

MINUTES OF SPECIAL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
KINDRED CITY HALL
KINDRED, NORTH DAKOTA
FEBRUARY 29, 2012
7:00 P.M.

The Maple River Water Resource District met on February 29, 2012, at 7:00 p.m. at Kindred City Hall, Kindred, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Sean M. Fredricks, Attorney for the Board; Chad Engels and Lyndon Pease, Engineers for the Board; Brandon Oye, Moore Engineering, Inc., Acting Engineer for the City of Kindred; and those whose names appear on the attached roster.

Chairman Olson called the meeting to order and made introductions.

Chad Engels said the Water Resource District was approached about developing a legal drain on the north side of Kindred. A Petition and \$40,000 deposit were submitted, so the Board proceeded to take the project to a vote.

Brandon Oye, Acting Engineer for the City of Kindred, reviewed a map identifying drainage outlets for the City of Kindred. The city acknowledges that there are areas that drain poorly. The project would provide improved surface drainage and allow for future storm sewer improvements needed for future growth. The city currently experiences high inflow / infiltration in the sanitary sewer system and the lagoon system is overloaded during wet periods. Removing water from city ditches should reduce these problems.

Mr. Engels reviewed the proposed project and explained that the project benefits both the agricultural community and the City of Kindred. The drain is designed for a 10-year 24-hour rainfall event, similar to other legal drains. He pointed out that the drain would not resolve flooding issues in the area.

It was questioned why some property owners did not receive ballots. Mr. Engels explained that the information was taken from the Cass County tax rolls. He encouraged those present to let the Board know if something is incorrect.

Mr. Engels explained the voting process. There is one vote for every dollar assessed. The Water Resource District only counts the votes that they receive. If more than 50% of the votes received are in favor, the vote passes. Thirty days after the hearing, the

vote closes. If the project passes, an Assessment Hearing will be held where people can discuss any issues relating to their assessments. Mr. Engels also pointed out that everyone listed on the ballot needs to sign it so that the entire vote is counted. If two people are listed and only one vote, only half of the vote will be counted. The Kindred City Council will vote on assessments to be paid directly by the city.

The project will not pay for the drain that is constructed to the south from the railroad crossing in Section 19 of Normanna Township. That will be constructed by private landowners.

Arlen Blumer asked what good the proposed drain would be to the city if private landowners are constructing the drain to the south. Mr. Engels said it provides an outlet they do not have today. There was a question about draining property east to the new ditch when it currently drains west to Drain #34. Mr. Engels said landowners currently have poor drainage in the east half of those sections.

Marlin Olson owns the S 1/2 of Section 30 in Normanna Township. He said the family moved there in 1963 and lived there 43 years. They watched the water come from Kindred through a natural drain and the rest of the surface water went past them on the way to Drain #34. He said ag land from three families would be the only property that would benefit from the project.

Mr. Engels proceeded to review the *Engineer's Report*, the project cost, possible funding sources and the proposed project schedule.

Mr. Blumer expressed his opposition to the project. He believes it will only benefit ag land in the area and the property owners in Kindred cannot afford the project. He said the drainage problems in the northwest corner of town were caused from the ditch being dug too deep. He also believes farmers should not be allowed to put in drain tile without controls.

Concern was expressed about operation of the system. It was pointed out that the Water Resource District operates several gated facilities and an operation and maintenance plan would be developed for this project and it would be operated accordingly.

Taking the water north, when the current slope is to the west, was questioned. That was studied, but there was better potential for grade by taking water north. The middle of the project area is flat, so they needed to start deeper in order to get the grade needed back to Kindred. It was pointed out that the project would provide an outlet, but it would be up to the property owners to get their water to the channel.

Tim Hill questioned how the ballots were handled and asked if the city looked at alternate ways of doing that. Sean Fredricks said that is the only way Water Resource Districts can handle the process. Mr. Hill asked how the ballots were verified. Mr. Fredricks said they are tallied in the Water Resource District office. Mr. Hill asked about

doing a storm sewer project without this project. Mr. Oye said it would be difficult as there is not much of an outlet. They looked at Drain #60, but that is only sized for a certain part of the city, so water would have to be collected and discharged at a certain rate. Mr. Oye added that the city has looked at different alternatives and held a meeting to discuss its infrastructure, so there was an opportunity for residents to voice their opinion.

Tiffany Reese said she has had water problems on her property ever since she moved in five years ago and something needs to be done. She asked if this drain would help her property. Mr. Engels said the drain would come in 5 feet lower than what they have now, but the city has to get its water to the drain.

Wayne Lunder, Mayor of Kindred, said there are lots of infrastructure needs and they are trying to do only what is necessary so the city continues to be a great place to live. Installing a storm sewer that would outlet into Drain #60 would require a retention area that would cost an estimated \$700,000. Pumping the system directly to the river would cost an estimated \$800,000. The city needs improved drainage in order to look at growth and they have to start with an outlet. The City of Kindred provided \$20,000 to take the project to a vote. Mr. Engels said as the city grows, the situation will only get worse if nothing is done.

Lynn Overboe said three or more farmers dug a ditch 2' deep that was 5 miles long to county specifications for \$40,000. He said farmers need to be a little more self-sufficient and not try to convince the entire neighborhood they will benefit from this project. Mr. Engels said they have seen that approach, then someone does not cooperate and they come back to the Water Resource District. Advantages to having a public facility is that the Water Resource District could maintain the project and they could react to individual property owners with regard to maintenance issues.

There was a question relating to the indirect assessments and whether there is a benefit to city infrastructure and to farm infrastructure. Mr. Engels said the project would provide the city with an outlet. The indirect assessment is voted on by the city and they determine how to spread the assessment. The city could special assess the indirect assessment to property owners within the city, the city could raise the mill levy to cover the indirect assessment or the city could use another source of revenue to pay the indirect assessment. The indirect assessment is based on value. Chris McShane said the assessment on city property has to be paid through its mill levy.

Jim Hagensen asked if water can get out of Kindred during floods. Mr. Engels said it can, but pointed out that drains are not flood control facilities and do not help during spring floods. They help at the end of flood events and during summer rain events. He added that additional flows from this project will not worsen the flooding problems in the area as there is 4,000 cfs running out of the Sheyenne River and the proposed project only carries 100 cfs.

Concerns from Davenport residents were heard. Chairman Olson said the Water Resource District does not want to make the situation worse. The intent is to keep water on the west side of Davenport. The Davenport residents present said if water stays on the west side only one or two farmsteads need to be sandbagged. If water goes to the east, the east side of Davenport and several farmsteads would need to be sandbagged.

Mr. Overboe asked if the railroad needs this project. Chairman Olson said they do and that is why they are also being assessed.

Adjournment

There being no further business for the Board to consider, the meeting adjourned without objection.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer