

MINUTES OF MEETING
NORTH CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 23, 2012

The North Cass Water Resource District Board met on July 23, 2012, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Michael R. Buringrud, Chairman; Robert Thompson, Manager; Wes Ecker, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; and those whose names are listed on the attached roster.

Drain #41 Improvements – Project Hearing

Chairman Buringrud called the Project Hearing on the Drain #41 Improvements Project to order. Chad Engels reviewed the project alignment, the *Engineer's Report*, the *Summary of Estimated Costs* and the *Summary of Estimated Assessments* relating to the project. Sean Fredricks reviewed the voting process and informed those present that ballots are due in the Water Resource District office by 5:00 p.m. on August 22, 2012. Mr. Engels explained the proposed project schedule. If the vote passes, bids could be opened in November 2013 and the project would be constructed in 2013. Kurt Lysne displayed maps on the project and explained that it would be constructed to a 10-year design standard.

Rand Nyberg asked if he could get an intercept pipe in Section 7 of Bell Township. Mr. Engels said they will work with property owners on the placement of intercept pipe. Chairman Buringrud reiterated to those in attendance that only the ballots returned are counted. There being no further questions, the hearing was closed.

Application to Install a Subsurface Drain #201211 for James L. Williams in the SW 1/4 SE 1/4 of Section 32 and the NE 1/4 of Section 5 in Gunkel Township – amendment to related Utility Permit

It was moved by Manager Thompson and seconded by Manager Ecker to approve the revised *Utility Permit*, which increases the number of outlets into Drain #29A from two to five, regarding *Application to Install a Subsurface Drain #201211 for James L. Williams in the SW 1/4 SE 1/4 of Section 32 and the NE 1/4 of Section 5 in Gunkel Township*. Upon roll call vote, the motion carried unanimously.

Fund Balance Policy in accordance with GASB Statement No. 54

It was moved by Manager Ecker and seconded by Manager Thompson to approve the Fund Balance Policy in accordance with GASB Statement No. 54. Upon roll call vote, the motion carried unanimously.

2011 Audit

It was moved by Manager Thompson and seconded by Manager Ecker to approve the 2011 audit of the North Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Pledge of Assets

It was moved by Manager Ecker and seconded by Manager Thompson to approve the following Pledge of Assets:

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

Upon roll call vote, the motion carried unanimously.

2013 Budget and 2012 Maintenance Levy Assessments

It was moved by Manager Thompson and seconded by Manager Ecker to approve the 2013 budget and 2012 Maintenance Levy Assessments for the North Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Ecker and seconded by Manager Thompson to approve the minutes of the June 15, 2012, meeting, as amended. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Thompson and seconded by Manager Ecker to approve payment of Checks #3685 through #3694 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Buringrud, Thompson and Ecker. The Chairman declared the motion passed

Request from Mark Backstrom to install a culvert through the berm along the north side of Section 17 in Kinyon Township at the end of Drain #18

Mark Backstrom contacted Manager Ecker to request installing a culvert and flap gate through the berm along the north side of Section 17 in Kinyon Township at the end of Drain #18, immediately south of the culvert currently running through the east-west township road at that location. Gene Foster and Mr. Backstrom will be invited to attend the next meeting to discuss the matter.

Meeting rescheduled

The next meeting for the North Cass Water Resource District will be at 9:00 a.m. on September 5, 2012, at the Cass County Highway Department in West Fargo.

Application to Install a Subsurface Drain #201220 for Ronald E. Woitzel in Section 29 of Kinyon Township

The Board reviewed *Application to Install a Subsurface Drain #201220* dated July 20, 2012, for Ronald E. Woitzel. 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 State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in Section 29 of Kinyon Township, Cass County, North Dakota. The project will include two gravity outlets. The first outlet will discharge in the northeast corner of Section 29, where Applicant intends to install a new culvert through the north-south township road between Sections 29 and 28. From there, the tile discharge will flow directly into Cass County Drain #19 in the northwest corner of Section 28. The second outlet will be in the southeast corner of Section 29, and will discharge through a new diagonal culvert Applicant intends to install through the north-south township road. The diagonal culvert will discharge into the northwest corner of Section 33, where the discharge will outlet into Cass County Drain #32.

Mr. Engels reviewed the application and suggested that the Board require Applicant to install and maintain erosion protection to protect Drains #19 and #32. The proposed project will discharge directly into two legal assessment drains and therefore the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Ronald E. Woitzel is the sole owner of Section 29 in Kinyon Township.

It was moved by Manager Ecker and seconded by Manager Thompson to approve *Application to Install a Subsurface Drain #201220* dated June 20, 2012, for Ronald Woitzel in Section 29 of Kinyon Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into Drains #19 and #32 (Applicant is solely responsible for any damages to Cass County Drains #19 and #32 as a result of Applicant's tile project);
- 3) That Applicant obtain written permission from the Kinyon 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 North Cass 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; and

6) 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.

Drain #13 Channel Improvements from Cass County Highway 4 to I-29

Mr. Engels reviewed the *Engineer's Opinion of Probable Cost* for the Drain #13 Channel Improvements Project from Cass County Highway 4 to I-29. It was moved by Manager Ecker and seconded by Manager Buringrud to authorize Moore Engineering, Inc. to submit a permit application to the State Engineer and a request for cost share to the State Water Commission regarding the Drain #13 Channel Improvements Project from Cass County Highway 4 to I-29. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Michael R. Buringrud
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer