

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
October 26, 2021

The Richland County Water Resource Board ("RCWRB") met October 26, 2021 at 8:00 A.M. at the Richland County Courthouse.

THOSE PRESENT: Managers Clint Arndt, Arv Burvee, Mark Fahsholz, Don Moffet, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: Gary Friskop

Approval of Agenda

A motion was made by Mgr. Arndt, seconded by Mgr. Moffet, and unanimously carried to approve the agenda as presented.

Minutes

The October 12, 2021 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Fahsholz to approve the October 12, 2021 minutes as amended. Upon roll call vote, the motion carried unanimously.

Financial Matters

●**October 2021 Vouchers**- Vouchers for the month of October 2021 were presented for the Board's review and approval. A motion was made by Mgr. Fahsholz and seconded by Mgr. Arndt to approve Vouchers #18720 through #18736 and the electronic funds transfers for the IRS payment. Upon roll call vote, the motion carried unanimously.

Mail

- 1) Township Officers Association- Notice of annual fall meeting scheduled for November 23, 2021.
- 2) Mike Bassingthwaite, Interstate Engineering- Email correspondence between Mr. Bassingthwaite and NRCS personnel regarding wetland delineation work for the Regional Conservation Partnership Program ("RCP"). No surveying will be done on the Dr. #15 site as access permission is not being granted by the landowners. As a result, the Dr. #15 site will no longer be considered as a viable option. (RCWRD #16-017)

Applications

Application to Install a Subsurface Water Management System #21-082 for Mike Hoffert in the SE1/4 Section 31, Viking Township

The Board reviewed *Application to Install a Subsurface Water Management System #21-082*. Under the application, Mike Hoffert seeks to install an additional 9-acres of drain tile in the NECR SE1/4 Section 31, Viking Township. The original 138 acre project for the SE1/4 was permitted under Hoffert Estate Revocable Trust Application #13-105 which included a single pump outlet located in the SECR SE1/4. The project is now being re-permitted under Application #21-082 and will include the 9 acres in the NECR SE1/4 for a total of 147 acres of drain tile. The water for the additional 9 acres will discharge through the existing single pump outlet in the SECR SE1/4. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Fahsholz moved, and Mgr. Arndt seconded the motion, to approve Application #21-082 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-082, subject to the following conditions:

- that Applicant install and maintain proper erosion protection at all outlets;

- that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;
- that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;
- that Applicant must turn off any pump outlets and control structures during "critical flood periods," as determined by the Richland County Water Resource District;
- that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
- that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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

- that Applicant obtain easements from the owners of any property not owned by the Applicant but on which the Applicant will install, construct, and maintain Applicant's tile system;
- that Applicant obtain written permission from all applicable road authorities to discharge into, or otherwise utilize, any township, county, or state road ditches; to install, operate, and maintain buried pipe in any township, county, or state road ditches; or to bore or cut through any township, county, or state roads and road ditches; and
- 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.

Engineering Agreements

The three year Engineers Joint Contract Documents Committee ("EJCDC") Agreement between Houston Engineering and the RCWRD was presented to the Board. The document has been reviewed by the District's legal counsel and is ready for Board approval. Upon review, a motion was made by Mgr.

Arndt and seconded by Mgr. Fahsholz authorizing Chr. Burvee to sign the three year EJCDC agreement. Upon roll call vote, the motion carried unanimously.

A secondary General Services Task Order to the EJCDC Agreement with Houston Engineering was presented to the Board. This Task Order will cover all small work orders the District directs Houston Engineering to undertake such as hydraulic studies, permit reviews, complaint reviews, general investigations, etc. Upon review, a motion was made by Mgr. Fahsholz and seconded by Mgr. Arndt authorizing Chr. Burvee to sign the Task Order as presented. Upon roll call vote, the motion carried unanimously.

Technician's Report

- Dr. #31 Bridge- Richland County Highway Engineer Jesse Sedler notified Mr. Johnson the bridge over Dr. #31, in the SE1/4 Section 20, Summit West Township, is deteriorating. It will most likely need to be replaced within the next one to two years.

- Project Updates- Mr. Johnson provided status updates for various projects.

Houston Engineering Meeting

Gabe Bladow, of Houston Engineering, meet with the Board at this time via Zoom conference. The following projects were discussed:

- Dr. #31 Reconstruction- Mr. Bladow provided an update on the Dr. #31 reconstruction project and presented Task Order #2 for the project. The second Task Order is issued because of the new EJCDC contract approved by the Board. Task Order #2 covers the remaining pre-construction engineering as well as construction engineering for the project. Along with the Task Order, Mr. Bladow requested the Board's consideration for a contract amendment to help cover costs for additional engineering work completed during the course of project development. Mr. Bladow provided an overview (and a written memorandum explanation) of the additional costs which consisted of completion of the North Dakota State Water Commission cost share application (including the economic analysis), design changes, and multiple other miscellaneous items. The requested contract amendment is for \$60,000. It was noted that the majority of the items were known by the Managers and Office Staff. At this time a motion was made by Mgr. Fahsholz and seconded by Mgr. Arndt to approve the \$60,000 contract amendment with Houston Engineering and authorize Chr. Burvee to sign Task Order #2. Upon roll call vote, the motion carried unanimously. (RCWRD #18-022)

- Swan Creek Watershed- Mr. Bladow provided a progress update and recommended path forward for potential NRCS Watershed Operations Program funding (PL-566) for Swan Creek. Mr. Bladow also provided the District with a written memorandum of the progress to date, recommended path forward, and proposed costs.

Houston Engineering was in communication with North Dakota NRCS ("ND NRCS") personnel this past spring/summer. ND NRCS personnel strongly recommended getting local interest in the project to improve the chance of success.

Mr. Bladow recommended the District conduct a meeting with local landowners, road authorities, and other potential project stakeholders to explain the potential funding opportunity and limitations and determine the level of interest in pursuing a project. If the initial meeting yields sufficient local interest, a second meeting should be held with the District, ND NRCS personnel, local interests and stakeholders, and other potential stakeholders and/or funding partners (Red River Joint Water Resource District/Red River Retention Authority, etc.) The purpose of the second meeting would be to present the project to ND NRCS personnel to attain their support for a new

planning start request. If the meeting yields ND NRCS support, the District would have to determine the best path forward for completing a Preliminary Investigation Feasibility Report (PIFR), which is required by the Federal NRCS Office. ND NRCS could complete the PIFR, which would save the District money; however, they would not be available until FY 2023. Alternatively, the District's consultant could complete the PIFR sooner, but it would be at the District's expense.

An initial estimate of Houston Engineering's costs would be \$2,000 for each of the two landowner meetings. Board consensus was to table the matter until the Managers can contact some local landowners to gauge their interest.

The meeting with Mr. Bladow concluded at this time.

Adjournment

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 10:00 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Arv Burvee
Arv Burvee
Chairman of the Board