

MINUTES OF MEETING  
MAPLE RIVER-RUSH RIVER JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
AUGUST 17, 2009

The Maple River-Rush River Joint Water Resource District met on August 17, 2009, at 1:00 p.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Wesley Beilke, Manager; Jurgen Suhr, Manager; Raymond Wolfer, Manager; William A. Hejl, Manager; Keith Monson, Manager; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Brandon Oye, Engineers for the Board; Ed McConnell, Mayor of the City of Casselton; Wanda Mangin and Brent Buhr, property owners in Cottonwood 2nd Addition in the City of Casselton.

**Swan Creek Diversion Reconstruction**

Right-of-way issues relating to the Swan Creek Diversion Reconstruction Project were discussed. An offer was made on the Buhr and Mangin properties, but both parties did not accept the offer. Brent Buhr was concerned on how the project would impact the value of his property. Chairman Olson explained that the diminished value of a property could be offset with the benefits. The Water Resource District Board is going to treat this case based on the valuation of the land today.

Ed McConnell said the City of Casselton hopes to keep the right-of-way expenses down. The city is paying for costs over and above what the Swan Creek assessment district is contributing. A final offer was made by Mr. McConnell on the Buhr and Mangin properties.

Manager Wolfer left the meeting at this time.

It was moved by Manager Hejl and seconded by Manager Suhr: a) to offer the Buhrs \$32,500 and to offer the Mangins \$32,500 for the purchase of their respective parcels by deed; b) that the Board's offer does not include planting or maintenance of any shrubs or fencing for the Buhrs or Mangins; c) that the Board will permit the Buhrs and the Mangins to plant shrubs only (no trees or fencing) upon the Board's property, at the sole cost and risk of the Buhrs and Mangins, and the Board will not have any responsibility for the maintenance or any replacement costs for the shrubs; and d) if the Board finds it necessary for purposes of constructing, operating, improving, or maintaining the Swan Creek Diversion, the Board may remove or eliminate any shrubs planted on the Board's property, at no expense to the Board. Upon roll call, the motion carried unanimously.

**Minutes**

It was moved by Manager Hejl and seconded by Manager Suhr to approve the minutes of the September 26, 2008, meeting. Upon roll call vote, the motion carried unanimously.

**Petition for Partial Vacation and Discontinuance of Road**

The Board is a landowner adjacent to 36th Street Southeast and the Maple River-Rush River Joint Water Resource District is closing portions of the road for purposes of construction, operation, and maintenance of Swan Creek Diversion. It was moved by Manager Hejl and seconded by Manager Suhr to approve the *Petition for Partial Vacation and Discontinuance of Road* for 36th Street Southeast, portions lying within the City of Casselton and Everest Township. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer