

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT  
 Richland County Courthouse, Wahpeton, ND  
 April 11, 2017

The Richland-Sargent Joint Water Resource Board (RSJWRB) met April 11, 2017 at 10:20 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Todd Stein, Korey Martinson, Arv Burvee, Robert Rostad, Gary Friskop, Don Moffet, Secretary-Treasurer Monica Zentgraf, Technician Justin Johnson, Engineer Mike Bassingthwaite (Interstate Engineering, Inc), and Cari Wefel.

THOSE ABSENT: Chairman James Haugen, Vice Chairman Lucas Siemieniewski, and Manager Zetocha.

Chr. Haugen and Vice Chr. Siemieniewski were both absent and the meeting was called to order to Sec. Zentgraf. A motion was made by Mgr. Burvee, seconded by Mgr. Rostad, to appoint Mgr. Friskop to serve as Chairman for the meeting. The motion carried unanimously.

### **Minutes**

A motion was made by Mgr. Martinson and seconded by Mgr. Rostad to approve the minutes of the January 24, 2017 meeting as presented. The motion carried unanimously.

A motion was made by Mgr. Burvee and seconded by Mgr. Stein to approve the minutes of the February 21, 2017 meeting as presented. The motion carried unanimously.

### **Financial Matters**

A motion was made by Mgr. Moffet and seconded by Mgr. Martinson to accept the January and February 2017 financial reports as presented. The motion carried unanimously.

### **Mail**

1.) ND Insurance Reserve Fund (NDRIF)- Notice of annual meeting scheduled for May 10, 2017 and proxy ballot for an NDRIF Board Member whose term is expiring. A motion was made by Mgr. Stein and seconded by Mgr. Burvee authorizing Secretary Zentgraf to complete the proxy ballot and forward same to the NDRIF. The motion carried unanimously.

2.) Robert Singelman- Request for "notice of what benefit" Mr. Singelman is receiving for his land in the E1/2 NE1/4 SE1/4 Section 7, T129N-R52W (LTL). No action was taken by the Board.

### **Board Reorganization**

The meeting was turned over to Secretary Zentgraf for the reorganization of the Richland-Sargent Joint Water Resource Board for calendar year 2017.

Secretary Zentgraf called for nominations for Chairman of the RSJWRB. A motion was made by Mgr. Rostad nominating Korey Martinson to serve as Chairman of the RSJWRB. A motion was made by Mgr. Burvee and seconded by Mgr. Stein that nominations cease and a unanimous ballot be cast for Korey Martinson to serve as Chairman of the RSJWRB. Upon roll call vote, Managers Moffet, Friskop, Rostad, Burvee, Stein, and Martinson voted in favor of said motion. The motion carried unanimously.

The meeting was turned over to Chr. Martinson.

Chr. Martinson called for nominations for Vice Chairman of the RSJWRB. A motion was made by Mgr. Stein nominating Gary Friskop to serve as Vice Chairman of the RSJWRB. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad that nominations cease and a unanimous ballot be cast for Gary Friskop to serve as Vice Chairman of the RSJWRB. Upon roll call vote, Managers Martinson, Stein, Burvee, Rostad, Moffet, and Friskop voted in favor of said motion. The motion carried unanimously.

Chr. Martinson called for nominations for Secretary-Treasurer of the RSJWRB. A motion was made by Mgr. Burvee nominating Monica Zentgraf to serve as Secretary-Treasurer of the RSJWRB. A motion was made by Mgr. Rostad and seconded by Mgr. Moffet that nominations cease and a unanimous ballot be cast for Monica Zentgraf to serve as Secretary-Treasurer of the RSJWRB. Upon roll call vote, Managers Martinson, Stein, Moffet, Friskop, Rostad, and Burvee voted in favor of said motion. The motion carried unanimously.

Chr. Martinson called for nominations for Legal Counsel to the RSJWRB. A motion was made by Mgr. Burvee and seconded by Mgr. Friskop nominating Sean Fredricks, of Ohnstad Twichell, PC, to serve as Legal Counsel to the RSJWRB. Upon roll call vote, Managers Stein, Martinson, Moffet, Friskop, Rostad, and Burvee voted in favor of said motion. The motion carried unanimously.

### **RSJWRD Drain #1- Phase II Reconstruction**

- ND State Water Commission (ND SWC) Cost Share Update- Mr.

Bassingthwaite reported that the ND SWC approved the cost share agreement for the Phase II Reconstruction of Richland-Sargent Joint Drain #1. A motion was made by Mgr. Burvee and seconded by Mgr. Stein authorizing Chr. Martinson to sign the ND SWC cost share agreement upon receipt and review of the document. The motion carried unanimously.

- US Army Corps of Engineers (USACE) Permit- Mr. Bassingthwaite advised the Board that the USACE has determined that an individual permit is required for the Phase II reconstruction. They will not issue a Nationwide Permit, as was done for Phase I. The USACE Representative informed Mr. Bassingthwaite they want to see the cumulative effects. An NRCS certified wetlands determination and field wetlands delineations at the road crossings are being required. The Representative also requested an alternative analysis to prove the District has looked at all other alternatives to the proposed project. Mr. Bassingthwaite explained that the alternatives are:

1. Do Nothing
2. Straighten the channel (which the USACE will not approve)
3. Reconstruct the channel on the current alignment (Proposed Plan)

●Wetlands Delineation- After his meeting with the USACE Representative, Mr. Bassingthwaite secured a bid from Carlson McCain for field wetlands delineations at the road crossings. Total cost for this work is \$4,830, which consists of \$2,930 for three road crossings and \$1,900 for the SD Department of Transportation (SD DOT) railroad crossing. It was noted that the charge for the railroad crossing will be the responsibility of the SD DOT Railroad. Mr. Bassingthwaite will also need to contact the affected landowners for copies of their respective certified wetlands determinations. A motion was made by Mgr. Stein and seconded by Mgr. Burvee to authorize the field wetlands determinations at the road crossings per Carlson McCain's bid of \$4,830. Upon roll call vote, Mgrs. Friskop, Moffet, Rostad, Burvee, Stein, and Martinson voted in favor of said motion. The motion carried unanimously. Mgr. Bassingthwaite will contact the SD DOT Railroad Representative about the work/cost to the Railroad Company.

●Design Engineering Cost Update- Mr. Bassingthwaite reported that he is still within the contract budget of \$39,000; however, this could change dependent upon the time involved with satisfying the USACE requires for the permit.

●SD DOT Crossing Improvements Construction and Maintenance Agreement- Mr. Bassingthwaite informed the Managers that the SD DOT Railroad Company deleted the indemnity language in the Agreement. (The Agreement is for the RSJWRD to make the replacement of the railroad crossing a part of the reconstruction project.) Upon review of correspondence between Mr. Bassingthwaite and Mr. Fredricks regarding this matter, the Managers held a conference call with Mr. Fredricks to discuss the pros and cons of the eliminations of the indemnity language in the Agreement and the possibility of requiring the Railroad Company to replace the crossing on their own. The Railroad Company will not agree to the indemnity language and if the Board tells them they must do the work themselves, it is highly likely the crossing will not be replaced this year and could result in a lengthy and costly battle. Upon conclusion of the conference call, a motion was made by Mgr. Stein and seconded by Mgr. Burvee authorizing Chr. Martinson to sign the SD DOT Crossing Improvements Construction and Maintenance Agreement (without the indemnity language). Upon roll call vote, Mgrs. Stein, Martinson, Moffet, Friskop, Rostad, and Burvee voted in favor of said motion. The motion carried unanimously.

●Phase II Bid Opening- Due to the USACE issues presented, the bid opening scheduled for April 25, 2017 will need to be cancelled. No date can be set for the bid opening as it is unknown how long it will take to secure the USACE permit. A motion was made by Mgr. Burvee and seconded by Mgr. Stein to rescind the April 25, 2017 bid opening. Upon roll call vote, Mgrs. Moffet, Friskop, Rostad, Burvee, Martinson, and Stein voted in favor of said motion. The motion carried unanimously.

### **Adjournment**

There being no further business to come before the Board, Chr. Martinson adjourned the meeting at 11:45 AM.

Respectfully submitted,  
*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Korey Martinson*  
Korey Martinson  
Chairman of the Board