

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
May 19, 2020

The Richland County Water Resource Board ("RCWRB") met May 19, 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 May 5, 2020 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve the May 5, 2020 minutes as presented. The motion carried unanimously.

Financial Matters

● **April 2020 Financial Reports**- A motion was made by Mgr. Burvee and seconded by Mgr. Fahsholz to accept the April 2020 financial reports as presented. The motion carried unanimously.

● **Bremer Bank Letter of Credit**- 110% of the District's securities totaled \$7,561,374.98. Bremer Bank's Letter of Credit, reduced to \$8,000,000 on April 22, 2020, adequately covers the District's funds.

Mail

1) None

Proj #2 Right-of-Way- SE1/4 Section 22 and NE1/4 Section 27, East Colfax Township

Mgrs. Fahsholz and Haugen, Justin Johnson, and Mike Bassingthwaite (of Interstate Engineering) met with Brad Hage, on May 14th. Purpose for the on-site meeting was to verify what was discussed and agreed to when Mr. Hage met with the Board (in the office) on February 25th. As agreed upon in February, the District will transfer 0.97 acres, located in the SE1/4 Section 22, East Colfax Township, back to the Claudette Hage family in exchange for Brad and Leslie Hage transferring approximately 0.50 acres, located in the NE1/4 Section 27, East Colfax Township, to the District plus the dirt the District removed from the field in the SE1/4 Section 27, that was used to raise the berm of the drain last year. Ohnstad Twichell, PC will prepare the transfer documents.

Mr. Hage requested the District seed the berm. Mr. Bassingthwaite will notify JAV Construction to do the seeding, which was part of last year's project. (Hage/Gylland Appl #19-013)

Proj #3 Low Water Crossing Located Between Section 1, Lamars Township and Section 6, South Fairmount Township

The Secretary-Treasurer reported Tim and Josh Matejcek contacted Mgr. Burvee about the low water crossing located on Proj #3 between Section 1, Lamars Township and Section 6, South Fairmount Township. This crossing has been repaired in the past and has been impassable the last few years. The Matejceks' suggested the bridge, located in the SE1/4 Section 6, South Fairmount Township, be removed and a low water crossing installed at that location rather than repairing the low water crossing in the middle of the section. The bridge is closed and most likely will not be replaced by the County. The County Engineer plans to contact the ND Department of Transportation to inquire about removing the bridge from the County's inventory. He feels once the bridge is off their inventory the County will not have any further responsibility for a crossing over the drain at this location.

Fairmount Township Chairman Francis Rubish contacted the Office as he was also approached by the Matejceks. Mr. Rubish indicated the Township Board is not in

favor of a low water crossing because of the liability exposure. The Township Board would like the bridge replaced with another bridge or culverts.

Appl. #20-018 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Fahsholz, and unanimously carried, authorizing Houston Engineering to perform a hydraulic analysis for the crossing in the SE1/4 Section 6, South Fairmount Township, provide a recommendation for culverts that will meet North Dakota Stream Crossing Standards, and provide a cost estimate for the recommended crossing. Sean Fredricks, Legal Counsel for the RCWRD, will be contacted regarding the County's ability to relinquish their shared responsibility for township and county road crossings over legal drains when crossings are removed from the County's inventory.

Proj #65 Wirtz Lateral

Mgr. Burvee reported that after discussion at the May 5th board meeting, he met with Jim Wirtz about the fence the Wirtz family wants removed. The fence is located in the S1/2 Section 26, Waldo Township. Mgr. Burvee provided Jim with a copy of the agreement Norman and Lois Wirtz signed in 2007 whereby they agreed to accept maintenance responsibility for the fence and to not allow cattle to graze in the legal drain. Mgr. Burvee advised Jim that if the Board would allow the fence to be removed, Wirtz' would be responsible for removal of the fence and probably be required to sign an agreement accepting responsibility for damage to the drain caused by livestock. No action was taken by the Board pending a decision by the Wirtz family.

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

The Secretary-Treasurer reported Sean Fredricks, Legal Counsel for the Red River Joint Water Resource District ("RRJWRD"), revised the "*First Amendment To The Cost-Share Agreement*" for the RCWRD's \$50,000 over-run for the RCPP study. Mr. Fredricks revised the Agreement to reflect the RRJWRD's maximum cost-share limit of \$24,160 since the North Dakota State Water Commission also approved cost-share assistance. A motion was made by Mgr. Fahsholz, seconded by Mgr. Haugen, and unanimously carried, authorizing Chr. Friskop to sign the revised "*First Amendment To The Cost-Share Agreement*" as presented. (RCWRD #16-017)

Video Conference Equipment

In follow up to the matter of Legal Counsel offering to install video conference equipment in the District's office, the Secretary-Treasurer reported the Richland County Administrator has no issues with installation of video conference equipment provided there is no cost to Richland County. A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to proceed with installation of video conference equipment funded by Ohnstad Twichell, PC. The motion carried unanimously.

Technician's Report

Mr. Johnson provided the following reports:

- Proj #2-

- Site #447: SE1/4 Section 24, West Colfax Township- Erosion occurred again this spring, above the riprap installed last year to repair damage from that spring event.

- Site #448: NW1/4 Section 25, South Eagle Township- Trees by drop structure.

Appl #20-020 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Haugen, and unanimously carried, authorizing JBX, LLC to repair the erosion, install riprap, and grind the trees. The motion carried unanimously.

- Proj #4(32)-

- Site #445: SE1/4 Section 2, Antelope Township- Sediment in channel.

Appl #20-017 was completed and a motion was made by Mgr. Fahsholz, seconded by Mgr. Moffet, and unanimously carried, authorizing JBX to remove the sediment. The motion carried unanimously.

●Proj #34-

Site #344: SW1/4 Section 27, North Fairmount Township- Erosion in channel.

Consensus of the Managers was to monitor the site.

●Proj #41-

Site #449: NE1/4 Section 1, Mooreton Township- Erosion of inlet ditch.

Appl #20-019 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Fahsholz, and unanimously carried, authorizing installation of riprap by Ehlert Excavating.

●Proj #62-

After discussion at the May 5th board meeting about a boat dock placed across the legal drain, Chr. Friskop inspected the site, which is located in the NE1/4 Section 21, West Abercrombie Township. It appears the dock is being used for crossing the legal drain to access fuel tanks for the drain tile pump. At the May 5th meeting, the Managers directed Mr. Johnson to contact the landowner about removing the dock, however, Chr. Friskop feels the Managers should reconsider their decision. Considerable discussion was held regarding the District's liability exposure and possible solutions for accessing the tanks. The Managers opinion was that it is the landowner's responsibility to determine how to access the property. A motion was made by Mgr. Fahsholz and seconded by Mgr. Burvee to notify the landowner to remove the dock by June 5, 2020. Mgrs. Burvee, Fahsholz, Friskop, and Moffet voted in favor of said motion; Mgr. Haugen voted against the motion. The motion carried. Mr. Johnson will contact the landowner; a letter will be sent following personal contact. (RCWRD #20-013)

●Proj #95-

Mr. Johnson reported that he inspected Proj #95, in the SW1/4 Section 33, Antelope Township, where Mgr. Moffet reported dirt was recently removed from the berm of the drain and hauled approximately one-quarter mile north to be used to cover an approach culvert that is being installed. Mr. Johnson provided photographs of the site; dirt was removed beyond the grassed area. Mr. Johnson further reported the District owns 80 feet of right-of-way, which extends beyond the grassed area. Dirt was removed approximately 8 feet into the right-of-way. Board consensus was for Mr. Johnson to contact the landowner and request he stay outside of the grassed area.

Applications

Appl 20-015, for the S1/2 Section 19, West Abercrombie Township, and Appl #20-016, for the NW1/4 Section 32, Nansen Township. Both applications were filed by Jay and Cara Myers. Upon review, a motion was made by Mgr. Fahsholz, seconded by Mgr. Haugen, and unanimously carried, to defer Appls #20-015 and #20-016 pending 30 day notification to downstream landowners.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 9:35 AM.

Respectfully submitted,
Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board