

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
September 24, 2019

The Richland County Water Resource Board ("RCWRB") met September 24, 2019 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: None

Minutes

The September 10, 2019 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve the September 10, 2019 minutes as presented. The motion carried unanimously.

Financial Matters

- Pay Estimates-
 - Proj #7 Reconstruction- Pay Estimate #4 to JAV Construction in the amount of \$13,413.60.
 - Richland-Sargent Joint Drain #1 Reconstruction- Pay Estimate #7 to JAV Construction in the amount of \$19,551.00.

A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to approve the pay estimates as presented. The motion carried unanimously.

- Proj #7 Reconstruction Change Order- Change Order #1, to JAV Construction, was presented for the Board's review. The Change Order was for adding an extension and flap gate on an existing 15 inch culvert, additional water control measures due to the delay in delivery of centerline culverts, and additional minor earth work at various locations along the project alignment. Total cost increase for the reported items was \$5,830.

A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to approve Change Order #1, to JAV Construction, for \$5,830 as presented. The motion carried unanimously.

- Proj #7 Reconstruction- Engineering Services- The Managers were informed that Houston Engineering incurred an over-run for engineering services associated with the Proj #7 reconstruction. A memo, from Houston Engineering, detailing the over-runs was reviewed by the Managers. The financial status of the reconstruction project was discussed. No action was taken pending a meeting with Gabe Bladow, of Houston Engineering, later in the day. (RCWRD #17-016)

- Vouchers- Vouchers for the month of September 2019 were presented for the Board's review and approval. A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to approve Vouchers #18167 through #18190 and the electronic funds transfers for the IRS and Job Service payments. The motion carried unanimously.

Applications

Appl #19-049, Teresa Braaten: SE1/4 Section 13, Barney Township A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to defer Appl #19-049 for the installation of drain tile pending the 30 day notice to downstream landowners. The motion carried unanimously.

Appl #19-050, Thomas J English Revocable Living Trust & Eleanor J English Revocable Living Trust: SW1/4 Section 27, Garborg Township A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to defer Appl #19-050 for the

installation of drain tile pending the 30 day notice to downstream landowners. The motion carried unanimously.

Amendment to Application to Drain With State Drain Tile No. 3806 for Ron Selzer in the Northwest Quarter of Section 20 in Homestead Township (RCWRD Application No. 11-116)

The Board reviewed a request from Mr. Ron Selzer to amend a tile permit approved by the Board in 2011. More specifically, the Board approved *Application to Drain With Drain Tile No. 3806* on May 2, 2011, regarding a 110-acre drain tile project in the Northwest Quarter of Section 20 in Homestead Township for Ron Selzer and Sandra Selzer, the landowner. Later that year, on June 13, 2011, the Board amended its previous approval to modify the pump location to the southeast corner of the Northwest Quarter of Section 20; the Board approved the tile discharge from the southeast corner of the Northwest Quarter of Section 20 to the southeast across the Southeast Quarter of Section 20, via a natural watercourse. The Board required Applicant to obtain a Flowage Easement from the owner of the Southeast Quarter of Section 20 as a condition to the permit. Applicant obtained that easement and satisfied the condition.

Under Mr. Selzer's request to amend the permit, the Selzers simply request permission to add an additional 30 acres of tile to the project in the Northwest Quarter of Section 20. The outlet location will not change from the southeast corner of the Northwest Quarter of Section 20, and the tile discharge will still flow to the southeast across the Southeast Quarter of Section 20 via a natural watercourse.

The Board reviewed the proposed amendment to include an additional 30 acres to the existing drain tile system and concluded the additional acres would not result in any adverse impacts to any downstream parties. Further, the original condition regarding a flowage easement from the downstream landowner is still in effect. With this in mind, the Board ultimately concluded the project will not result in adverse impacts and that no hearing was necessary to consider the amendment.

The Board approved the Selzers' permit in 2011, prior to the implementation of new tile drainage permitting that went into effect in August of 2011, and certainly before new tile permitting requirements promulgated during the 2017 legislative session. Further, the amendment only includes 30 additional acres of tile. With this in mind, the Board can simply amend its 2011 approval to include the additional 30 acres.

Manager Burvee moved, and Manager Haugen seconded the motion, to approve an amendment to *Application to Drain With Drain Tile No. 3806* originally approved in 2011, to include an additional 30 acres in the Northwest Quarter of Section 20 of Homestead Township, subject to the original conditions attached to the permit in 2011. Upon roll call vote, the motion carried unanimously. The Board will provide notice to the State Engineer's office, as well as the parties of record, who received notices in 2011.

Appls #19-051 through #19-054, for installation of drain tile. No State Subsurface Permits are required as the projects involve less than 80 acres.

Appl #19-051	Verne Ulven	NE1/4 Section 2, Colfax West
Appl #19-052	Verne Ulven	SW1/4 Section 23, Colfax West
Appl #19-053	Verne Ulven	SW1/4 Section 35, Walcott West
Appl #19-054	John Q. Paulsen	SE1/4 Section 29, Walcott East

Gabe Bladow, of Houston Engineering, met with the Board to discuss the following projects:

- Proj #7 Reconstruction

Project Update and Closeout- The only outstanding item is seeding. Seeding has been completed and the cover crop has emerged but it is not yet considered to be established. The current pay estimate includes payment for 60%

of the seeding cost (per the contract); the remaining 40% is paid when the grass is established. The grass will be monitored over the next few weeks; project closeout will be determined based on establishment of grass.

Engineering Cost Over-Run- Discussion was held regarding the various areas of the project where cost over-runs occurred. (RCWRD #17-016)

- Proj #31 Reconstruction

Mr. Bladow visited with the Managers about the Proj #31 reconstruction, most specifically regarding North Dakota State Water Commission ("ND SWC") cost share assistance, permitting requirements (United States Army Corps of Engineers, ND SWC, and North Dakota Department of Transportation), land acquisitions, and project timeline.

After much discussion, consensus was to proceed with design, permitting, and land acquisition with the intention of requesting ND SWC cost share assistance, based on a 2021 construction timeline. (RCWRD #18-022)

Mr. Bladow left the meeting.

Proj #7 Reconstruction

Brief discussion was held regarding the engineering cost over-run for the Proj #7 reconstruction. Based on the justification provided by Houston Engineering, a motion was made by Mgr. Haugen, seconded by Mgr. Moffet, and unanimously carried to approve Houston Engineering's cost over-run in the amount of \$17,738.59. (RCWRD #17-016)

North Dakota Department of Emergency Services (ND DES) Public Assistance Subgrant Agreement for FEMA-444-DR (2019 Disaster

The ND DES Subgrant Agreement was presented to the Board. Discussion was held relative to conditions within the Agreement. A motion was made by Mgr. Moffet, seconded by Mgr. Rostad, and unanimously carried authorizing Chr. Friskop to execute the Agreement.

2020 Budget

The Richland County Commission previously reduced the District's 2020 budget to 3.5 Mills; however, at their September 17th meeting, the Commission reduced the budget by an additional 0.25 Mills. The District's total levy for 2020 will be 3.25 Mills (a reduction of 0.75 Mills). This amounts to a reduction of approximately \$75,000. Discussion was held regarding money the District allocated for the Regional Conservation Partnership Program ("RCPP") and snagging and clearing projects on the Sheyenne and Wild Rice rivers.

Proj #2 Repairs

Mgr. Rostad reported that he was contacted by a member of the Colfax Township Board of Township Supervisors regarding loss of gravel on the minimum maintenance roads in the N1/2 Section 30, Colfax East (east-west road) and E1/2 Section 24, Colfax West (north-south road). The Township Board's main concern is the east-west road. They feel the gravel was lost due to the District's contractor hauling fill material off the Proj #2 spoil bank and that it is the District's responsibility to replace the gravel. Consensus of the Managers was to monitor the road until spring. (RCWRD #19-015)

Technician's Report

- Beaver Dams- Mr. Johnson is working with Animal Damage Control on numerous beaver dams.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 11:50 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board