

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
APRIL 7, 2016

The Maple River Water Resource District met on April 7, 2016, 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 Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Tom Soucy, Cass County Highway Department; and Jesse Inscore, Maple Valley High School.

Minutes

It was moved by Manager Suhr, seconded by Manager Melvin and unanimously carried to approve the minutes of the March 3 and 31, 2016, meetings.

Upper Swan Creek Channel Improvements

It was moved by Manager Melvin and seconded by Manager Suhr to authorize Moore Engineering, Inc. to advertise the Upper Swan Creek Channel Improvements Project for bids. Upon roll call vote, the motion carried unanimously.

Drains #15, #37 and #39 Channel Improvements

Mike Opat reported that the State Water Commission approved cost-share regarding Drains #15, #37 and #39 Channel Improvements at its meeting on March 5, 2016.

Lynchburg-Buffalo Project No. 2016-01

Options for Lynchburg Channel / Buffalo Channel maintenance were reviewed and considered. It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Resolution of Necessity* regarding Lynchburg-Buffalo Project No. 2016-01. Upon roll call vote, the motion carried unanimously. A copy of this Resolution is attached hereto.

2016 Swan-Buffalo Detention Dam Repairs, No. 5 (Garsteig), No. 8 (Embden) and No. 12 (Absaraka)

Mr. Opat reported the 2016 Swan-Buffalo Detention Dam Repairs Project, No. 5 (Garsteig), No. 8 (Embden) and No. 12 (Absaraka) is currently advertised for bids. The bid opening is scheduled for April 25, 2016. A construction contract can be awarded at the next meeting.

Upper Maple River Dam

It was moved by Manager Melvin and seconded by Manager Suhr to approve the proposal from Moore Engineering, Inc. to develop an Emergency Action Plan (EAP) regarding the Upper Maple River Dam and to authorize the Secretary-Treasurer to submit a cost-share request to the State Water Commission. Upon roll call vote, the motion carried unanimously.

Tower Township Improvement District No. 77

Tom Soucy met with the Board to discuss options for the creation of a legal drain along Cass County Highway 32 in Tower Township. Manager Melvin suggested the installation of a drain tile system in conjunction with road improvements. Meetings will be scheduled to further discuss the matter upon receipt of the bond required by the Water Resource District.

State Water Plan for the 2017-2019 biennium – projects / programs to submit

Mr. Opat reviewed a list of projects and programs to submit to the State Water Plan for the 2017-2019 biennium. The Tower Township Improvement District No. 77 Project will be added to the list.

Application for Surface Drain #4815 for the City of Casselton in Section 3 and the northwest corner of Section 2 in Everest Township and the SW 1/4 SW 1/4 of Section 35 in Casselton Township / Utility Permit for the City of Casselton to install a 48" CSP culvert through Swan Creek Diversion in the SW 1/4 SW 1/4 of Section 35 in Casselton Township

The Board reviewed information from the State Engineer regarding *Application for Surface Drain No. 4815* for Applicant City of Casselton. Under the application, Applicant seeks to construct a new drain and drainage improvements primarily in Section 3 of Everest Township. The new drain will commence along the south boundary of the SE 1/4 of Section 3; the channel will run parallel to the south section line to the east, then to the north along the east boundary of Section 3, parallel to the Red River Valley & Western Railroad right of way; the drain will run north nearly to the north boundary of the NE 1/4 of Section 3, but prior to intersection with the north boundary, the drain will turn to the east and will run under Red River Valley & Western Railroad right of way. Applicant intends to install a 48-inch culvert under the Red River Valley & Western Railroad right of way; the culvert will then discharge via an underground pipeline that will run to the north and east across the northwest corner of Section 2 in Everest Township; the underground pipeline will go through and under 36th Street SE and will daylight in the southwest corner of Section 35 in Casselton Township, and will discharge into the Swan Creek Diversion. The permitted drain will include a 6,600-foot channel improvement; a bottom width of 10 feet maximum; 4:1 side slopes; and a maximum cut of 7 feet.

According to records on file with the Cass County Recorder's office, North Dakota State University owns the E 1/2 of Section 3 in Everest Township; the City of Casselton owns the south 315 feet of the north 425 feet of the NW 1/4 of Section 2 in Everest Township; and the Maple River-Rush River Joint Water Resource District owns the South 125 feet of the north 425 feet of the NW 1/4 of Section 2.

The Board directed Mike Opat to prepare responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code, and the Board approved those responses. 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 easements from the owners of the property where Applicant intends to construct the project. In addition, the Board will require Applicant to obtain a *Utility Permit* regarding Applicant's plan to discharge into the Swan Creek Diversion. The Board concluded that, in light of these measures, there will be no further adverse impacts.

It was moved by Manager Melvin and seconded by Manager Suhr to approve the *Utility Permit* for the City of Casselton to install a 48" CSP culvert through Swan Creek Diversion in the SW 1/4 SW 1/4 of Section 35 in Casselton Township, and to approve *Application for Surface Drain #4815* for the City of Casselton in Section 3 and the northwest corner of Section 2 in Everest Township and the SW 1/4 SW 1/4 of Section 35 in Casselton Township, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) That Applicant obtain and record (with the Cass County Recorder's office) an easement (and not just written consent) from the owner of the E 1/2 NE 1/4 of Section 3, and the SE 1/4 of Section 3 in Everest Township, Cass County, North Dakota, for purposes of constructing, operating, and maintaining a surface drain;
- 2) That Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application, including a drain length of 6,600 feet; a 10-foot bottom width; 4:1 side slopes; and a maximum cut of 7 feet;
- 3) That Applicant obtain an easement from the owner of any land, besides land owned by Applicant, on which Applicant will construct the drain; and
- 4) That Applicant obtain written permission from the Red River Valley & Western Railroad to install a culvert through Red River Valley & Western Railroad right of way;
- 5) That Applicant obtain written permission from Cass County to construct, operate, and maintain a surface drain in its highway road ditch, or to otherwise utilize any Cass County Highway 10 right of way;
- 6) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application;

7) That Applicant obtain an approved *Utility Permit* regarding any and all outlets into the Swan Creek Diversion; and

8) 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.

Weed, cattail, tree and brush control

The Board briefly discussed aerial and ground spraying services for weed, cattail, tree and brush control on Maple River Water Resource District facilities for 2016. Stan Wolf, Cass County Weed Control, is in the process of putting together a summary for the Board to review. The Board will consider the matter at the next meeting.

Drain Inspections

It was moved by Manager Suhr and seconded by Manager Melvin to authorize Moore Engineering, Inc. to inspect Maple River Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Application for Lindemann Subdivision in the NE 1/4 of Section 14 in Gill Township

The Board directed the Secretary-Treasurer to submit comment, with input from the Water Resource District Engineer, to the Cass County Planner regarding the application for Lindemann Subdivision in the NE 1/4 of Section 14 in Gill Township.

Correspondence from the Casselton Planning and Zoning Commission regarding a request for a conditional use permit located east of 1102 2nd Street South

The Board directed the Secretary-Treasurer to submit comment, with input from the Water Resource District Engineer, to the Casselton Planning and Zoning Commission regarding a request for a conditional use permit located east of 1102 2nd Street South.

North Dakota Insurance Reserve Fund – proxy for annual meeting

It was moved by Manager Suhr and seconded by Manager Melvin to authorize the Secretary-Treasurer to sign the proxy relating to the North Dakota Insurance Reserve Fund annual meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Suhr and seconded by Manager Melvin to approve the payment of Checks #5518 through #5530, and the electronic funds transfers, 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 Melvin, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer