

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 5, 2015

The Maple River Water Resource District met on February 5, 2015, 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; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Mary Scherling, Cass County Commissioner; Pat Downs, Red River Retention Authority; Brooks Whitmore, Cass County Soil Conservation District; Dan Zink, Red River Valley and Western Railroad Company; Steve Faught and Lloyd Knight, Amenia Township property owners.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the January 5 and 8, 2015, meetings.

Engineering Services contract

Mike Opat reviewed the Engineering Services contract with the Board.

Upper Maple River Dam - update

Mike Opat updated the Board on land acquisition for the Upper Maple River Dam Project. A special meeting is scheduled with the Maple-Steele Joint Water Resource District.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Amendment I to the Agreement for Cost-Share Reimbursement* for Upper Maple River Dam Environmental Assessment Phase II with the North Dakota State Water Commission. Upon roll call vote, the motion carried unanimously.

Pontiac Township Improvement District No. 73

It was moved by Manager Suhr and seconded by Manager Melvin to approve the State Water Commission *Agreement for Cost-Share Reimbursement* and to apply for additional cost-share regarding Pontiac Township Improvement District No. 73. Upon roll call vote, the motion carried unanimously.

Drain #14 – request for review of an assessment

There was a brief review of an assessment for Drain #14. The Board will look further into the matter if the district is reassessed.

Swan Creek – bridge replacement project west of Casselton

Cass County is proposing to replace the bridge on Cass County Highway 10 at Swan Creek, west of Casselton. The design has been reviewed and approved by Moore Engineering, Inc. Options for cost-sharing were discussed. The Board directed Mike Opat to put together a cost estimate for one mile of channel reconstruction in conjunction with the bridge replacement project for the Board’s review at a future meeting.

Garstieg-Embden Maintenance District – Garsteig Dam Repair Project – State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manager Suhr and seconded by Manager Melvin to approve the State Water Commission *Agreement for Cost-Share Reimbursement* regarding the 2014 Garsteig Dam Repair Project. Upon roll call vote, the motion carried unanimously.

Red River Valley & Western Railroad Company (RRVW) construction project on the west side of Davenport

Dan Zink reviewed plans to replace 37 miles of railroad track with the Board. Track will be replaced from Edgeley to Davenport to Casselton. The RRVW would like to build connecting track in the northwest quadrant by Davenport to allow trains to travel north without having to back up. This will be safer and require less whistle blowing in the Davenport area. A 60” culvert size is being proposed through the track to match the bridge opening upstream.

In 2009 and 2011, a portion of the track had to be removed to prevent Davenport from flooding. Sean Fredricks and Mike Opat stated that stream crossing standards do not apply to railroads. The Water Resource District has jurisdiction over assessment drains, but not the culverts in this situation. Chairman Olson suggested RRVW discuss the matter and develop an agreement with the City of Davenport and Davenport Township regarding future track removal, if necessary.

Application for Surface Drain No. 4625 for Brandon Runck in the SE 1/4 of Section 27 of Everest Township

The Board reviewed information from the State Engineer regarding *Application for Surface Drain No. 4625* for Applicant Brandon Runck. Under the application, Applicant seeks to modify and improve a portion of Buffalo Creek, a “federal channel” improvement project previously constructed by a federal agency. The permitted improvement would be reconstruction of 2,450 feet of Buffalo Creek along the SE 1/4 of Section 27 in Everest Township.

According to records on file with the Cass County Recorder’s office, Madelyne and Clayton Runck own the SE 1/4 of Section 27 of Everest Township, subject to a Contract for Deed in favor of Applicant.

The Board prepared responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will require Applicant to obtain written permission from the owners of the SE 1/4 of Section 27 where Applicant intends to construct the improvements to Buffalo

Creek. Further, the Board will require Applicant to install and maintain erosion protection to protect downstream properties and to protect Buffalo Creek. The Board concluded that in light of these measures, there will be no adverse impacts to downstream landowners or properties.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application for Surface Drain No. 4625* for Brandon Runck, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) That Applicant obtain written permission from the owners of the SE 1/4 of Section 27 of Everest Township, Cass County, North Dakota, for purposes of constructing the improvements to Buffalo Creek;
- 2) That Applicant will not construct the improvements in any manner that exceeds the dimensions indicated in the application, including the length of the proposed improvement project of 2,450 feet of channel improvements; a maximum of 15-foot bottom width; and 3:1 side slopes;
- 3) That Applicant obtain an easement from the owner of any land, besides land owned by Applicant, on which Applicant will construct the drain;
- 4) That Applicant notify the Maple River Water Resource District in advance of any additional improvements to the permitted project, including any modifications that exceed the dimensions permitted, any increase in the capacity of the drainage area affected, or any other additional improvements constructed, potentially including submitting an additional permit application if required by the Maple River Water Resource District; and
- 5) That Applicant 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 No. 201123 for Todd Weber in the S 1/2 of Section 24 in Wheatland Township – update

Todd Weber met with Sean Fredricks regarding easement requirements. Flowage easements have been obtained, but still need to be recorded with the Cass County Recorder's Office.

Cass County Planning correspondence

The Board has no comment to submit regarding the following Cass County Planning correspondence:

- Subdivision Application for Rutherford Subdivision in Section 17 of Hill Township; and
- Subdivision Application for Monilaws Subdivision in the SE 1/4 of Section 33 in Empire Township.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5341 through #5352, 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.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Suhr, seconded by Manager Olson and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer