

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
DECEMBER 2, 2011

The Maple River Water Resource District met on December 2, 2011, 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; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels, Engineer for the Board; and Alvin Zaeske, property owner in Walburg Township.

Lake Bertha high water outlet

Chad Engels updated the Board on the Lake Bertha high water outlet. He would like the Water Resource District to partner with the U.S. Fish and Wildlife Service to survey the area and formulate a plan to decrease water levels and re-establish vegetation.

Drain #59 - add culverts in SE 1/4 of Section 25 and the NE 1/4 of Section 36 in Walburg Township

Alvin Zaeske informed the Board the culverts have not yet been installed on Drain #59 in the SE 1/4 of Section 25 and the NE 1/4 of Section 36 in Walburg Township. Chairman Olson said the Board is still waiting for the culverts. The Board instructed Brady Woodard, Moore Engineering, Inc., to follow up on the matter.

Resolution of Policy regarding Drainage Permit Fees

It was moved by Manager Suhr and seconded by Manager Beilke to adopt the *Resolution of Policy regarding Drainage Permit Fees*. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached to these minutes.

Application to Drain #3845 for Dave Torgerson in the N 1/2 of Section 13 in Leonard Township

The Board tabled the matter until the January 6, 2012, meeting, as additional information may be brought forward.

Utility Permit for Mark Ottis to install a single 8" tile outlet to discharge into Drain #34 on the east side of Section 36 in Davenport Township.

It was moved by Manager Beilke and seconded by Manager Suhr to approve the *Utility Permit* for Mark Ottis to install a single 8" tile outlet to discharge into Drain #34 on the east side of Section 36 in Davenport Township, upon review by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

MR-1 and MR-2 Drain reassessments / combining drains

Minutes relating to the MR-1 and MR-2 drain reassessments / combining drains are attached hereto.

Drain #14 Channel Improvements – Amendment I to State Water Commission Cost Participation Agreement

It was moved by Manager Suhr and seconded by Manager Beilke to approve *Amendment I* to the State Water Commission *Cost Participation Agreement* regarding the Drain #14 Channel Improvements Project, and to authorize the Chairman to sign the same. Upon roll call vote, the motion carried unanimously.

Maple River Watershed Retention Plan – State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manager Suhr and seconded by Manager Beilke to approve the State Water Commission *Agreement for Cost-Share Reimbursement* on the Maple River Watershed Retention Plan. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201137 for Applicants Bruce Glasow and Dallas Glasow in the N 1/2 of Section 2 in Leonard Township

The Board reviewed *Application to Install a Subsurface Drain No. 201137* dated November 26, 2011, for Bruce Glasow and Dallas Glasow. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicants seek to install a drain tile system in the N 1/2 of Section 2 in Leonard Township, Cass County, North Dakota. The project will include two outlets. The first outlet will be a pump outlet in the NE 1/4 of Section 2; the tile discharge will outlet into the south ditch of Cass County Highway 16, where the tile discharge will flow to the east in the south road ditch of Cass County Highway 16 along the north boundary of Section 1 in Leonard Township until the tile discharge ultimately outlets into Drain #39 in the northeast corner of Section 1. The second outlet is a gravity outlet in the NW 1/4 of Section 2 that will discharge directly into Cass County Drain No.15.

With regard to the pump outlet in the NE 1/4 of Section 2, Applicant must obtain written permission from Cass County to utilize its highway road ditch along the north boundary of Section 1; according to a Right-of-Way Plat on file with the Cass County Recorder's Office, Cass County owns its highway right-of-way where Applicants intend to discharge their project. Further, the Board is concerned about flooding downstream of where the project will discharge into Drain #39; the Board will require Applicant to turn off the pump in the NE 1/4 of Section 2 any time water is breaking out of Drain #39 downstream of the tile discharge into Drain #39. With regard to the gravity pump in the NW 1/4 of Section 2, the Board will require Applicant to install erosion protection to protect Drain #15 from the tile discharge.

According to records on file with the Cass County Recorder's Office, Applicants own the property where they intend to install the tile project in the N 1/2 of Section 2.

It was moved by Manager Beilke and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain No. 201137* dated November 26, 2011, for Bruce Glasow and Dallas Glasow in the N 1/2 of Section 2 in Leonard Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants obtain written permission from Cass County to discharge into, or otherwise utilize, any of its county highway right-of-way, or to bore through its highway;
- 3) That Applicants notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants notify the Maple River 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, submitting an additional permit application;
- 5) That Applicants provide and maintain adequate erosion protection at any and all outlets into Drain #15 (Applicants are solely responsible for any damages to Cass County Drain No.15 as a result of the tile project);
- 6) That any time water is breaking out of Drain #39 downstream of the tile discharge into Drain #39, Applicants must turn off the pump in the NE 1/4 of Section 2;
- 7) That Applicants 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.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201136 for Applicants Bruce Glasow and Dallas Glasow in the SE 1/4 of Section 3 in Leonard Township

The Board reviewed *Application to Install a Subsurface Drain No. 201136* dated November 26, 2011, for Bruce Glasow and Dallas Glasow. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicants seek to install a drain tile system in the SE 1/4 of Section 3 in Leonard Township, Cass County, North Dakota. The project will include a gravity outlet that will discharge directly into Drain #15. The Maple River Water Resource District owns and operates Drain #15.

Because the project will discharge directly into Drain #15, no *Thirty-Day Notice* was necessary under N.D. Cent. Code Section 61-32-03.1. Mr. Engels reviewed the Application and recommended the Board require Applicants to install erosion protection in Drain #15 to protect the drain from the tile discharge.

According to records on file with the Cass County Recorder's Office, Applicants own the property where they intend to install the tile project in the SE 1/4 of Section 3.

It was moved by Manager Beilke and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain No. 201136* dated November 26, 2011, for Bruce Glasow and Dallas Glasow in the SE 1/4 of Section 3 in Leonard Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants provide and maintain adequate erosion protection at any and all outlets (Applicants are solely responsible for any damages to Cass County Drain No.15 as a result of the tile project);
- 3) That Applicants notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants notify the Maple River 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, submitting an additional permit application;
- 5) That Applicants 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.

Upon roll call vote, the motion carried unanimously.

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

It was moved by Manager Suhr and seconded by Manager Beilke to authorize the Secretary-Treasurer to make any minor year-end transfers to balance the Maple River Water Resource District 2011 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 2011 Maple River Water Resource District budget

It was moved by Manager Suhr and seconded by Manager Beilke to amend the 2011 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 and unanimously carried to approve the minutes of the November 3 and 9, 2011, meetings, as presented.

Bills

It was moved by Manager Beilke and seconded by Manager Suhr to approve payment of Checks #4880 through #4892 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.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer