

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT  
 Richland County Courthouse, Wahpeton, ND  
 May 24, 2016

The Richland-Sargent Joint Water Resource Board (RSJWRB) met May 24, 2016 at 9:40 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Lucas Siemieniewski, Todd Stein, Arv Burvee, Robert Rostad, Don Moffet, James Haugen, Gary Friskop, Engineering Technician Justin Johnson, Secretary-Treasurer Monica Zentgraf, Engineer Mike Bassingthwaite, and guests Mike Banish, Deborah Banish, Rick Banish, Aggie & Andy Fettig, Dave Wisnewski, Matt Miranowski (M & M Contractors), Cari Wefel, and Gene Wefel.

The meeting was called to order by Chr. Haugen.

### **Minutes**

A motion was made by Mgr. Rostad and seconded by Mgr. Siemieniewski to approve the minutes of the December 8, 2015 meeting as presented. The motion carried unanimously.

### **Financial Matters**

A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to accept the December 2015 through April 2016 financial reports as presented. The motion carried unanimously.

### **Mail**

- 1.) Robert Singelman- Letter regarding payment of taxes under protest for the E1/2NE1/4 and NE1/4SE1/4 Section 7, Duerr Township (LTL).
- 2.) David Wisnewski, Paulette Stevenson, and Agnes Fettig- Concerns regarding the condition of their land resulting from the 2015 Phase 1 reconstruction and extension project. Their land is located in the NW1/4 and N1/2SW1/4 Section 8, Kingston Township.

### **Landowners Address to Board**

Deborah Banish presented photographs of cleanup issues from the 2015 reconstruction/extension project. The Board tabled discussion in order to address the letter from the Wisnewski/Fettig family regarding their land in Section 8, Kingston Township.

Andy Fettig addressed the Board at this time. Issues brought forward in addition to those outlined in the letter included, but were not limited to:

30 hours spent by Mr. Fettig cleaning up the property on the east side of the channel before planting the 2016 crop.  
 The land on the west side of the channel is not farmable; no crop was planted this spring.

Considerable amount of clean-up still required to get land into farmable condition including 1) north of tracks west side of channel 2) north of tracks east side of the channel 3) entire area of their land south of the tracks west side of the channel and 4) low area south of tracks east side of the channel. (The four areas are shown on Mr. Bassingthwaite's "Disturbed Field Map".)

Bridge debris left in the field, including nails and rebar.

Debris will continue to surface as land is worked in the future.

Clean-up by contractor not done in a timely manner.

Request for payment for work done by Mr. Fettig, as well as additional work needed, and rent reimbursement for land not farmable this year; total bill submitted was \$7,620.

Mr. Fettig did state the contractor did a good job leveling the spoil on the west side of the channel south of the tracks this spring. Mr. Wisnewski added that the debris was spread beyond the easement line.

Mr. Bassingthwaite asked Mr. Fettig what his intentions were in regard to the \$7,620 bill he submitted. Mr. Fettig stated that if the bill was paid, he would accept the land as is without any further compensation from the Water Resource District.

Mike Banish addressed the Board regarding their land in the SE1/4 Section 31, Herman Township and the NE1/4 Section 6, Kingston Township. The photographs presented earlier by Mrs. Banish were reviewed at this time. Issues presented included, but were not limited to:

Debris left on fields including rocks, roots, branches, plastic bottles.

Clay left on top of the farm land rather than top soil.

Spoil piles in the field were not sufficiently leveled.

Bridge debris, tree stumps, rock, dirt, and other debris left on the CRP land.

Approximately 26 man hours spent by the owners cleaning up their land.

CRP has been severely compacted and is not in good condition.

Spoil was leveled on 16.1 acres.

6.0 acres of corn was destroyed in 2015.

The contractor did not contact them for approval to bury debris on their property. Mr. & Mrs. Banish do not want the debris buried on their property.

CRP needs to be seeded.

Mr. & Mrs. Banish did not submit a bill at this time, as considerable work still needs to be done to clean up their land.

Mr. Bassingthwaite advised that he will be following up with the affected landowners regarding payment for 2015 crop damages.

Mr. Bassingthwaite reported Colin Stockstad, landowner in the NECR Section 5, Kingston Township, was not happy with the contractor's restoration of the borrow hill. Mr. Stockstad hired Crandall Construction to level the hill and haul black dirt back in. (The contractor removed the black dirt and hauled it out; it was not supposed to be hauled out.) Mr. Stockstad's bill from Crandall Construction for restoration of the borrow site is \$8,600. Mr. Stockstad has not been reimbursed by the contractor for the borrow material. Consensus of the Managers was to table the matter pending Mr. Stockstad settling up with the contractor.

Mr. Bassingthwaite reported approximately \$58,000 has been withheld from the contractor plus changes for the mitigation portion of the project. He suggested the Board table discussion with the contractor regarding items being disputed until the contractor submits information to the engineer for the disputed items. The Board concurred with Mr. Bassingthwaite.

Discussion resumed relative to the landowners issues:

Wisnewski/Fettig Land- A motion was made by Mgr. Siemieniewski and seconded by Mgr. Burvee to approve payment of \$7,620 to Andy Fettig. The motion carried unanimously.

Banish Land- Mr. & Mrs. Banish did not want to do the additional work needed to clean up their land. A suggestion was made to hire Gavin Steffens to clean up the CRP land. A motion was made by Mgr. Friskop and seconded by Mgr. Rostad to hire Gavin Steffens to clean up the Banish CRP ground at an amount not to exceed \$2,000. The motion carried unanimously. Mr. Bassingthwaite will contact Mr. Steffens and oversee the work. After the CRP is cleaned up the land will be reevaluated (after harvest) to determine if work remains that would be the responsibility of the District.

### **Phase 2 Channel Improvement Project**

Mr. Bassingthwaite suggested he start working on the US Army Corps of Engineers and NRCS issues for the Phase 2 Channel Improvement Project. Appl #16-001 was completed for Phase 2. Mr. Bassingthwaite will obtain a cost estimate for wetland evaluation work, determine how much work remains to finalize construction plans for bidding, and prepare a cost-estimate for final design engineering services for the Board's consideration at the next meeting.

### **Cleanout**

Mgr. Siemieniewski spoke briefly about cleaning approximately 2 ½ miles at the south end of the drain this fall. No action was taken at this time.

### **Beaver Dams**

Mgr. Siemieniewski reported there are several beaver dams in the channel; he is working on removing them. He is being paid by the landowners.

### **Cari Wefel Address to Board**

Mrs. Wefel inquired about the proposed cleanout. Mgr. Siemieniewski explained the

cleanout would be from south of County Road #5 to the start of the drain. Purpose of the cleanout is to keep the water in the drain banks. The cleanout should not affect the flow in the channel.

**Adjournment**

There being no further business to come before the Board, Chr. Haugen adjourned the meeting at 11:15 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

James Haugen  
Chairman of the Board