

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 7, 2015

The Maple River Water Resource District met on May 7, 2015, at 8:00 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; Brady Woodard, Kyle Volk and Pat Downs, Moore Engineering, Inc.; and Steve Link, property owner in the City of Casselton.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the April 2, 2015, meeting.

Upper Maple River Dam

Mike Opat updated the Board regarding progress of construction on the Upper Maple River Dam Project. Industrial Builders, Inc. will begin work on the concrete structure. The *Agreement* between Carpenter Township and Maple-Steele Joint Water Resource District has been signed. The bond documents will be ready on May 18, 2015. Mr. Opat will provide weekly updates on the construction progress.

Drain #39 inspection

Brady Woodard reviewed the inspection of Drain #39 in Leonard Township. There is sediment in the ditch, signs of erosion, and culvert work needed. It was moved by Manager Melvin and seconded by Manager Suhr to hire Maple River Excavating LLC to proceed with repairs on Drain #39 in Leonard Township, not to exceed \$10,000. Upon roll call vote, the motion carried unanimously.

Casselton Township Improvement District No. 64 – Casselton levee

It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Permanent Easement* between the Maple River Water Resource District and the City of Casselton regarding construction of a levee on the west side of Casselton Township Improvement District No. 64. Upon roll call vote, the motion carried unanimously.

Casselton Township Improvement District No. 64 – East View First Addition

Steve Link approached the Board to discuss the *East View First Addition* adjacent to Drain #64 in Casselton Township. As part of the platting process, an easement for an additional

15' has been requested for ongoing maintenance of Drain #64. Mr. Link inquired about the practices of the Maple River Water Resource District and suggested purchase of the property and payment for the easement. Sean Fredricks replied that during the platting process of a subdivision, the Water Resource Districts do not purchase property. The existing right of way to Drain #64 was previously purchased in 2006. Mr. Link stated the drain is detrimental to the property and requested the berm be raised, and that FEMA re-map the area. Mr. Fredricks said the city benefits from the drain. It was also pointed out that the drain is not intended to be a flood control project and is not constructed to FEMA standards. The Board concluded that the Maple River Water Resource District would not pay for an easement in the platting process.

Pontiac Township Improvement District No. 73

Mike Opat reported to the Board that water is flowing through Pontiac Township Improvement District No. 73. American Enterprises, Inc. was hired to repair erosion issues in a landowner's pasture. The pasture is part of the drain outlet and must be maintained by the Water Resource District. Sean Fredricks will look at the possibility of paying down the existing bonds regarding the project and report back to the Board at the next meeting.

Detention Project Planning Teams

Pat Downs reviewed the Detention Project Planning Team Summary of members for the three Cass County watersheds identified for potential detention projects. The procedures required for project funding approval by the Natural Resources Conservation Service (NRCS) were also reviewed. An agreement will be signed by the NRCS and the Red River Retention Authority on May 21, 2015. The process could take two months before agreements are available for the individual Water Resource Districts. Once agreements are in place, individual team meetings may be scheduled.

Infrastructure planning

Mike Opat met with the Cass County Highway Department to discuss project planning. The date of construction work on Cass County Highway 16 has been moved up. Mr. Opat discussed coordinating channel work along with the road work.

GIS presentation to manage permits, complaints, infrastructure, assessments, etc.

Kyle Volk gave a brief presentation on the capabilities of Geographic Information System (GIS). Maps can be linked to the database and allows the ability to track and visualize infrastructure, assessments, manage permits, and complaints, etc. Mr. Volk showed examples of how GIS can be utilized.

Application to Install a Subsurface Drain No. 20152 for Bruce Glasow in the NW 1/4 of Section 32 in Davenport Township

The Board reviewed *Application to Install a Subsurface Drain No. 20152* dated March 24, 2015, for Bruce Glasow. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the "statewide" elements; therefore, 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 Office of the State Engineer to consider and approve). Under

the application, Applicant seeks to install a drain tile system in the NW 1/4 of Section 32 in Davenport Township, Cass County, North Dakota. The project will include two gravity outlets. The first outlet will discharge along the north boundary of the NW 1/4 of Section 32, at approximately the half section line; the tile discharge will outlet into the south township road ditch of the township road along the Section 29/32 section line; the tile discharge will then flow east in the township road ditch along the north boundary of the NE 1/4 of Section 32 until intersecting with the natural waterway that runs north through the NE 1/4 of Section 32. The second gravity outlet will be in the northeast corner of the NW 1/4 of Section 32; the gravity outlet will discharge into the south township road ditch and will flow east along the north boundary of the NE 1/4 of Section 32 until intersecting with the natural waterway that flows to the north through the NE 1/4 of Section 32. Once the tile discharge from both outlets intersects with the natural waterway, the tile discharge will flow east through the south township road ditch (the township road has altered the natural flow of the natural watercourse and, as a result, the watercourse flows east through the township road ditch); the tile discharge will flow east until reaching the northeast corner of the NE 1/4 of Section 32; from there, the tile discharge will flow north in the west road ditch along the Section 29/28 section line road, along the east boundary of the SE 1/4 of Section 29.

The Board discussed maintenance issues that may arise regarding the township road ditches. However, one of the conditions of the permit will be approval from the Davenport Township Board, and the Maple River Water Resource District's *Notice of Decision* packet will include a draft *Township Permit* for use by the Davenport Township Board of Township Supervisors, in their discretion. That *Township Permit* document will afford the Township the opportunity to attach any conditions they deem necessary regarding maintenance of their road ditch and any other issues.

According to records on file with the Cass County Recorder's Office, Dallas and Paula Glasow own a one-half interest in the NW 1/4 of 32, and Bruce and Mara Glasow own the remaining one-half interest in the NW 1/4 of Section 32, the property Applicant intends to tile. With regard to downstream properties, Bruce and Lannette Christmann own the N 1/2 NE 1/4 of Section 32; Mark and Renae Beaton own the S 1/2 SE 1/4 of Section 29; Sylvia Taylor Living Trust owns a one-half interest in the N 1/2 SE 1/4 of Section 29; and the Donald Taylor Living Trust owns the remaining one-half interest in the N 1/2 SE 1/4 of Section 29.

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain No. 20152* dated March 24, 2015, for Bruce Glasow in the NW 1/4 of Section 32 in Davenport Township, subject to the following conditions:

1) That Applicant obtain and record (with the Cass County Recorder's office) flowage easements (and not just written consents), including language that permits saline water, from the owners of the following parcels in Davenport Township, Cass County, North Dakota:

- a. N 1/2 NE 1/4 of Section 32;
- b. S 1/2 SE 1/4 of Section 29; and
- c. N 1/2 SE 1/4 of Section 29.

- 2) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 3) That Applicant obtain written permission from the Davenport Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through its township road;
- 4) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 5) That Applicant 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;
- 6) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Maple River Water Resource District; and
- 7) 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.

Cass County Weed Control Work Order

It was moved by Manager Suhr and seconded by Manager Melvin to approve the Cass County Weed Control Work Order form for spraying Maple River Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5383 through #5394 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 carried.

Garsteig, Embden and Absaraka Dam maintenance

Brady Woodard reported that all repairs are complete on the Garsteig, Embden, and Absaraka Dams.

Legislative update

Sean Fredricks updated the Board on HB 1095. The Conference Committee turned the quick-take portion of HB 1095 into an interim study by the Water Topics Overview Committee. However, at the very end of the legislative session, an amendment was added to SB 2015, a completely unrelated appropriations bill. The amendment eliminated quick-take authority for Water Resource Districts, unless federal funds are appropriated or unless state funds have been appropriated by the legislative assembly for a specific project. A line item veto has been requested and sent to the Governor for consideration.

Drain #46

Manager Suhr said low water crossings did not get put back properly in conjunction with the recent cleanout of Drain #46. Brady Woodard will inspect the drain and report back to the Board on the matter.

Adjournment

There being no further business for the Board to consider, 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