

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
September 26, 2017

The Richland County Water Resource Board (RCWRB) met September 26, 2017 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: None

Minutes

The September 19, 2017 minutes were presented. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to approve the September 19, 2017 minutes as presented. The motion carried unanimously.

Vouchers

Vouchers for the month of September 2017 were presented. A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve Vouchers #17596 through #17618 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

Mail

- 1.) United States Department of the Interior- Solicitation of Views for the draft Environmental Assessment for the construction of the Cass Rural Water District Leonard, North Dakota, area expansion. The Managers had no comments.

Wells Fargo Investment Option

The Managers met with Leslie Hage, of the Richland County Treasurer's Office, to discuss the investment option (Sweep Account) being proposed by Wells Fargo Bank. Mrs. Hage indicated that the County has been using this product for approximately 5 months and is very happy with it. Various questions were fielded by Mrs. Hage. A conference call was scheduled for later in the day with representatives of Wells Fargo Bank; however, after meeting with Mrs. Hage and considering the matter further, the consensus of the Managers was that the conference call was not necessary. The Managers directed Ms. Zentgraf to proceed with preparing the documents necessary for establishing a Sweep Account and to present the documents to the Board for formal approval.

Proj #26

Mgr. Burvee reported that he was contacted by LeRoy Berg about the 49 inch x 33 inch arch culvert installed in the SE1/4 Section 18, Fairmount North. This culvert replaced the 24 inch and 36 inch round culverts. Mr. Berg is concerned about the potential for water to back up in the spring and flow north because a flap gate was not installed on the new culvert. (The two round culverts had flap gates.) Mr. Johnson reported that he contacted TrueNorth Steel to see if they could manufacture a gate for the arch pipe but has not heard back from them. Mgr. Burvee advised that the flap gates were being regulated manually by the adjacent landowners. The gates were closed before freeze up and opened after spring runoff. Mgr. Burvee felt a flap gate would be hard to open because of the size; he suggested Mr. Johnson check to see if a slide gate could be manufactured. (Boll/Miller #17-004)

Proj #10

Mgr. Haugen reported that he received a call from Scott Olerud, of the Ransom County Water Resource Board. The US Forest Service wants a large amount of fabric and riprap installed at the end of Proj #10, where the water enters the natural channel, to keep it from eroding any deeper. The approximate cost for this work is \$100,000. The Ransom County Board is willing to pay 50% of the cost. Mgr. Haugen suggested the Richland County Board agree to contribute 50% if the Forest Service grants the District an easement for the portion of the drain north of Highway 27. The Managers thought this sounded reasonable and asked Mgr. Haugen to talk to Mgr. Olerud.

Helendale Private Drain, LLC

The Managers reviewed the 8 Point Questionnaire (for the State surface drain application) completed by the Board's engineer, Mike Bassingthwaite. They also reviewed the draft Order, prepared by Legal Counsel. A brief conference call was held with Mr. Bassingthwaite regarding the conditions to be applied to the permit. Upon conclusion of the conference call, a motion was made by Mgr. Moffet and seconded by Mgr. Burvee to approve the *Order* approving Application #4390 with the conditions outlined in the *Order*. Upon roll call vote, Mgrs. Moffet, Rostad, Burvee, Haugen, and Friskop voted in favor of said motion. The motion carried unanimously. (Helendale #13-088)

Discussion was also held relative to the legal and engineering expenses incurred by the RCWRD for this matter, which include the Jacob & Group and Roy Plankers complaints and Helendale Private Drain surface drain permit. A conference call was held with the District's Legal Counsel, Sean Fredricks, to discuss this matter. Consensus of the Board was to schedule a meeting with Cam Leedahl, as she has served as spokesperson for the Helendale group. (Jacob & Grp #11-415; Plankers #13-208; Helendale Private Dr #13-088)

Richland-Sargent Drain #1-Phase 2 Reconstruction

Mike Bassingthwaite, of Interstate Engineering, notified the Office that he is working on the revised United States Army Corps of Engineers (USACE) permit application for the Phase 2 reconstruction. The application requires the signature of the Chairman of the Joint Board and since no meeting of the Joint Board is scheduled, Mr. Bassingthwaite has asked both Boards to individually take action to authorize the Joint Board Chairman to sign the application. A motion was made by Mgr. Burvee and seconded by Mgr. Rostad authorizing Richland-Sargent Joint Board Chairman Martinson to sign the USACE application. The motion carried unanimously. (RS #16-001)

North Dakota Water Topics Committee

According to information provided by Sean Fredricks, attorney for the Red River Joint Water Resource District (RRJWRD), there was some alarming discussion at the last Water Topics Committee meeting regarding State Water Commission cost-share for Water Resource Districts projects. The Chairman of the Committee agreed to give the North Dakota Water Resource Districts Association (NDWRDs) time on the October 12th agenda. Mr. Fredricks provided the District with a draft version of a letter which the NDWRDs want to submit to the Committee at the meeting. The Managers supported the letter; the matter will be discussed further at the RRJWRD meeting scheduled for October 12th.

Applications

Appl No. 17-081, Clinton D. Kurtz Revocable Trust: NE1/4 Section 1, Danton Township

Applicant seeks to install a subsurface water management system ("drain tile") in the NE1/4 Section 1, Danton Township, Richland County, North Dakota. The project will include one gravity flow outlet located in the NECR NE1/4 Section 1, and one gravity flow outlet located in the SECR NE1/4 NE1/4 Section 1. Both outlets will discharge water directly into Richland County Drain No. 95. The Richland County Water Resource District owns and operates Drain No. 95.

Because the project will discharge directly into a legal assessment drain, no THIRTY DAY NOTICE was necessary to downstream landowners under N. D. Century Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative Session, the Board can attach conditions to protect its drain.

According to records on file with the Richland County Recorder's Office, the Clinton D. Kurtz Revocable Trust owns the NE1/4 Section 1, where Applicant intends to install the tile system.

A motion was made by Mgr. Moffet, seconded by Mgr. Burvee and unanimously carried to approve *Application to Install a Subsurface Water Management System No. 17-081* subject to the following conditions:

- 1) That Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Richland County Drain No. 95;
- 3) That Applicant set drain tile pumps back a minimum of 25 feet from the top of the back slope of Drain No. 95 with a pipe buried from the drain tile pump to Drain No. 95 with erosion protection installed at the point of discharge into Drain No. 95
- 4) That Applicant reseed any of the District's right of way disturbed by Applicant's activities, and maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas.
- 5) That all work to be done in a neat and professional manner;

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

- 1) That Applicant 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;
- 2) That Applicant 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 #17-082, Kelly Miller: SW1/4 Section 18, Eagle South No action required by the RCWRB as work is within Township right-of-way. Application will be forwarded to the Eagle Township Board of Supervisors as the work in the road ditch is under the jurisdiction of the Township Board of Supervisors.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 11:00 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board