

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
June 23, 2020

The Richland County Water Resource Board ("RCWRB") met June 23, 2020 at 8:00 AM via teleconference.

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

THOSE ABSENT: None

Minutes

The June 9, 2020 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve the June 9, 2020 minutes as presented. The motion carried unanimously.

Financial Matters

●**Vouchers**- A listing of all checks written for the month of June, including amount of the payments and fund accounts charged was mailed to the Managers for their review prior to the meeting. A motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz to approve Vouchers #18373 through #18391 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

Mail

- 1) Richland County Commission- Minutes of the May 2020 meetings.
- 2) North Dakota State Water Commission ("ND SWC")- Request for funding forecast for current cost-share projects and voluntary reduction of previously approved cost-share amounts. For the RCWRD, this applies to the North Branch Antelope Creek ("RCPP") study and the RS #1 reconstruction. The Secretary-Treasurer provided an update of remaining expenses for the two projects. Consensus was not to push the ND SWC for cost-share on the \$13,354 RCPP engineering bill paid before the cost-share over-run was approved. The ND SWC will be notified that they can de-obligate \$4,674 which is their 35% share of the \$13,354 bill. No decision was made about de-obligating funds under the RS #1 project as that decision would have to be made by the Richland-Sargent Joint Water Resource Board.

Gabe Bladow, of Houston Engineering, joined the meeting via teleconference. The following projects were discussed:

●**Proj #3 Bridge Located in the SW1/4 Section 6, Fairmount South Township**- At the request of a local landowner, the Board is looking into the option of replacing the bridge, located between Section 6, Fairmount South Township, and Section 1, Lamars Township, rather than repairing the low water crossing located in the middle of Section 6, Fairmount South Township. The low water crossing is impassable. In an earlier meeting, Houston Engineering was directed to provide a report for replacing the bridge. At this time Mr. Bladow presented three alternatives and explained hydraulic implications for each alternative. Construction costs are estimated between \$100,000 and \$360,000, depending on the alternative. Mgr. Burvee suggested the Board consider replacing the low water crossing with a texas crossing and not pursue the bridge replacement option due to costs. Consensus of the Board was for Mr. Bladow to finalize the report on the bridge and provide a report for changing the low water crossing to a texas crossing as discussed.

(Note, for record purposes, the May 19, 2020 minutes reflect incorrect legal descriptions for the bridge and low water crossing. As reported above, the bridge is located between Section 6, Fairmount South Township and Section 1, Lamars

Township, and the low water crossing is located in the middle of Section 6, Fairmount South Township.) (RCWRD #20-018)

●Proj #62 Culvert Replacement in the SE1/4 Section 21, Abercrombie West Township- Input was requested from Mr. Bladow for proper sizing for the mainline field approach crossing located one-quarter mile north of Site #440 due to upsizing the culverts at Site #440. Site #440 must be upsized to meet North Dakota Stream Crossing Standards (“Standards”). Mr. Bladow reported that he conferred with Sean Fredricks, the District’s Legal Counsel, regarding the Standards for the field approach. Mr. Fredricks advised that the Standards only make direct reference to “public highways”. However, Mr. Fredricks further advised that the Office of the State Engineer (“OSE”) issued an opinion indicating the Standards should apply to field approaches and other obstructions. Mr. Fredricks recommended field approach crossings be treated the same as the minimum roadway classification in the Standards. In this particular instance, the approach crossing would be treated the same as a township road.

Mr. Bladow explained the current approach crossing does not meet the Standards, but is very close, assuming allowing overtopping. Water will overtop the drain spoil bank based on current sizing but will also overtop with larger culverts, unless the spoil bank is raised, which would be quite costly. No farmsteads or buildings will be affected by the overtopping. Board consensus was not to replace the approach crossing.

Mr. Bladow recommended the two 36 inch culverts at Site #440 with replaced with one 60 inch culvert. A motion was made by Mgr. Haugen, seconded by Mgr. Fahsholz, and unanimously carried authorizing JBX, LLC to replace the culverts at Site #440 with one 60 inch culvert. (RCWRD #20-013)

Mr. Bladow left the meeting.

Applications

Application to Install a Subsurface Water Management System No. 20-027 for Allen Ward, in the Southwest Quarter of Section 2 in Danton Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 20-027*, dated and filed June 22, 2020, for Allen Ward. Under the application, Applicant seeks to install a 151.6-acre drain tile system in the Southwest Quarter of Section 2 in Danton Township, Richland County, North Dakota. The project will include a single pump outlet located along the south boundary of the Southeast Quarter of the Southwest Quarter of Section 2; the outlet will discharge directly into Richland County Drain No. 95, a legal assessment drain owned by the Richland County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Because the project will discharge directly into a legal assessment drain, under the tile law passed during the 2017 Legislative session, the Board cannot require Applicant to obtain any consent from downstream landowners as a condition to the permit. However, by law, the Board can require Applicant to install and maintain erosion protection at the outlet into Drain 95 to protect the drain. Further, the Board can attach a condition regarding the location of the outlet in relation to Drain 95.

According to records supplied by Applicant, Allen Ward owns the Southwest Quarter of Section 2 of Danton Township.

Manager Moffet moved, and Manager Fahsholz seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20-027*, dated and filed June 22, 2020, for Allen Ward, regarding a proposed tile system in the Southwest Quarter of Section 2 in Danton Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 20-027, subject to the following conditions:

- 1) That Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicant set and install any drain tile pumps at least 25 feet from the top of the back slope of Drain 95, with a pipe buried from the drain tile pump to Drain 95;
- 3) That Applicant install and maintain adequate erosion protection at the point of discharge into Drain 95, to protect Drain 95, including riprap and fabric;
- 4) That Applicant must reseed any of the District's right of way disturbed by Applicant's activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas; and
- 5) That Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Richland County Water Resource District.

Upon roll call vote, the motion carried unanimously.

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

- 1) That Applicant 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
- 2) 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.

Technician's Report

Mr. Johnson provided the following reports:

● Proj #55

Site #465: NE1/4 Section 19, Summit East Township- Two 48 inch x 40 foot culverts are rusted out.

Appl #20-028 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Moffet, and unanimously carried authorizing Interstate Engineering to complete a hydraulic study on Site #465.

● Proj #66

Contractor bids were presented for replacing the culverts at Sites #256, 441, 442, and 444.

Ehlert Excavating, Inc	\$18,450.00
JBX, LLC	\$31,000.00

A motion was made by Mgr. Burvee, seconded by Mgr. Fahsholz, and unanimously carried to award the total project to Ehlert Excavating, Inc based on a bid of \$18,450. (RCWRD #20-014)

● Proj #72

Site #451: SW1/4 Section 1, Nansen Township- Drain water is breaking out into the field. Board opinion is an 18 inch inlet culvert and flap gate should be installed, but action was tabled pending research information for other sites.

Site #459: NE1/4 Section 34, Colfax West Township- One 84 inch x 56 inch x 71 foot cmpa has rusted bottom. Tabled pending Mr. Johnson's investigation into possible lining of existing culvert.

Site #460: NW1/4 Section 2, Nansen Township- Erosion on south side of concrete drop structure. Tabled pending Mr. Johnson researching repair options.

Site #461: Section 1, Nansen Township- Erosion between two culverts. Tabled pending research information for other sites.

Site #462: SW1/4 Section 14, Nansen Township- Small holes rusting through the 65 inch x 40 inch x 72 foot cmpa.

Site #463: SE1/4 Section 14, Nansen Township- Small holes rusting through the 72 inch x 44 inch x 40 foot cmpa.

Site #464: SE1/4 Section 14, Nansen Township- Small holes rusting through the 77 inch x 55 inch x 52 foot cmpa.

A motion was made by Mgr. Burvee, seconded by Mgr. Fahsholz, and unanimously carried to solicit bids from Ehlert Excavating and JBX, LLC for Sites #462, 463, and 464. (RCWRD #20-026)

●Contractor Update

As directed at the June 9th meeting, Jim Viele, of JAV Construction, was contacted regarding the July 31st deadline for completion of assigned work on Proj #5(37), #5(64), and Proj #7. Mr. Viele indicated he could not get these three projects plus Projs #2, #55, and RS #1 completed by the Board's deadline. Mr. Viele indicated that if the District had another contractor who could do Projs # 5(37), #5(64), and #55, he was willing to relinquish the work.

A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to reassign Proj #5(37) to JBX, LLC (RCWRD #19-028); Proj #5(64) to Ehlert Excavating (RCWRD #19-024), and Proj #55 to JBX, LLC (RCWRD #18-015). The motion carried unanimously.

●Drain Inspections

Mr. Johnson provided a brief update of drains left to inspect.

Proj #31 Reconstruction

The Secretary-Treasurer reported the OSE determined the Proj #31 reconstruction is not drainage of statewide or interdistrict significance and the District must make a determination on the State application. A motion was made by Mgr. Burvee, seconded by Mgr. Moffet, and unanimously carried to approve State Surface Drain Permit #5375 for reconstruction of Proj #31 in the SE1/4 Section 21 and E1/2 Section 28, Devillo Township. (RCWRD #18-022)

Red River Joint Water Resource Board Meeting

Mgr. Haugen provided a brief overview of the June 10th Red River Joint board meeting he participated in.

2021 Budget

The Secretary-Treasurer reported the District must submit their 2021 funding request to Richland County before June 30th. She recommended the Board submit a letter of request to the County based on the maximum 4 mill levy the District is allowed under North Dakota law. The value of one mill has been estimated at \$100,000 for 2021. A motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to submit a request for \$400,000 to Richland County for 2021. The motion carried unanimously. Further budget discussions will be held in the coming weeks.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 10:30 AM.

Respectfully submitted,
Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board