

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT
 Richland County Courthouse, Wahpeton, ND
 March 10, 2020

The Richland-Sargent Joint Water Resource Board (RSJWRB) met March 10, 2020 at 10:30 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, Gary Friskop, James Haugen, Lucas Siemieniewski, Bruce Speich, Todd Stein, Mike Wyum, Secretary-Treasurer Monica Zentgraf, Technician Justin Johnson, and Mike Bassingthwaite (Interstate Engineering).

THOSE ABSENT: Managers Mark Fahsholz, Don Moffet, and Roger Zetocha

Chr. Speich called the meeting to order.

Minutes

The February 11, 2020 minutes were presented. A motion was made by Mgr. Siemieniewski, seconded by Mgr. Wyum, and unanimously carried to approve the minutes as presented.

Financial Matters

- Financial Reports- February 2020 financial reports for the Maintenance, Construction, and Sinking Funds were presented for the Board's review. A motion was made by Mgr. Burvee and seconded by Mgr. Wyum to accept the February 2020 financial reports as presented. The motion carried unanimously.

- Pay Estimate #8- JAV Construction Pay Estimate #8, in the amount of \$28,440.77, for the Phase II reconstruction project was presented to the Board. A motion was made by Mgr. Haugen, seconded by Mgr. Stein, and unanimously carried to approve Pay Estimate #8 as presented. (RSWRD #16-001)

Phase II Reconstruction- Landowners/Tenants Settlements

Mr. Bassingthwaite reported that he met with the landowners and/or tenants impacted by the Phase II reconstruction project regarding the following matters:

2018 Crop Damage Payments

The 2018 crop damage rates were set at the April 30, 2019 meeting:

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

Per Mr. Bassingthwaite, payments due, based on the previously approved rates, are:

- Keith Saunders- N1/2NE1/4 Section 18, Kingston Twp (North of Railroad Tracks):
1.98 Acres Corn = \$1,980.00
- Kevin Willprecht- S1/2NE1/4 Section 18 (South of Railroad Tracks) and N1/2NW1/4 Section 17, all in Kingston Twp:

2.13 Acres Soybeans = \$1,171.50

1.07 Acres Corn = \$1,070.00

- Kurt Breker - NE1/4 Section 19, Kingston Twp:

0.06 Acres Corn = \$60.00

- Kurt Breker- SE1/4 Section 19, Kingston Twp:

0.40 Acres Soybeans = \$220.00

- Luke Siemieniewski- SE1/4 Section 29, Kingston Twp:

0.41 Acres Soybeans = \$225.50

2019 Requests for Compensation

As Mr. Bassingthwaite explained, the Phase II reconstruction did not get completed in 2018 and some of the landowners/tenants want to be compensated for crop lost in 2019 and/or cleanup/restoration work they had to do as a result of spoil placed on their land. Those affected and requests are:

- Keith Saunders (J & K Saunders Land)- Approximately \$1,000.00 for cleanup/restoration

- Kurt Breker (K, M. J. Breker Land)- \$22,769.65 for crop loss
\$ 7,360.00 for cleanup/restoration

- Kevin Willprecht (A. & J. Willprecht Land)- No specified amount; requested payment similar to the other parties

- Luke Siemieniewski (W. Berg & T. Hanson Land)- No significant cleanup and no request for payment. Mr. Siemieniewski was happy with the project and recognized the benefits he will receive as a result of the reconstruction.

The Board reviewed detailed materials which Mr. Breker provided to Mr. Bassingthwaite justifying his request. Considerable discussion was held to prepare for the meeting with Mr. Saunders and Mr. Breker later in the day.

2018 Crop Damage Payments

A motion was made by Mgr. Wyum and seconded by Mgr. Burvee to approve 2018 crop damage payments as reported:

•Keith Saunders	\$1,980.00
•Kevin Willprecht	\$2,241.50
•Kurt Breker	\$ 280.00
•Luke Siemieniewski	\$ 225.50

Mgrs. Burvee, Friskop, Haugen, Speich, Stein, and Wyum voted in favor of said motion; Mgr. Siemieniewski abstained from voting. The motion carried.

The Managers recessed at 11:45 AM and reconvened at 1:00 PM.

Phase II Reconstruction- Meeting with Landowners/Tenants Regarding Settlements

Mr. Breker and Mr. Saunders met with the Board to discuss settlements for the 2019 crop season.

Concerns/issues expressed by Mr. Breker:

- Spoil was not spread in the Fall of 2018; it was spread in the Spring of 2019. He had to level a considerable amount of the spoil himself and some of it could not be spread due to the condition of the material. (Response- Spoil spreading was hampered by extremely wet conditions.)

- Seeding was not done. (Response- Hampered by extreme weather conditions. Seeding will be done when conditions allow this spring.)

- Spoil was spread on his good cropland, not by the channel where there was no crop; ruined the land for 2019 and he will likely sustain a loss in 2020 as well. (Response- The project permit required spoil to be placed away from the channel, outside of the project corridor.)

- Mr. Breker insisted he did not gain anything from the project. (Response- The Managers opinion is Mr. Breker will realize benefit resulting from lateral draw down effect.)

- Reviewed charges submitted by Mr. Breker, including corn and soybean loss in 2019, difference in loss between prevent plant payment and average per acre, bales lost and price to purchase needed bales, cost for spoil leveling and cleanup on 92 acres of cropland. Commented that he “took a real kicking” from the project. Total request for payment was \$30,129.65.

Concerns/comments expressed by Mr. Saunders:

- Spent more time picking rock and dirt leveling than expected. Total request for payment was \$1,250.00.

- Commented that “could not find tougher working conditions” due to the weather and was “surprised the contractor could keep equipment running”.

- Very happy the project was done; will definitely realize benefit from the project.

The Managers felt Mr. Breker overcharged the number of acres involved as spoil was not spread over the entire fields. An offer of \$15,000 was made; Mr. Breker did not accept. It was suggested the meeting end and a second meeting be scheduled at a later date to allow Mr. Breker time to go home and recalculate his acres. Mr. Breker stated the numbers would not change.

Mr. Saunders stepped out of the meeting to allow the Managers to negotiate with Mr. Breker. Discussion continued with Mr. Breker and he agreed to accept the \$15,000.

Mr. Saunders rejoined the meeting.

A motion was made by Mgr. Siemieniowski, seconded by Mgr. Burvee, and unanimously carried to approve payment to Kurt Breker in the amount of \$15,000 and to Keith

Saunders in the amount of \$1,250 for settlements related to the Phase II Reconstruction Project.

Mr. Bassingthwaite will meet with Kevin Willprecht regarding his settlement now that settlements have been reached with the other parties.

Requests for Additional Work under the Current Reconstruction Project

Requests brought to the Engineer's attention for additional work under the current project were additional riprap by two areas along the channel (Mr. Breker) and culvert in Section 18, Kingston Township, may be extending too far into the channel as it is pulling the flap gate open (Mr. Saunders). These issues will be investigated when final work is done in 2020. Mr. Saunders also asked for additional leveling in Section 18, however, this could create a liability exposure the Board cannot get involved in due to the possibility of wetlands on the land.

Future Projects

Mr. Breker and Mr. Saunders inquired about future projects. Cleaning and continuation of reconstruction (Phase III) are being considered by the Board. Both parties expressed concern about the condition of two bridges on the channel. The bridges are on the Board's radar but replacement is not currently planned due to funding constraints. The best scenario would be to replace the bridges as part of a future reconstruction project.

A question was also asked about how far the drain extends into Richland County and about the Park Lake area. The Richland County portion of the drain was pointed out on a map and it was explained that the District cannot do work off the drain. Mgr. Siemieniewski briefly touched on Sargent County Water Resource District's current Regional Conservation Partnership Project ("RCPP") and how this project would benefit the entire area, however, it is only in the planning phase and would be a long term project.

Mr. Bassingthwaite and Mgr. Wyum left the meeting.

Brief discussion continued regarding the RCPP project.

Mr. Breker and Mr. Saunders left the meeting.

Adjournment

There being no further business to come before the Board, Chr. Speich adjourned the meeting at 2:20 PM.

Respectfully submitted,
Monica Zentgraf
 Monica Zentgraf
 Secretary

Bruce Speich
 Bruce Speich
 Chairman of the Board