

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 2, 2014

The Maple River Water Resource District met on January 2, 2014, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Lukas D. Andrud, Attorney for the Board; Mike Opat, Engineer for the Board; and Pat Downs, Red River Retention Authority.

Reorganization of the Board for calendar year 2014

Upon motion duly made by Manager Suhr, seconded by Manager Melvin and unanimously carried, the following officers were appointed for the year 2014:

Rodger Olson	Chairman
Jurgen Suhr	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Jurgen Suhr	Cass County Joint Water Resource District Alternate 1
Gerald Melvin	Cass County Joint Water Resource District Alternate 2
Rodger Olson	Red River Joint Water Resource Board Representative
Gerald Melvin	Red River Joint Water Resource Board Alternate Representative

Upon roll call vote, the motion carried unanimously.

2014 meeting dates

The Board discussed its regular meeting dates for the year 2014. It was moved by Manager Suhr and seconded by Manager Melvin to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Maple River Water Resource District does hereby set the first Thursday of January through March at 9:00 a.m., the first Thursday of April through October at 8:00 a.m., the first Thursday of November at 9:00 a.m., and the first Tuesday of December at 9:00 a.m. at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting date, time and place for the year 2014.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

Designation of depositories of Maple River Water Resource District public funds

It was moved by Manager Melvin and seconded by Manager Suhr to designate the following as depositories of Maple River Water Resource District public funds:

Alerus Financial
Bell State Bank & Trust
First State Bank of North Dakota (Casselton)

Upon roll call vote, the motion carried unanimously

Pledge of Assets

It was moved by Manager Suhr and seconded by Manager Melvin to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Review of contract for legal services

It was moved by Manager Suhr and seconded by Manager Melvin to approve the billing rates for legal services by Ohnstad Twichell, P.C., as presented. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Suhr and seconded by Manager Melvin to approve and authorize the Chairman to sign the *Contract for Legal Services* with Ohnstad Twichell, P.C. Upon roll call vote, the motion carried unanimously.

Review of contract for engineering services

It was moved by Manager Melvin and seconded by Manager Suhr to approve the billing rates for engineering services by Moore Engineering, Inc., as presented. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Suhr and seconded by Manager Melvin to approve and authorize the Chairman to sign the *Agreement for Engineering Services* with Moore Engineering, Inc. Upon roll call vote, the motion carried unanimously.

Upper Maple River Dam

Mike Opat distributed a draft assessment calculation and funding breakdown regarding the Upper Maple River Dam for the Board's review. Mr. Opat said he hopes to have the permit from the Corps of Engineers in the first or second week of January. Appraisals are being completed on the property needed for the project. The Board discussed holding a special meeting to begin the voting process on the project.

Application to Drain #4322 - Pontiac Township Improvement District No. 73

The Board reviewed information from the State Engineer regarding *Application to Drain #4322*, previously submitted by the Maple River Water Resource District regarding the Pontiac Township Improvement District No. 73 Project. The State Engineer concluded the project is not "of either statewide or inter-district significance."

The District is in the process of constructing the Pontiac Township Improvement District No. 73 project, a flood outlet project that will remove excess water from a series of sloughs and will discharge into a natural watercourse, and will ultimately discharge into the Maple River. The project will include buried pipe that will connect the sloughs to the natural outlet leading to the Maple River. Each reach of pipe and each slough will be controlled by a gate that can be used to regulate the discharges from each slough. The Maple River Water Resource District will operate the system in accordance with an operations plan developed in conjunction with local agencies and units of government.

The project will not be permitted to discharge during times in which the Maple River or the natural water course are flooding; the Board will coordinate discharges in conjunction with the operation of the Maple River Dam, located downstream of the project.

The Board reviewed and adopted proposed responses by Moore Engineering, Inc. to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board is acquiring the requisite right of way to accommodate the project. Further, the project will feature buried pipe, which will allow owners of the land above the pipes to farm the property along the footprint of the project. The project will remove excess water from productive land that is currently inundated, and the project will improve the area road infrastructure system. The project will include control structures the Board will operate in accordance with an operation plan; the Board developed the plan with the input of local agencies, government entities, and downstream interests. The project design includes improvements to downstream infrastructure to mitigate potential adverse impacts. The operating plan takes into account the flow conditions on the Maple River and the operating conditions at the Maple River Dam located downstream. In light of these measures, the project will not result in adverse impacts to downstream landowners, and no hearing was necessary.

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Drain #4322* for Maple River Water Resource District regarding the Pontiac Township Improvement District No. 73 Project, subject to any conditions attached by the State Engineer. Upon roll call vote, the motion carried unanimously.

The Secretary-Treasurer for the Board will provide the original, signed permit and all supporting documents to Jim Lindseth and Dwight Comfort at the State Engineer's Office.

It was moved by Manager Melvin and seconded by Manager Suhr to approve payment of Check #5177 to Reiner Contracting, Inc. for Pay Request No. 2 regarding Pontiac Township Improvement District No. 73 in the amount of \$420,617.38. Upon roll call vote, the motion carried unanimously.

Garsteig-Embden Improvements assessment district

It was moved by Manager Olson and seconded by Manager Suhr to proceed with proposing 100% and 50% assessment levels regarding the Garsteig-Embden Improvements assessment district. Upon roll call vote, the motion carried unanimously. Manager Olson suggested discussing the development of a Federal maintenance district at a future Cass County Commission meeting.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the December 9, 2013, meeting.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve payment of Checks #5172 through #5182 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Melvin. The Chairman declared the motion passed.

Agricultural Policy Subcommittee update

Manager Olson updated the Board on the discussion at the last Agricultural Policy Subcommittee meeting regarding the Metro Flood Diversion Project. He said the Subcommittee has hired Watts and Associates, Inc. to help with the issue of crop insurance. The consultant will look into several options for insurance, and provide recommendations to the Subcommittee.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer