

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 29, 2010

The Maple River Water Resource District met on September 29, 2010, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Jurgen Suhr, Manager; Wesley Beilke, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Sean M. Fredricks, Attorney for the Board; Chad Engels, Engineer for the Board and Mark Fraase, Attorney for David Martin. Manager Rodger Olson was absent.

Drainage complaints from Randy Thompson and Rodney Grindberg against Ihry Farms / Matt Powell in Section 6 of Lake Township

The Board decided to delay the hearing at the request of Matt Powell and Ihry Farms. They indicated they needed more time to determine depths and elevations of the site. Work has stopped at the site. Manager Suhr encouraged the parties to work together to resolve the matter.

Drain #36 extension

The Board discussed extending Drain #36 south through the railroad track and continuing southeast. The area would likely fall within the existing assessment district. Sean Fredricks told the Board if they are not adding any new properties, they could extend the drain by Resolution. The property owners could bond for the cost or the Board could use existing money in the Drain #36 fund to construct the extension.

It was moved by Manager Beilke and seconded by Manager Suhr to authorize Moore Engineering, Inc. to survey Drain #36 to see what can be done to improve the area. Upon roll call vote, the motion carried unanimously.

Drain #58 drainage problem

Chairman Olson was contacted about a drainage problem on Drain #58. It was moved by Manager Beilke and seconded by Manager Suhr to authorize Moore Engineering, Inc. to survey Drain #58. Upon roll call vote, the motion carried unanimously.

Embden Dam fencing issue

Easements relating to use and maintenance of Embden Dam were reviewed. The fence at the dam is in disrepair and the Board believes that David Martin's cattle are pushing the fence down. Mark Fraase said he thought the Water Resource District paid for the fence and is responsible for maintaining it. He added that the fence is 40 years

old and that the posts are falling over because they are rotten. Mr. Fredricks said the property owner has a statutory obligation to keep cattle from running at large. He said the easement is silent to the fence, so the law takes precedence. Mr. Fraase thought the \$4,500 estimate to repair the fence was very high. Mr. Fredricks suggested sharing the cost to repair the fence. Mr. Fraase said he does not have authority to make any deals and that they are not interested in participating in the cost to repair the fence. Mr. Fraase will check with Mr. Martin to see if they can work something out.

Drain #54 – removal of beaver dam

The Board directed the Secretary-Treasurer to contact Jarrett Christoferson about removing a beaver dam from Drain #54.

Upper Maple River Dam

Mr. Engels reported on a conference call with representatives from the Corps of Engineers and HDR Engineering, Inc. regarding the level of environmental review needed for the Upper Maple River Dam. The Corps of Engineers indicated they would accept starting with an Environmental Assessment. If issues come up as a result of that study, an Environmental Impact Study would be required.

It was moved by Manager Beilke and seconded by Manager Suhr to proceed with the Environmental Assessment process for the Upper Maple River Dam Project. Upon roll call vote, the motion carried unanimously.

Mr. Fredricks said he will place a funding request for the project on the Red River Joint Water Resource District agenda.

Swan Creek Diversion

Sean Fredricks informed the Board that Gladen Construction, Inc. was hired to repair the slide area on the Swan Creek Diversion, east of State Highway 18.

Agreement with USDA Animal and Plant Health Inspection Service, Animal Damage Control, for control of animal damage on non-private property

It was moved by Manager Beilke and seconded by Manager Suhr to approve the Agreement with USDA Animal and Plant Health Inspection Service, Animal Damage Control, for control of animal damage on non-private property. Upon roll call vote, the motion carried unanimously.

Utility Permit for Midcontinent Communications to install fiber optic cable across Drain #14 on the north side of Cass County Highway 10

It was moved by Manager Beilke and seconded by Manager Suhr to approve the *Utility Permit* for Midcontinent Communications to install fiber optic cable across Drain #14 on the north side of Cass County Highway 10, pending review of the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Suhr and seconded by Manager Beilke to approve the minutes of the September 3, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Beilke and seconded by Manager Suhr to approve payment of Checks #4738 through #4750 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Suhr and Beilke. Manager Olson was absent. Motion passed.

Request for Drainage on Highway Right of Way for George Richman to clean the north I-94 ditch to grade in Section 30 of Tower Township

The Board received and filed a *Request for Drainage on Highway Right of Way* for George Richman to clean the north I-94 ditch to grade from culvert 309.663, southeast about 1,000', in Section 30 of Tower Township.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Beilke, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer