

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
September 7, 2016

The Richland-Sargent Joint Water Resource Board (RSJWRB) met September 7, 2016 at 6:00 PM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Lucas Siemieniewski, Todd Stein, Arv Burvee, Robert Rostad, Don Moffet, James Haugen, Secretary-Treasurer Monica Zentgraf, Engineer Mike Bassingthwaite (Interstate Engineering, Inc), Matt Miranowski & Shawn Nelson (M & M Contractors, LLC), and Gene & Cari Wefel.

The meeting was called to order by Chr. Haugen.

### **Minutes**

A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to approve the minutes of the June 27, 2016 meeting as presented. Mgrs. Burvee, Rostad, Moffet, Haugen, Siemieniewski, and Stein voted in favor of said motion; Mgrs. Friskop, Engst, Martinson, and Zetocha were absent and not voting. The motion carried.

### **Financial Matters**

A motion was made by Mgr. Siemieniewski and seconded by Mgr. Rostad to accept the June, July, and August, 2016 financial reports as presented. Mgrs. Burvee, Rostad, Moffet, Haugen, Siemieniewski, and Stein voted in favor of said motion; Mgrs. Friskop, Engst, Martinson, and Zetocha were absent and not voting. The motion carried.

### **2016 Maintenance Assessment Levy**

A motion was made by Mgr. Stein and seconded by Mgr. Moffet to set the 2016 maintenance assessment levy at \$4.00 per acre based on a weighted assessment for the purpose of paying for work done in 2016 and future maintenance and reconstruction work. Mgrs. Burvee, Rostad, Moffet, Haugen, Siemieniewski, and Stein voted in favor of said motion; Mgrs. Friskop, Engst, Martinson, and Zetocha were absent and not voting. The motion carried.

### **Phase 1 Construction Project Issues**

● Wayne Kratcha Reimbursements- The Secretary reported Wayne Kratcha submitted bills for spraying weeds where spoil material was placed on his property and for lost hay production in 2016. The location of Mr. Kratcha's property is the SE1/4 Section 7, Kingston Township. The bill for spraying weeds was \$195; lost hay production was \$600 (20 bales at a rate of \$30 per bale). Mr. Bassingthwaite reminded the Managers the project included payment for crop loss rather than temporary construction easements. A motion was made by Mgr. Burvee and seconded by Mgr. Stein to approve payments to Mr. Kratcha in the amounts of \$195 for weed spraying and \$600 for hay loss. Mgrs. Burvee, Rostad, Moffet, Haugen, Siemieniewski, and Stein voted in favor of said motion; Mgrs. Friskop, Engst, Martinson, and Zetocha were absent and not voting. The motion carried.

●Landowner Concerns- Mr. Bassingthwaite reported that he contacted Mike and Richard Banish, Alan Murack, Andy Fettig, and Wayne Kratcha to see if they had additional concerns that have not been addressed. All parties voiced concern about excessive weeds, but they felt things should be left alone for this year. Grass did not grow on the channel slopes, however, the bottom of the channel is green due to grass seed washing into the channel. Mr. Bassingthwaite has not been able to find anyone who would be willing to mow the weeds on the ditch slopes due to the extremely rough condition in which the slopes were left. Mr. Bassingthwaite recommended not doing any additional work on the slopes; it should not be a problem for the landowners in the future. Consensus of the Managers was to follow Mr. Bassingthwaite's recommendation.

●Final Contractor Pay Estimate- Mr. Bassingthwaite reported all subcontractors and suppliers signed off on satisfaction of payment. Mr. Bassingthwaite further reported that while Colin Stockstad signed off, he has not been able to cash the check he received from M & M Contractors. Mr. Miranowski assured the Board that Mr. Stockstad could cash the check once the RSJWRB approves M & M Contractors final pay estimate. The final pay estimate (#5) presented to the Board was as follows:

Total Contract Costs		\$420,361.00
Less Previous Payments	-	\$324,772.00
Less Damaged Culvert Billed to RSJWRD	-	\$ 1,612.49
Less Liquidated Damages*	-	<u>\$ 43,500.00</u>
Net Cost Due Final Payment		\$ 50,476.51

\*Liquidated Damages: October 4, 2015 – November 30, 2015 and  
April 16, 2016 – May 14, 2016 (87 Days Total)

Prior to taking action on the final payment, considerable discussion was held regarding reseeding. Mr. Bassingthwaite advised that originally there was 40 acres of seeding in the contract, but if the Board wanted to reseed, only 20 acres should be done.

Comments/discussion included: Seeding could not be done until next year  
Extremely rough slope conditions  
Contractor responsibility/warranty work/  
performance bond  
Cost for native grass seed

Mr. Bassingthwaite hopes some grass will begin to grow next year, even though it will be thin. Mr. Miranowski stated he would be willing to come back and reseed if the Board wants, but his cost for seed would be two to three times the bid price as the subcontractor did not include the price for native grass seed in the bid. Mr. Miranowski offered to do the seeding at his expense if the District pays for the seed.

A motion was made by Mgr. Siemieniowski and seconded by Mgr. Burvee to approve M & M Contractors Pay Estimate #5 (Final) in the amount of \$50,476.51 with the condition that M & M Contractors do the mechanical part of reseeding at their expense, if reseeding is required. Upon roll call vote, Mgrs. Burvee, Rostad, Moffet, Haugen, Siemieniowski, and

Stein voted in favor of said motion; Mgrs. Friskop, Engst, Martinson, and Zetocha were absent and not voting. The motion carried.

- Railroad Crossing- Mr. Bassingthwaite reported that CP Railroad is tentatively planning to commence replacement of the crossing on September 12<sup>th</sup>.

### **Phase 2 Reconstruction**

- Project Description/Financial Matters- Phase 2 reconstruction will run approximately five miles, extending from Highway 11 to the “old end” of the legal drain. Financial status was discussed; it was determined that a maintenance improvement bond would be required in order to proceed with reconstruction next year. (The District can borrow the equivalent of six years of assessments.) This matter will be considered further after the final design plans and cost estimate are available. The Managers were hopeful that Phase 2 could be done in 2017.

- NRCS Issues- NRCS will only allow the District to dig to the historical bottom of the channel. Mr. Bassingthwaite felt it would be best to hire a biologist/soil scientist to probe the channel bottom to determine the historical bottom elevation rather than NRCS making the determination.

- Design Engineering Cost Estimate- Mr. Bassingthwaite’s cost estimate for the remaining design engineering is approximately \$33,000 including \$3,000 for a local biologist/soil scientist. Discussion followed regarding hiring a biologist from the Bismarck area. Mr. Bassingthwaite will finalize the cost estimate after determining the most qualified individual for the soil probing work. (Accurate costs need to be included in the final cost estimate for submission to the State.)

- ND State Water Commission (ND SWC) Cost Share Request- A motion was made by Mgr. Siemieniewski and seconded by Mgr. Rostad authorizing Mr. Bassingthwaite to submit a cost share request to the ND SWC for Phase 2 Design Engineering after finalizing the cost estimate. Mgrs. Burvee, Rostad, Moffet, Haugen, Siemieniewski, and Stein voted in favor of said motion; Mgrs. Friskop, Engst, Martinson, and Zetocha were absent and not voting. The motion carried.

### **South End Cleanout**

Mgr. Siemieniewski reported landowners continue to ask for cleaning at the south end of the drain. The cleanout would run from County Road 5 to the start of the legal drain and along the curve in the county road south of Geneseo. The cleanout would be a maximum of two miles. Mgrs. Siemieniewski and Stein will secure bids from area contractors. Appl #16-002 was completed and a motion was made by Mgr. Stein and seconded by Mgr. Burvee authorizing Chr. Haugen and Vice Chr. Siemieniewski to hire a contractor for the south end cleanout, at their discretion, upon receipt of bids. Mgrs. Burvee, Rostad, Moffet, Haugen, Siemieniewski, and Stein voted in favor of said motion; Mgrs. Friskop, Engst, Martinson, and Zetocha were absent and not voting. The motion carried.

### **Beaver Dams**

Mgr. Siemieniewski reported some debris still needs to be removed by the railroad crossing south of Highway 11; he will be working on it this fall.

**Adjournment**

There being no further business to come before the Board, Chr. Haugen adjourned the meeting at 7:20 PM.

Respectfully submitted,

*Monica Zentgraf*  
Secretary

*James Haugen*  
Chairman of the Board