

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
May 29, 2018

The Richland County Water Resource Board (RCWRB) met May 29, 2018 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 May 22, 2018 minutes were presented. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to approve the May 22, 2018 minutes as presented. The motion carried unanimously.

Mail

- 1.) Minnesota Department of Natural Resources- Notification of comment period for the (Plan B) changes to the Fargo-Moorhead Flood Risk Management Project and preparation of a Supplemental Environmental Impact Statement. The comment period ends June 11, 2018. The Board previously directed Interstate Engineering to prepare comments for the RCWRD. Comments are expected from Interstate Engineering by June 5, 2018.
- 2.) North Dakota State Water Commission (ND SWC)- Commission hosted Upper Red River Basin meeting is scheduled for June 25, 2018 in Valley City, North Dakota.
- 3.) Randy Gjestvang, ND SWC- Email regarding economic analysis and life cycle cost analysis workshop and the basin meeting. The Managers did not feel it was necessary for Mr. Johnson to attend the workshop; no decision was made on the basin meeting.
- 4.) State Engineer's Office- The State has determined the Proj #7 reconstruction is not of statewide or interdistrict significance and therefore it is the responsibility of the RCWRD to approve or disapprove the application. No action was taken at this time. (RCWRD #17-016)
- 5.) Mike Bassingthwaite, Interstate Engineering- Copy of the "Purpose and Need Statement" forwarded to the NRCS for the North Branch Antelope Creek Watershed RCPP Study. (RCWRD #16-017)

Engineering Services

Considerable discussion was held relative to engineering services provided by Interstate Engineering for the North Branch Antelope Creek Watershed RCPP Study and various reconstruction projects. Tasks currently assigned to Interstate Engineering were also reviewed in preparation for their meeting today with Mike Bassingthwaite.

Applications

Appl #18-008, Richard & Kathleen Mauch and Tam Griepentrog: E1/2 and part of the NW1/4 Section 1, Belford Township

Applicants seek to install a subsurface water management system ("drain tile") in the E1/2 and part of the NW1/4 Section 1, Belford Township, Richland County, North Dakota. The project will include one single pump outlet located on the east side of the NE1/4 Section 1, and one single pump outlet located on the east side of the SE1/4 Section 1, which will discharge water directly into the county road ditch on the east side of the E1/2 Section 1. The water will flow north in the county road ditch, on the east side of the E1/2 Section 1 and continue north in the county road ditch on the east side of the SE1/4 Section 36, Barney Township, until it reaches a natural channel in the county road ditch on the east side of the SE1/4 Section 36.

Along with the application, the Applicants submitted a “signed and notarized letter of approval” from the Richland County Highway Department, on behalf of Richland County, who is a downstream landowner within one mile of the outlet. The Richland County Highway Department agreed to waive Richland County’s right to A THIRTY-DAY NOTICE and to waive Richland County’s right to submit technical evidence, as that phrase is defined under Section 61-32-03.1, to demonstrate Applicants project will result in adverse impacts to Richland County’s property.

According to records on file with the Richland County Recorder’s Office, Richard and Kathleen Mauch own the E1/2 Section 1 and Tam Griepentrog owns the NW1/4 Section 1 where Applicants intend to install the tile system. Further, Richland County owns the county road right-of-way along the east side of the SE1/4 Section 1 and Mr. Griepentrog owns the SE1/4 Section 36.

A motion was made by Mgr. Rostad, seconded by Mgr. Burvee, and unanimously carried to approve *Application to Install a Subsurface Water Management System #18-008* subject to the following conditions:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicants turn off any pump outlets and otherwise close all outlets during “critical flood periods”, as determined by the District;
- 3) That all work be done in a neat and professional manner;

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

- 1) That Applicants obtain and record with the Richland County Deeds Office, an easement or written agreement (as may be recommended by an attorney) between all landowners who are a party to the tile project;
- 2) That Applicants notify the Richland County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submit an additional permit application; and
- 3) That Applicants 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.

Appl #18-009, Dallas Loff: S1/2 Section 32, Abercrombie West A motion was made by Mgr. Haugen and seconded by Mgr. Moffet to approve installation of a 24 inch culvert by JAV Construction. Used culvert to be purchased from the Proj #66A assessment district at a cost of 50% of new. All costs at Proj #4 expense. The motion carried unanimously. (The used culvert from Proj #66A was approved to be sold to Mgr. Friskop per the January 23, 2018 meeting, but due to the Board wanting Site #333 completed while the contractor is in the area working on the Proj #4(28) reconstruction, the Managers authorized the Proj #66A culvert to be used at Site #333).

Technician’s Report

Mr. Johnson provided reports on the following matters:

●**Proj #17**

Mr. Johnson visited with landowner, Bob Skoog, about replacing the low water crossing located in the NW1/4 Section 6, Eagle South. Mr. Skoog was agreeable with replacing the existing low water crossing with a Texas crossing; however, he does not want the work done until after harvest.

A motion was made by Mgr. Burvee and seconded by Mgr. Rostad to replace the existing low water crossing, in the NW1/4 Section 6, Eagle South, with a Texas crossing. Work assigned to JBX. The motion carried unanimously. (RCWRD #18-006)

Chr. Friskop offered to purchase the two used 24 inch culverts from Proj #17; discussion followed regarding a purchase price. A motion was made by Mgr. Burvee and seconded by Mgr. Haugen to sell the two used 24 inch culverts from Proj #17 to Chr. Friskop for 50% of new cost. Mgrs. Burvee, Rostad, Moffet, and Haugen voted in favor of said motion; Chr. Friskop abstained from voting. The motion carried. (RCWRD #18-006)

●**Proj #5**

Site #326: NE1/4 Section 1, Colfax West- Replace rusted out mainline arch culvert.
Site #327: NE1/4 Section 36, Walcott West- Tumbleweed debris blown into the legal drain.

Site #328: E1/2 Section 25, Walcott West- Tumbleweed debris blown into the legal drain.

Mr. Johnson reported a hydraulic study would be required for Site #326 and three additional hydraulic studies are required for sites on other drains as well. Appl #18-010 was completed and a motion was made by Mgr. Burvee and seconded by Mgr. Moffet to assign all four hydraulic studies to Moore Engineering.

Mr. Bassingthwaite joined the meeting.

Vote on the motion was tabled due to the scheduled meeting with Engineer Bassingthwaite.

Engineering Services

The Board met with Mr. Bassingthwaite at this time. The following matters were discussed:

●**Projs #7 and #4(28) Reconstructions**

Chr. Friskop informed Mr. Bassingthwaite the Board took action at their May 22, 2018 meeting to reassign the remainder of the Proj #7 reconstruction to Houston Engineering. Any additional work needed for the United States Army Corps of Engineers (USACE) permit and securing rights-of-way from the landowners are remaining design services to be done by Houston Engineering as well as all construction engineering services. Discussion followed regarding timelines for securing permits, holding landowner meetings, securing rights-of-way for reconstruction projects, and timelines of when various aspects of the Projs #7 and #4(28) reconstructions were done. Mr. Bassingthwaite commented on timelines for various portions of the Proj #7 reconstruction and told the Board in the future they need to plan for approximately 18 months for design engineering for a reconstruction the size of Proj #7.

●**Proj #1**

Mr. Bassingthwaite reported the survey of the drain on the west side of Hwy 81 is done and he is waiting to meet with Kelly Miller, after spring planting is completed. (RCWRD #17-017)

●**Proj #2**

Comstock Construction needs to finish repairing the road in the NECR Section 27, Colfax East. Mr. Bassingthwaite has not heard from the contractor about a start date. Mr. Johnson provided photographs of the reconstructed drain slope showing

very little grass is growing. Mr. Bassingthwaite suggested monitoring the drain to see if the grass comes back this summer. Mr. Johnson also informed the Board it appears the right-of-way has been encroached upon along the N1/2 Sec 26, Eagle South and N1/2 Section 27, Colfax East. A brief conversation was held about the amount of right-of-way owned by the District. Mr. Bassingthwaite reported there is more right-of-way along the south side of the drain because of the township road. No action was taken. (RCWRD #10-079)

●**North Branch Antelope Creek Watershed RCPP Study**

The NRCS letter dated May 16, 2018, from Mary Podoll, was shared with Mr. Bassingthwaite. Discussion was held relative to the project deadline of September 30, 2018 and whether the study can be completed by July 30, 2018. The final report must be submitted to NRCS at least two months in advance of the deadline to allow NRCS time to review the data and make a decision on funding. Information gathered during the May 22, 2018 meeting with Keith Weston and Randy Gjestvang was shared with Mr. Bassingthwaite. The Board asked Mr. Bassingthwaite to focus on small retention projects and other viable alternatives to solve problems within the watershed. Mr. Bassingthwaite assured the Board the study could be completed within the allotted time but decisions need to be made on which detention site to further study. Consensus of the Managers was to continue with the RCPP project; a meeting with parties within the potential site areas will be scheduled this week to obtain input from the parties to see if there is interest in a detention site.

Mr. Bassingthwaite left the meeting.

Technician's Report-Continued

●**Proj #5**

Discussion was held relative to assigning multiple hydraulic studies for various drains in the one motion. The previous motion made by Mgr. Burvee and seconded by Mgr. Moffet to assign all four hydraulic studies to Moore Engineering was amended by Mgr. Burvee and seconded by Mgr. Moffet to assign the Site #326 hydraulic study to Moore Engineering. Upon roll call vote, Managers Haugen, Moffet, Friskop, Rostad, and Burvee voted in favor of said motion; no Managers voted against said motion. The motion carried unanimously. (Appl #18-010)

●**Proj #12**

Site #330: SWCR SW1/4 Section 2, Garborg Township- Replace inlet culvert through township road.

Appl #18-011 was completed and a motion was made by Mgr. Rostad and seconded by Mgr. Haugen to assign the Site #330 hydraulic study to Moore Engineering. The motion carried unanimously.

●**Proj #26**

Site #336: NWCR NE1/4 Section 19, Fairmount North- Replace rusted out culvert
Site #337: NE1/4 Section 20, Fairmount North- Replace damaged inlet culvert

Appl #18-012 was completed and a motion was made by Mgr. Burvee and seconded by Mgr. Moffet to assign the hydraulic studies for Sites #336 and #337 to Moore Engineer. The motion carried unanimously.

●**Proj #31**

Site #335: SE1/14 Section 28, Devillo Township- Damaged flap gate.

A motion was made by Mgr. Burvee and seconded by Mgr. Rostad authorizing JBX to replace the flap gate at Site #335. Mgrs. Moffet, Friskop, Rostad, and Burvee voted in favor of said motion; Mgr. Haugen voted against the motion. The motion carried. (RCWRD #18-007)

●**Proj #48**

Site #338: Section 30, Eagle South- Water standing in the legal drain.

Appl #18-013 was completed and a motion was made by Mgr. Rostad and seconded by Mgr. Haugen authorizing Mr. Johnson to complete a survey of the channel in Section 30, Eagle South. The motion carried unanimously.

●**Proj #95**

Site #325: NE1/4 Section 1, Danton Township- Damaged 18 inch inlet culvert and flap gate.

Appl #18-014 was completed and a motion was made by Mgr. Moffet and seconded by Mgr. Burvee to assign repair of the culvert and installation of a new flap gate to Ehlert Excavating. The motion carried unanimously.

Helendale Private Drain, LLC

The Secretary provided a status report on the Helendale Private Drain, LLC project, per her conversation with Cam Leedah. (The group has applied for a sovereign land permit, in the process of securing answers from their engineer relative to questions from the ND SWC, will be meeting with the Richland County Engineer to secure a permit from the County Highway Department, will be proceeding with delineations for the USACE, and currently working on landowner easements.) The Secretary also reported that Mrs. Leedah is waiting for an answer from the Richland County Commission about work they would like done on a stretch of a county road in Helendale Township and if the County will purchase dirt from their drain project. Mrs. Leedah did not provide any additional information relative to payment of the outstanding bill. The Secretary reminded Mrs. Leedah the RCWRD would need a check for payment of the outstanding bill and that "in-kind" work or dirt could not offset the outstanding bill.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 12:30 P.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board