

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
November 23, 2021

The Richland County Water Resource Board ("RCWRB") met November 23, 2021 at 8:00 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Clint Arndt, Arv Burvee, Gary Friskop, Don Moffet, Engineering Technician Justin Johnson, Secretary-Treasurer Monica Zentgraf and Tiffany Bladow.

THOSE ABSENT: Mark Fahsholz

Approval of Agenda

A motion was made by Mgr. Moffet, seconded by Mgr. Arndt, and unanimously carried to amend the agenda to include the matter of the complaint for water-related issues filed by Todd Woodbury against Loren Hegseth.

Minutes

The November 9, 2021 minutes were presented. A motion was made by Mgr. Arndt and seconded by Mgr. Friskop, to approve the November 9, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

Financial Matters

- **November 2021 Vouchers**- Vouchers for the month of November 2021 were presented for the Board's review and approval. A motion was made by Mgr. Moffet and seconded by Mgr. Arndt to approve Vouchers #18737 through #18760 and the electronic funds transfers for the IRS payment. Upon roll call vote, the motion carried unanimously.

Todd Woodbury vs. Loren Hegseth Complaint #21-033

The Board next discussed the draft FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER regarding the Hegseth matter, prepared by the District's Legal Counsel, Sean Fredricks. The Findings outline the procedural history of the matter, including a summary of the Board's findings, order to Mr. Hegseth to remove the illegal obstruction/dam, Mr. Hegseth's failure to appeal, and Mr. Hegseth's failure to remove the structure by the Board's deadline. The Findings also outline the Board's legal authority to assess Mr. Hegseth's property to recover the Board's costs incurred in the matter. More specifically, the Findings outline the Board's authority under Sections 61-16.1-51 and 61-16.1-53 to assess Mr. Hegseth's property to recover the costs incurred by the Board in the matter. To date, the Board has received invoices in the matter as follows:

Houston Engineering, Inc = \$8,575.25
Ohnstad Twichell, PC = \$4,660.30
Comstock Construction, Inc = \$2,298.80
Total Cost = \$15,534.35

Mr. Fredricks included an additional \$1,000 in the total identified in the Findings to capture the estimated costs for him to prepare and serve the Findings. Mr. Fredricks also prepared a draft cover letter to the parties to afford Mr. Hegseth the opportunity to submit payment voluntarily, as opposed to assessments levied on his property. The letter identifies a proposed deadline of January 14, 2022, regarding voluntary payment, to avoid a levy of assessments against his property in the SE1/4 Section 16, Garborg Township.

Mgr. Friskop moved to approve the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER and to identify a deadline of January 14, 2022, as a deadline for Mr. Hegseth to submit payment voluntarily. Mgr. Moffet seconded the motion. Upon roll call vote, the motion carried unanimously.

Technician's Report

●Dr. #55: Site #538 NW1/4 Section 4, Summit East Township: Landowner complaint of bump over previous crossing repair. Mr. Johnson recommended adding gravel to the road.

Site #539- NE1/4 Section 5, Summit East Township: Mr. Johnson reported on Interstate Engineering's hydraulic report regarding the existing 18 inch culvert. Minimum sizing for the crossing is an 18 inch culvert. A motion was made by Mgr. Moffet and seconded by Mgr. Friskop to approve a new 18 inch culvert, adding gravel to the road, and to assign the work to Comstock Construction. Upon roll call vote, the motion carried unanimously. (RCWRD #21-060)

●Kube Drain Cleanout- Mgr. Friskop reported on the cleaning project being undertaken by private landowners. It appears the concerns have been resolved and the project will proceed.

●Lance Meyer Complaint- Mgr. Burvee gave an update the work has been completed. The Board will wait until after spring run off to have Engineer Mike Bassingthwaite look at it, before finalizing the complaint. (RCWRD #21-035)

Dr. #1 Reconstruction

Kelly Miller met with the Board at his request to further the discussion regarding reconstructing a portion of Dr. #1 in Sections 28 & 29, Abercrombie East Township; Mike Bassingthwaite, of Interstate Engineering, was also present for the meeting. The discussion included, length of project, timelines, funding, and the need for an economic analysis, which is part of North Dakota Water Resources Cost Share procedure. A motion was made by Mgr. Moffet and seconded by Mgr. Friskop to move forward with the economic analysis and to assign the work to Interstate Engineering. (RCWRD #17-017)

Office Equipment

Office staff requested the approval to purchase a chair from Innovative Office Solutions for \$262.48. A motion was made by Mgr. Arndt and seconded by Mgr. Moffet to approve the office chair. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 9:50 A.M.

Respectfully submitted,

Tiffany Bladow
Tiffany Bladow
Acting Secretary

Arv Burvee
Arv Burvee
Chairman of the Board