,780.50. The District has not yet received FEMA's final determination of eligible expenses. Eligible expenses will be reimbursed at a rate of 75% FEMA/10% State. (Appl #19-001)

Flap Gates

Mgr. Siemieniewski reported flap gates at the following locations are not working:

- Sections 35/36, Kingston Township
- Sections 1/2, Kingston Township

There are three culverts at both sites, but Mgr. Siemieniewski was unsure of the sizes. He suggested the Board consider using screw gates rather than flap gates to keep the water from flowing backwards. Because of considerable controversy in this area in the past the consensus of the Managers was to table this issue.

Beaver Dam

Clint Arndt spoke with the Board about a large beaver dam which runs approximately 400 feet along the northwesterly side of Park Lake. Water is currently flowing over the beaver dam and contributing to the flooding problem in the area. If the dam is removed it could possibly blow out the Geneseo Road. Mgr. Siemieniewski spoke briefly about the Sargent County Regional Conservation Partnership Program ("RCPP") project; if this project comes to fruition, it would provide considerable help to the area. The project, however, would be several years down the road. Mr. Arndt and others would like the dam cut, but he said it would be irresponsible to cut it now. The Managers were sympathetic to the problem, but explained to Mr. Arndt that it is a Township Board issue.

Mr. Arndt left the meeting.

\$550,000 Maintenance Levy Improvement Bonds of 2018, Series A- Bond Call

Ms. Zentgraf requested the Managers consider calling all remaining bonds (\$150,000) in the \$550,000 Maintenance Levy Improvement Bonds of 2018, Series A. (Issued for the

Phase II Reconstruction project.) The Secretary-Treasurer provided a financial report for the sinking, construction, and maintenance accounts. A motion was made by Mgr. Siemieniewski, seconded by Mgr. Fahsholz, and unanimously carried to call the \$550,000 Maintenance Levy Improvement Bonds of 2018, Series A, on May 1, 2020. Legal Counsel will be directed to issue the Call Notice.

Future Projects

Mgr. Siemieniewski suggested looking into a third phase of reconstruction and also cleaning another four miles of the drain. Board consensus was to table discussion pending completion of the Phase II reconstruction, payment of the bonds, and receipt of the 2019 tax levy.

Adjournment

There being no further business to come before the Board, Vice Chr. Friskop adjourned the meeting at 11:30 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Vice Chairman of the Board