

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
April 11, 2017

The Richland County Water Resource Board (RCWRB) met April 11, 2017 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: Manager James Haugen.

Minutes

The March 28, 2017 minutes were presented. A motion was made by Mgr. Rostad and seconded by Mgr. Moffet to approve the minutes as presented. The motion carried unanimously.

Mail

- 1.) Richland County Commission- Minutes of the March 2017 meetings.
- 2.) Mike Dwyer, ND Water Users Assn- Email inquiring if Secretary Zentgraf would be willing to serve as an at large member on the ND Water Users Board. No decision was made pending discussion with Executive Director Mike Dwyer about the need for additional Board Members.
- 3.) Shawn Morten, Dakota Helicopters- Email request to submit bid for spraying the District's legal drains this year. Board consensus was to solicit bids from Dakota Helicopters and Larson Helicopters.
- 4.) Northern States Excavating- Request to be considered for legal drain projects.
- 5.) Bliss Law Firm- Update of March 29, 2017 conference with Mgrs. Rostad and Moffet regarding Fargo-Moorhead Diversion Project and Appeal of the State Engineer's decision to permit the diversion inlet structure.
- 6.) Keith Weston, Red River Retention Authority- Email encouraging the engineer's completion of the "Purpose & Need" Statement for the Regional Conservation Partnership Program (RCP).
- 7.) Kadrmas, Lee, & Jackson- Solicitation of Views for an environmental assessment for construction of the Cass Rural Water District Leonard Area Expansion project. The Managers had no comments.
- 8.) CPS- Solicitation of Views for the ND Department of Transportation (ND DOT) intersection improvement project on ND Highway 18 from RP 16.5 to RP 18. The Managers had no comments.

Legislative Update

Discussion was held relative to legislative action taken on various water related bills the past two weeks.

Executive Session regarding Fargo-Moorhead Flood Diversion Project and Appeal of State Engineer's Issuance of Permit for Fargo-Moorhead Food Diversion Inlet Structure

The RCWRB went into Executive Session for the purpose of their legal counsel, David Bliss, providing an update regarding the status of the Richland-Wilkin Joint Powers Authority (JPA) lawsuit against the Fargo-Moorhead Flood Diversion Project and the RCWRD's Appeal of the State Engineer's issuance of a permit for the Fargo-Moorhead Flood Diversion inlet structure. Mr. Bliss informed the Managers that he has submitted a motion to stay proceedings on the Appeal pending Judge Tunheim's ruling in the JPA matter. Mr. Bliss will notify the District of the Administrative Judge's decision regarding the Stay when it is known.

The Executive Session concluded and the Board resumed their regular business at this time.

Helendale Private Drain

The Red River Joint Water Resource District approved a Joint Resolution to set the "statewide significance" hearing regarding Application to Drain No. 4390 for the Helendale

Private Drain project. The Richland County Water Resource District and the Red River Joint Board are jointly processing the application and, with that in mind, the Richland County Board must also approve the Joint Resolution. Manager Rostad moved to approve the JOINT RESOLUTION SETTING HEARING REGARDING HELENDALE PRIVATE DRAIN – APPLICATION TO DRAIN NO. 4390. Manager Burvee seconded the motion. Upon roll call vote, the motion carried unanimously. Under the Resolution, the hearing will be on Monday, May 22, 2017, at 10:00 a.m., at the Richland County Law Enforcement Center Community Room. (Helendale Private Drain RCWRD Appl #13-088)/State App #4390).

Technician's Report

Mr. Johnson reported on the following matters:

- Proj #35- Several drain tile cores were found in the bottom of Proj #35 in the SW1/4 Section 33, Fairmount North. The Managers directed Mr. Johnson to request the landowner, Sandra Mahler, to remove the materials from the area. (It appears the materials were left on site when the drain tile was installed.)

- JAV Construction- Finalizing 2016 projects (spoil leveling on Projs #4(33), #12, and #72.

Applications

Appl #17-013, Paul Berndt & Group: Secs 22, 27, & 34, Center West The application was referred to the Center Township Board of Supervisors as work is within township road rights-of-way.

Engineer Mike Bassingthwaite, of Interstate Engineering, joined the meeting.

Appl #17-014, Gregg Johnson: SE1/4 Sec 19, Colfax East The RCWRB acknowledged receipt of the drain tile application. No action required as project involves less than 80 acres of drain tile.

Appl #17-015, Robert Matejcek: NE1/4 Sec 7, Summit East A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to approve the cleaning in Proj #55. Work in the township road right-of-way referred to the Summit Township Board of Supervisors. Work at no cost to Proj #55.

The following matters were discussed with Engineer Bassingthwaite:

Proj #2

Mgr. Rostad reported that landowners in the area of Section 27, Colfax East, would like one of the Interstate 29 culverts (located in the NW1/4 Section 27) , which serves as an inlet to Proj #2, lowered when the ND DOT does their road project this summer. Mr. Bassingthwaite explained that if the ND DOT does not disturb their ditch when they do the road project, an environmental review would need to be done before they will consider the landowners request. Mr. Bassingthwaite indicated the Natural Resources Conservation District and the US Army Corps of Engineers would also need to be contacted. The Managers directed Mr. Bassingthwaite to contact Troy Gilbertson, at the ND DOT, to discuss this matter.

Proj #7 Reconstruction (Part 2)

Mgr. Haugen was absent from the meeting but contacted the Office and requested the Board consider reconstructing a portion of Proj #7, specifically in Sections 20, 21, 22, and 23, Garborg Township. At this time Mr. Bassingthwaite presented a cost estimate of \$71,217.20 for design engineering. Mr. Bassingthwaite suggested doing a design for the entire four miles of channel, but preparing the bid documents as a two mile reconstruction (Sections 22 and 23) with an alternate for Sections 20 and 21. Discussion was held regarding the work that would be done and financial matters. Appl #17-016 was completed for the Proj #7 reconstruction (Part 2). A motion was made by Mgr. Rostad and seconded by Mg. Burvee to submit a cost share request to the ND State Water Commission for design engineering services for reconstruction of Proj #7 (Part 2). The motion carried unanimously.

Proj #14 Reconstruction

Mr. Bassingthwaite reported all rights-of-way have been secured for the partial reconstruction of Proj #14 and then presented the Proj #14 Construction Contract (with JAV Construction), Contractor Notice to Proceed, and Notice of Intent for Stormwater Permit for the Chairman's signatures. A motion was made by Mgr. Burvee and seconded by Mgr. Moffet authorizing Chr. Friskop to sign the documents as presented. The motion carried unanimously.

Blake Ista/Larry Kensinger Appl #16-011 (W1/2 Section 24, Colfax West)

Mgr. Rostad informed the Board that the Colfax Township Board of Supervisors has not taken action on the Ista/Kensinger application for replacing the Texas crossing, in the W1/2 Section 24, Colfax West, with a low water crossing. It was the consensus of the Managers to allow Mgr. Rostad to contact the Township Chairman to see why a decision has not been made.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 10:15 A.M.

Respectfully submitted,
Monica Zentgraf
Secretary

Gary Friskop
Chairman of the Board