

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
January 12, 2021

The Richland County Water Resource Board ("RCWRB") met January 12, 2021 at 9:00 AM at the Richland County Courthouse.

THOSE PRESENT: Managers Clint Arndt, Arv Burvee, Mark Fahsholz (via teleconference), Gary Friskop, Don Moffet, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: None

Approval of Agenda

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

Board Reorganization

Chr. Friskop turned the meeting over to Secretary Zentgraf for the Board's reorganization.

Secretary Zentgraf called for nominations for Chairman of the RCWRB for calendar year 2021. Mgr. Friskop nominated Arv Burvee to serve as Chairman of the RCWRB. A motion was made by Mgr. Moffet and seconded by Mgr. Friskop that nominations cease and a unanimous ballot be cast for Arv Burvee to serve as Chairman of the RCWRB. The motion carried.

Secretary Zentgraf called for nominations for Vice Chairman of the RCWRB. Mgr. Burvee nominated Gary Friskop to serve as Vice Chairman of the RCWRB for calendar year 2021. A motion was made by Mgr. Moffet and seconded by Mgr. Arndt that nominations cease and a unanimous ballot be cast for Gary Friskop to serve as Vice Chairman of the RCWRB. The motion carried.

Chr. Burvee called for nominations for Secretary-Treasurer of the RCWRB. A motion was made by Mgr. Moffet and seconded by Mgr. Friskop to nominate Monica Zentgraf to serve as Secretary-Treasurer of the RCWRB for calendar year 2021. Upon roll call vote, the motion carried unanimously.

Chr. Burvee called for nominations for Legal Counsel for the RCWRB. A motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop for Sean Fredricks, Ohnstad Twichell, PC, to serve as Legal Counsel to the RCWRB for calendar year 2021. Upon roll call vote, the motion carried unanimously.

Chr. Burvee called for banking institutions for the RCWRD. A motion was made by Mgr. Moffet and seconded by Mgr. Arndt for Bremer Bank to serve as the RCWRD's banking institution for 2021. Upon roll call vote, the motion carried unanimously.

Consensus of the Managers was to fill the RCWRD Delegate Positions as follows for 2021:

Red River Joint Water Resource Full Board	Mgr. Burvee
Sheyenne River Joint Water Resource Board	Mgr. Moffet
Southern Valley Initiative	Mgrs. Arndt & Friskop
Tri-County Water Resource Executive Board	Mgr. Fahsholz
Metro Flood Diversion Board (Attendee)	Justin Johnson

Adoption of Meeting Schedule

A motion was made by Mgr. Fahsholz, seconded by Mgr. Friskop, and upon roll call vote, unanimously carried to adopt the following regular meeting schedule of the RCWRB:

Regular meetings will be held every Tuesday, from January 1, 2021 through December 31, 2021. Time of meetings:

January 1, 2021 through March 31, 2021	9:00 AM
April 1, 2021 through November 15, 2021	8:00 AM
November 16, 2021 through December 31, 2021	9:00 AM

2021 Priority List

The Managers reviewed the current priority list. Consensus of the Managers was to adopt the following priority list for 2021:

Antelope Creek/Wild Rice River/Sheyenne River Snagging & Clearing

Minutes

The December 22, 2020 minutes were presented. A motion was made by Mgr. Friskop and seconded by Mgr. Arndt to approve the December 22, 2020 minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

● **December 2020 Financial Reports-** A motion was made by Mgr. Fahsholz and seconded by Mgr. Friskop to accept the December 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 \$6,900,664.21. Bremer Bank's Letter of Credit in the amount of \$7,600,000 adequately covers the District's funds.

● **Purchase Authority-** Discussion was held relative to setting a purchase authority for Staff Members for various repair items, i.e. broken or damaged flap gates, culvert extensions, riprap, etc. A motion was made by Mgr. Friskop, and seconded by Mgr. Arndt to approve a Staff purchase authority of \$5,000 for drain repairs. Upon roll call vote, the motion carried unanimously.

James Haugen and Scott Olerud joined the meeting.

Mail

- 1) Richland County Commission- Minutes of the December meetings.
- 2) Houston Engineering- "*Backsights & Foresights*" newsletter.
- 3) North Dakota State Water Commission ("ND SWC")- Temporary Water Permit #ND2020-20350 issued to Cargill, Inc. Source: Wahpeton Buried Valley Aquifer; Point of Diversion: NW1/4 NW1/4 Section 7, East Dwight Township.
- 4) Stephen Anderson- Letter expressing Mr. Anderson's concern with the engineering costs associated with the repairs to Proj #5(64) located in the NE1/4 Section 27, West Walcott Township, and the District not cleaning "all the way west to the railroad" tracks. (RCWRD #19-024)

Applications

Appl #21-001, Tyler Bjerke: NE1/4 Section 23, Garborg Township A motion was made by Mgr. Moffet and seconded by Mgr. Arndt to defer Drain Tile Appl #21-001 pending the 30 day notice to downstream landowners. Upon roll call vote, the motion carried unanimously.

Proj #10 Repairs

Shawn O'Leary, of Comstock Construction, met with the Board at their request to discuss the bill for repairing the crossing located in the SE1/4

Section 30, Sheyenne Township. Also present, at the Board's request, were Former RCWRB Member James Haugen, Ransom County WRB Member Scott Olerud, and Mike Bassingthwaite, project engineer. Mgr. Olerud was asked to attend the meeting due to Ransom County WRB's responsibility to share 50% of the repair costs associated with this project.

Comstock Construction's final bill, was \$38,935.32. This bill, plus the November 2019 bill, in the amount of \$17,335.61 brought the contractor's total bill to \$56,270.93. The engineer's original cost estimate for this project was \$16,000 but after receiving the bill for the work completed in the fall of 2019, Mr. Bassingthwaite revised his estimate to approximately \$35,000, which is still \$23,000 below actual cost.

Discussion was held regarding the contractor's delay doing the project and how that played into additional costs along with the contractor's lack of knowledge with a project of this type. Mr. O'Leary apologized to the Managers for the delays but disagreed that there was a lack of experience. He explained that conditions were poor which added to the time required to complete the project; he also felt the engineer's estimate was under estimated. Mr. O'Leary assured the Board he wants to work with them to resolve the bill. Comstock Construction is working to grow the dirt work division of their company and wants to continue to do business with the District.

To settle the bill, Chr. Burvee asked Mr. O'Leary if Comstock Construction would discount their final bill by 50%. Mr. O'Leary indicated he was not in a position to make that decision but would talk to Michael Comstock and get back to Office Staff with their answer.

Technician's Report

D.D.A.H. Klosterman Drain Tile Appl #20-062 for the SE1/4 Section 21, Garborg Township

Mr. Johnson reported the electrical box for the D.D.A.H. Klosterman tile project, located in the SE1/4 Section 21, Garborg Township, was placed on the Proj #7 backslope. Office staff contacted Sean Fredricks, the District's legal counsel, regarding this situation. Mr. Fredricks advised that the electrical box is a component of the pump outlet and falls under the condition attached to the tile permit which requires the pump to be set back a minimum of 25 feet from the top of the backslope of the legal drain.

A motion was made by Mgr. Moffet, and seconded by Mgr. Friskop to direct Klostermans to move the pump component a minimum of 25 feet off the backslope of the drain as required under Permit #20-062. Upon roll call vote, the motion carried unanimously.

Mr. Olerud left the meeting.

Legislative Update

Portions of the draft tile bill were discussed; Office Staff is continuing to work with Representative Schreiber-Beck to finalize the draft.

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 11:30 AM.

Respectfully submitted,
Monica Zentgraf
Monica Zentgraf
Secretary

Arv Burvee
Arv Burvee
Chairman of the Board