

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
May 8, 2018

The Richland County Water Resource Board (RCWRB) met May 8, 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 1, 2018 minutes were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve the May 1, 2018 minutes as presented. The motion carried unanimously.

### **Financial Matters**

●April 2018 financial reports were reviewed. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to accept the April 2018 financial reports as presented. The motion carried unanimously.

●Bremer Bank Letter of Credit- The existing Letter of Credit (in the amount of \$7,000,000) adequately covers the District's funds as 110% of the District's securities is \$6,603,488.

### **Mail**

- 1.) Richland County Commission- Minutes of the April 2018 meetings.
- 2.) North Dakota Water Resource Districts Assn- Notice of July 11, 2018 annual meeting and executive briefing.

### **North Dakota Water Users Assn**

Mgr. Burvee reported on a proposal for a revolving loan infrastructure fund through the North Dakota Legacy Fund.

Mike Bassingthwaite, of Interstate Engineering, joined the meeting.

### **Proj #4(28) Reconstruction**

The Managers were informed that Jeff and Stephenie Steger added a condition to their Temporary Construction Easement for the Proj #4(28) reconstruction. The condition reads that if the Stegers' drain tile line, in the NW1/4 Section 3, Ibsen Township, is damaged during reconstruction of the legal drain, the costs to repair or replace the line is at the District's expense. After receiving the document, Office Staff corresponded with Legal Counsel regarding this issue due to the fact that if the tile line would be damaged, the line clearly would have been placed within the existing drain right-of-way owned by the District. Conditions attached to Steger tile permit #12-094 were reviewed with the Board. Condition #6 states "The Richland County Water Resource District will not be liable for any damages to Applicant's tile or tile outlets resulting from maintenance or reconstruction of legal drains....". It was also determined that if the lateral tile line lies within the District's right-of-way, the line would not be needed after the reconstruction, so repairs would not need to be made. The only concern was if a line is cut during reconstruction, the line would need to be plugged to prevent sediment backup in the tile system. The Board's opinion was if a line is cut and needs to be plugged within the District's existing right-of-way, Stegers would be responsible for those costs; if it is outside the existing right-of-way, the District would be responsible. The Managers were not willing to accept Stegers condition added to the easement and a telephone call was made to Mr. Steger to explain the situation.

Mr. Steger was informed accordingly; he agreed that if the tile line was within the District's right-of-way, he would be responsible for repairs to his line. If the line was outside of the District's right-of-way, the District would be responsible. Mr.

Steger wanted assurance that if any tile lines were hit, he would be notified immediately. The Managers told him that he would be notified. Mr. Steger was informed that the condition added to the temporary construction easement was not acceptable and would need to be resigned with corrected language regarding responsibility for the tile line. Upon conclusion of the call with Mr. Steger, additional discussion was held relative to the document. The Managers directed Legal Counsel to redraft the easement with language added as discussed with Mr. Steger. (RCWRD #17-095)

The next item of discussion regarding Proj #4(28) was a verbal request to Office Staff, from Dallas Loff, for an inlet culvert into Proj #4(28), located in the NECR NW1/4 Section 5, Ibsen Township. The Board will take action upon receipt of an application from the parties involved.

### **Proj #7 Reconstruction**

The Managers were informed by Mr. Bassingthwaite that the US Army Corps of Engineers (USACE) determined the Proj #7 reconstruction does not qualify for a nationwide permit; an individual permit is required. Processing time is lengthy and will delay the project, possibly into August or later. The three low bids can only be held until June 24, 2018, rights-of-way have not yet been secured, the landowners from which right-of-way is required have not been notified, and crops are soon to be planted. Given the unfinished items, the Managers discussed cancelling the project for 2018. If the project is cancelled, it will need to be rebid in order to proceed. A motion was made by Mgr. Haugen and seconded by Mgr. Burvee to reject all bids and cancel the Proj #7 reconstruction for 2018. The motion carried unanimously. The Board anticipates moving forward with this project in 2019. (RCWRD #17-016)

### **Antelope Creek Watershed RCPP Study**

Chr. Friskop asked Mr. Bassingthwaite about the status of the request for an extension for the Antelope Creek Watershed RCPP Study. Mgr. Friskop reminded Mr. Bassingthwaite the deadline to request an extension is June 1, 2018. Mr. Bassingthwaite assured the Board that he would prepare the request.

Mr. Bassingthwaite left the meeting.

### **Danton Township Application #17-030**

The Managers reviewed the letter Legal Counsel prepared for the Danton Township Board of Supervisors in response to the Township's suggestion that the District has an obligation regarding damages to Danton Township's roads as result of large flood events. Consensus of the Managers was to direct Legal Counsel to forward the letter, as written, to the Chairman of the Danton Township Board of Supervisors.

### **Technician's Report**

Mr. Johnson provided reports on the following matters:

- Proj #17- The low water crossing, located in the NW1/4 Section 6, Eagle South, is eroding. The crossing was replaced within the last four years and according to Robert Skoog, eroded in 2017 and again now, in 2018. The Board has two options: repair the erosion and secure the slopes with rock or replace the low water crossing with a texas crossing. The Managers felt the best option would be to replace the existing crossing with a texas crossing. Mr. Johnson will get Mr. Skoog's input before the Board takes formal action. Appl #18-006 was completed and a motion was made by Mgr. Burvee, seconded by Mgr. Rostad, and unanimously carried to defer action pending input of Robert Skoog.

- Metro Flood Diversion Authority Meeting- Mr. Johnson reported on the May 3, 2018 meeting.

### **Adjournment**

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 10:20 A.M.

Respectfully submitted,  
*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Gary Friskop*  
Gary Friskop  
Chairman of the Board