

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
January 28, 2020

The Richland County Water Resource Board ("RCWRB") met January 28, 2020 at 9:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: Don Moffet

Minutes

The December 23, 2019 minutes were presented. A motion was made by Mgr. Haugen and seconded by Mgr. Burvee to approve the December 23, 2019 minutes as presented. The motion carried unanimously.

Financial Matters

● December 2019 Financial Reports- A motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to accept the December 2019 financial reports as presented. The motion carried unanimously.

● Bremer Bank Letter of Credit- 110% of the District's securities totaled \$6,878,699.41 on December 31, 2019. The Letter of Credit in the amount of \$8,000,000.00 adequately covers the District's funds.

● 2019 Year End Financial Reports- The 2019 year end financial reports were presented to the Board. Upon review, a motion was made by Mgr. Burvee and seconded by Mgr. Haugen to accept the reports as presented. The motion carried unanimously.

● Vouchers- Vouchers for the month of January 2020 were presented for the Board's review and approval. A motion was made by Mgr. Fahsholz and seconded by Mgr. Haugen to approve Vouchers #18261 through #18281 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

Mail

- 1) Richland County Commission- Minutes of the December meetings.
- 2) North Dakota State Water Commission ("ND SWC")- Newsletter from the State Engineer and State Water Commission.

Regional Conservation Partnership Program ("RCPP") North Branch Antelope Creek Watershed Study

Engineer Mike Bassingthwaite met with the Board to discuss the financial status and progress of the RCPP study. Also present for this meeting were Christi Fischer, of the NRCS, Keith Weston, of the Red River Retention Authority, and Randy Gjestvang, of the ND SWC; Mgr. Moffet attended via conference call.

Mr. Bassingthwaite provided a brief synopsis of the RCPP study for Mgr. Fahsholz' benefit as a new Board Member. Ms. Fischer then proceeded to provide details about what the PL-566 process can provide to the District for a detention project (which is the goal of the RCPP study). Mr. Gjestvang provided information on ND SWC and Red River Joint Water Resource District ("RRJWRD") cost share possibilities and Mr. Westin estimated the local (RCWRD) share for a detention project to be approximately 8% to 12.5%, if the plan is federally approved. Considerable discussion was held regarding a future detention project. The first step, however, is for Interstate Engineering to complete the work necessary to conduct a meeting with the WRB/landowners directly affected by a project followed by a WRB public meeting. With the information gathered from these meetings, the Engineer will then complete the draft study for submission to NRCS for approval.

Mr. Bassingthwaite requested this meeting with the Board to discuss additional funding to complete the study. Interstate Engineering's contract for the completed study was \$824,000 with 70% Federal/35% ND SWC/65% RRJWRD cost share

funding. Consensus of the Board at the October 22, 2019 meeting was not to allow any money beyond the current \$824,000 contract for completion of the (draft) study and revisions required by NRCS. The contract threshold has been exceeded and at this point Interstate Engineering has written off approximately \$13,000 in engineering fees. Mr. Bassingthwaite was asked what the cost would be to take this to completion; he indicated it would be approximately \$50,000 (for the draft report) and if it was more, his firm would bear the remaining costs. Costs to make revisions required by NRCS were not included in the \$50,000 figure.

Consensus of all parties was that they want to see the study completed. Discussion was held regarding possible cost share assistance from the ND SWC and RRJWRD for the engineering over-run. When asked when the study would be completed, Mr. Bassingthwaite indicated late April 2020. After much discussion, a motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz to allocate an amount not to exceed \$50,000 to complete the RCPP Study, to hold meetings with the landowners directly affected by a project, a subsequent public meeting, and to request cost share assistance for the \$50,000 engineering over-run from the ND SWC and RRJWRD. The motion carried unanimously.

Upon conclusion of the meeting regarding the RCPP project, Ms. Fischer, Mr. Westin, and Mr. Gjestvang left the meeting and the conference call with Mgr. Moffet ended. (RCWRD #16-017)

Interstate Engineering

Mr. Bassingthwaite continued his meeting with the Board for the purpose of discussing the following projects:

- Proj #1 Reconstruction- Due to changes to the ND SWC cost share policy, an Economic Analysis (“EA”) is required before the cost share request for reconstruction of a portion of Project #1 will be considered. Mr. Bassingthwaite estimated the cost of the EA to be as much as \$10,000. Consensus was to meet with Kelly Miller to discuss multiple matters associated with this project since he has indicated a willingness to personally contribute to this project. (Points of discussion would include cost of the project, EA requirement/cost, ND SWC cost share funding, RCWRD allocation for the project/Mr. Miller’s financial contribution, and Mr. Miller’s donation of right-of-way). (RCWRD #17-017)

- Proj #3 Reconstruction- Mgr. Burvee will visit with the tenants directly affected by the proposed reconstruction project. (RCWRD #18-004)

- ND SWC Water Development Plan Projects- The ND SWC is working on their Water Development Plan. Mr. Bassingthwaite suggested the Board think about what projects they will want to submit, as projects not included in the Plan will only be considered if money is available at the end of the biennium.

Mr. Bassingthwaite left the meeting.

Continuation of Mail

- 3) Houston Engineering- 2020 fee schedule. Upon review, a motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz to accept Houston Engineering’s 2020 fee schedule. The motion carried unanimously.
- 4) North Dakota State Water Commission- Temporary Water Permit #ND2019-19885 issued to Cargill for test production wells located in Section 7, Dwight East.
- 5) North Dakota State Water Commission (“ND SWC”)- Cost Share Agreement for the Wild Rice River Snagging & Clearing Project- Reach 1 (located from south of Mantador in Section 17, Belford Township, to one mile east of where the Wild Rice River crosses Interstate 29 west of Great Bend, in Sections 21/22, Brandenburg Township). ND SWC cost share assistance is \$75,000 and is based on American Enterprises

project bid of \$150,000. The Board previously deferred awarding the project pending approval of cost share assistance. A written agreement, prepared by Legal Counsel, between the RCWRD and American Enterprises was presented for the Board's consideration. Upon consideration of American Enterprises bid, the Agreement between the District and Contractor, and ND SWC Cost Share Agreement, a motion was made by Mgr. Haugen and seconded by Mgr. Burvee to award the Wild Rice River Snagging & Clearing Project- Reach 1 to American Enterprises based on their bid of \$150,000, to approve the contract between the District and American Enterprises, and to authorize Chr. Friskop to sign the ND SWC Cost Share Agreement. The motion carried unanimously. (RCWRD #19-060)

- 6) American Enterprises- Bid of \$150,000 for the Wild Rice River Snagging & Clearing Project- Reach 2, located from the end of Reach 1 east of Interstate 29 in Sections 21/22, Brandenburg Township, to Highway 81 in Sections 29/30, Center West. A cost share request has been submitted to the ND SWC. A motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz to deferred action to award the bid for the Wild Rice River Snagging & Clearing Project- Reach 2 pending ND SWC cost share approval. The motion carried unanimously. (RCWRD #19-060)

Regional Conservation Partnership Program ("RCPP") North Branch Antelope Creek Watershed Study

The Managers resumed discussion (from the December 23, 2019 meeting) regarding the Final Progress Report which must be submitted to NRCS before they will issue the final cost share reimbursement for the federal share of the RCPP project. After reviewing and revising various items in the report, Board consensus was to submit the report to NRCS. (RCWRD #16-017)

2008 Reconstruction of Proj #4

Proj #4 was reconstructed (moved) in 2008 by the Richland County Highway Department in conjunction with their County Road #8 project. The documents required for the changes to the drain (landowner easements, Highway Department easement to RCWRD, ND SWC Permit, and Order Amending Route of Drain) were not done. Board consensus was for Office Staff to work with Legal Counsel and the Engineer to secure all necessary documents. (RCWRD #20-001)

EPA 319 Grant

Jennifer Klostreich, Watershed Coordinator for the Richland County Soil Conservation District, recently inquired about a letter of support from the RCWRD for another EPA 319 Grant. The last grant was in 2017. Consensus of the Managers was to forward a letter of support to Mrs. Klostreich.

Technician's Report

- Tree and Shrub Grubbing- The contractor is continuing to grub larger trees along various drains, but due to ground conditions (heavy snowfall) and standing crops, smaller trees and shrubs are not able to be removed. Mr. Johnson inquired whether the Board wants the contractor to continue as best he can or suspend work. Board consensus was to continue working. (RCWRD #18-035)

- Red River Basin Commission International Summit Conference- Mr. Johnson reported on the Summit Conference held January 14th through 16th.

Applications

Appl #20-002, Frank Hlavnicka: SW1/4 Section 23, West End Township A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to approve installation of an 18 inch culvert and flap gate in the SW1/4 Section 23, West End Township. Work assigned to JBX. The motion carried unanimously.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 12:50 PM.

Respectfully submitted,
Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board