

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
DECEMBER 3, 2010

The Maple River Water Resource District met on December 3, 2010, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Wesley Beilke, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels, Engineer for the Board; Dean Sprunk, property owner in Highland Township, Steve Busche, property owner in Normanna Township and Aaron Larson, property owner in Walburg Township.

Application to Drain with Drain Tile #3588 for Aaron Larson to construct a tile drainage system in the NW 1/4 and SW 1/4 of Section 5 in Walburg Township

The Board reviewed the *Application to Drain with Drain Tile #3588* for Aaron Larson to construct a tile drainage system in the NW 1/4 and SW 1/4 of Section 5 in Walburg Township. Chairman Olson said the flow of the water needs to be determined before the Board can act on the application. Mr. Larson will work with Chad Engels on the matter and the Board will make a determination at the next meeting.

Drainage Complaint from Dean Sprunk against Kellerman Brothers (David Kellerman, Wayne Kellerman and Larry Kellerman) in the SE 1/4 and the NE 1/4 of Section 36 of Highland Township and the NW 1/4 of Section 31 of Watson Township and Obstruction to Drain Complaint from Dean Sprunk against the Kellerman Brothers in the NE 1/4 of Section 36 in Highland Township and the NW 1/4 of Section 31 in Watson Township

Dean Sprunk approached the Board because nothing has been done on the drainage and obstruction complaints he filed against the Kellerman Brothers. Mr. Sprunk requested the Board conduct a hearing on the matter. Cass County improved the ditch on the west side of Cass County Highway 7 in Section 36 of Highland Township, but has not installed a sluice gate on the west end of the 24 inch culvert through Cass County Highway 7 near the half-mile line between Section 31 of Watson Township and Section 36 of Highland Township. The Water Resource District will assist Mr. Sprunk and Wayne Kellerman with developing criteria for operation of the sluice gate.

Sean Fredricks pointed out that the Board did not issue an Order on the matter because both parties appeared at the Maple River Water Resource District meeting on August 5, 2010, and appeared to reach an agreement with regard to potential measures Mr. Kellerman could take to accommodate Mr. Sprunk in exchange for an agreement by Mr. Sprunk to withdraw the complaints.

The Board directed Mr. Fredricks to send a letter to Mr. Kellerman stating the Board will monitor his progress on the installation of the sluice gate and replacement of the township road culvert and if the work is not complete by its January 7, 2011, meeting, the Board will resume its Drainage Complaint and Obstruction to Drain Complaint proceedings.

Drainage complaint from Steve Busche against Mark Ottis in the SW 1/4 of Section 9 in Normanna Township

Manager Olson contacted Mark Ottis about the drainage complaint filed against him by Steve Busche. Mr. Ottis said he would work with Mr. Busche on the matter, but nothing has been done. Mr. Ottis did not obtain a permit for the drainage in the N 1/2 of Section 29 in Normanna Township.

It was moved by Manager Suhr and seconded by Manager Beilke to issue an Order directing Mr. Ottis to remedy the illegal drainage by closing or filling the unauthorized ditching by 5:00 p.m. on January 3, 2011, and if Mr. Ottis does not close or fill the unauthorized drainage ditches, the Board will procure the closing or filling of the unauthorized drainage ditches and will assess the associated costs against the real property taxes for the relevant properties owned by Mark and Joan Ottis and Elisabeth K. Esser Revocable Living Trust.

Drainage Complaint from Jeff Lahren against David Braaten and Scott Jacobson in Section 18 of Normanna Township

Mr. Engels will contact David Braaten and Scott Jacobson in regard to the Drainage Complaint from Jeff Lahren in Section 18 of Normanna Township.

Letter from Gordon A. Walhood, Sr. inquiring about the status of the Order issued regarding the drainage complaint from John R. Jackson against Shirley A. Wills, Jodi A. Shirley, Bradley G. Wills, Ryan D. Wills and Ryan Richard

It was moved by Manager Suhr and seconded by Manager Beilke to send a letter to Gordon A. Walhood stating the Board will inspect the site and follow-up as necessary next spring in regard to the drainage complaint from John R. Jackson against Shirley A. Wills, Jodi A. Shirley, Bradley G. Wills, Ryan D. Wills and Ryan Richard in Section 32 of Watson Township. Upon roll call vote, the motion carried unanimously.

Drain #36 extension

Mr. Engels reviewed options to improve and extend Drain #36. Chairman Olson will give the information to Dean Duval to see if landowners would like to proceed with the project.

Embden Dam – erosion / fencing issue

The Board agreed to make an offer to David Martin to pay for materials to repair the fence at Embden Dam.

Upper Maple River Dam

Mr. Engels said soils work is done at the site for the proposed Upper Maple River Dam.

Dike application #2267 for Mark Schmidt in the SE 1/4 of Section 32 in Normanna Township

It was moved by Manager Beilke and seconded by Manager Suhr to approve Dike Application #2267 for Mark Schmidt in the SE 1/4 of Section 32 in Normanna Township, provided the dike does not impede local drainage. Upon roll call vote, the motion carried unanimously.

Motion authorizing the Secretary-Treasurer to make minor year-end transfers

It was moved by Manager Beilke and seconded by Manager Suhr to authorize the Secretary-Treasurer to make any minor year-end transfers to balance the Maple River Water Resource District 2010 budget. Upon roll call vote, the motion carried unanimously.

Motion authorizing the Secretary-Treasurer to make transfers to/from obligated funds

It was moved by Manager Suhr and seconded by Manager Beilke to authorize the Secretary-Treasurer to make transfers to/from the obligated funds, if necessary. Upon roll call vote, the motion carried unanimously.

Amend the 2010 Maple River Water Resource District budget

It was moved by Manager Beilke and seconded by Manager Suhr to amend the 2010 Maple River Water Resource District budget. 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 November 5, 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 #4766 through #4774 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Beilke. The Chairman declared the motion passed.

Drain #56 – installing a low water crossing in the NE 1/4 of Section 26 in Cornell Township

It was moved by Manager Olson and seconded by Manager Suhr to contribute up to \$5,000 to remove three culverts and replace them with a low water crossing on Drain #56 in the NE 1/4 of Section 26 in Cornell Township, provided Eric Erickson takes ownership of the low water crossing. Upon roll call vote, the motion carried unanimously.

Obstruction to Drain Complaint by Arthur Ratchenski against Gerald Moderow in the NE 1/4 of Section 24 in Everest Township

Mr. Engels was notified that an approach was installed with a culvert at the same location as the obstruction that Gerald Moderow was ordered to remove in the NE 1/4 of Section 24 in Everest Township. Chairman Olson drove by the site and it appeared the culvert was higher on the south end. Mr. Engels will inspect the site before the next meeting.

Request for Drainage on Highway Right-of-way

The Board received and filed the *Request for Drainage on Highway Right-of-way* for Kyle Scherweit to clean along I-94 in Section 6 of Mapleton 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