

MINUTES OF MEETING
NORTH CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 5, 2012

The North Cass Water Resource District Board met on September 5, 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; Sean M. Fredricks, Attorney for the Board; Chad Engels, Engineer for the Board; Brady Woodard, Moore Engineering, Inc.; Don Murch and Rand Nyberg, property owners in Gunkel Township and Chris Murch, property owner in Arthur Township.

Drain #41 Extension and Crossing Improvements

Chad Engels reviewed the results of the vote on the Drain #41 Extension and Crossing Improvements. The vote failed, so the project will not proceed.

Rand Nyberg said most of the problem on the drain is at the last two crossings at the east end of the drain. He asked if something could be done on those without a vote. Mr. Engels said it could be done when the assessment district has funds available. He estimated the cost at \$20,000 per crossing. The property owners could also vote on an excess levy if they wanted to pay more to get the work done sooner. Mr. Nyberg said there are rust holes on the bottom of the culverts and they could run into issues with more than one crossing at the same time if there are wet conditions. The Board said the vote indicated that the property owners paying into the assessment district do not want anything done at this time.

Request from Mark Backstrom to install a culvert through the berm along the south side of the township road on the north side of Section 17 in Kinyon Township

The Board invited Gene Foster to the meeting to discuss a request from Mark Backstrom to install a culvert through the berm along the south side of the township road on the north side of Section 17 in Kinyon Township. Mr. Foster expressed concern about the dike being too high along the swale and about water flooding his farmstead, but would agree to Mr. Backstrom's request if the culvert through the berm is the same size as the culvert installed on the swale through Cass County Highway 11.

The Board indicated they were agreeable to the concept, provided they have an operating plan. The flap gate could remain closed during the summer, opened by November 15th each year and remain open through spring runoff to prevent impacts to Drain #18. It should also be determined who will operate the flap gate.

Mr. Foster would like the culvert up off the bottom of the ditch to prevent it from icing up. He would also like to see the ditch along the east side of Section 17 cleaned. Mr. Foster offered to pay for half of the cost of the pipe and flap gate.

It was moved by Manager Ecker and seconded by Manager Thompson to authorize the Water Resource District Attorney to look into the ownership of the property and draft the appropriate agreement relating to the request from Mark Backstrom to install a culvert through the berm along the south side of the township road on the north side of Section 17 in Kinyon Township. Upon roll call vote, the motion carried unanimously.

Manager Ecker will review the matter with Mr. Backstrom and let Sean Fredricks know if he is agreeable. Brady Woodard will check the size of the culvert.

Application to Drain #4090 for the Drain #13 Channel Improvements Phase V Project

The Board reviewed information from the State Engineer regarding *Application to Drain #4090*, previously submitted by the North Cass Water Resource District regarding the Drain #13 Improvement Project in Sections 18, 7, 8, and 9 in Harwood Township. The North Cass and Rush River Joint Water Resource District owns, operates, and maintains Cass County Drain #13, a legal assessment drain in Cass County, North Dakota.

The District has determined certain drainage improvements are necessary to Drain #13, including the construction of additional channel bottom capacity and side slope improvements; relocation, installation, and improvements of intercept drainage culverts; design, redesign, construction, and reconstruction of roadway crossing improvements; purchasing and acquiring additional right of way to accommodate the drainage improvements; and other work necessary and incident to the reconstruction and improvement of Drain #13. The District submitted this permit application regarding the drain improvements. The State Engineer concluded the project is not “of either statewide or interdistrict significance.”

The Board reviewed and adopted Moore Engineering’s proposed responses 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, and the right of way acquisition will eliminate adverse impacts to private landowners.

It was moved by Manager Thompson and seconded by Manager Ecker to approve *Application to Drain #4090* regarding the Drain #13 improvement project, subject to any conditions attached by the State Engineer. Upon roll call vote, the motion carried unanimously.

Carol Harbeke Lewis will provide the original, signed permit and all supporting documents to Jim Lindseth at the State Engineer’s Office.

Request for Drainage on Highway Right of Way for Bart Marvel to clean silt out of the ditches along both sides of State Highway 18 in Section 2 of Hunter Township

It was moved by Manager Ecker and seconded by Manager Buringrud to approve the *Request for Drainage on Highway Right of Way* for Bart Marvel to clean silt out of the ditches along both sides of State Highway 18 in Section 2 of Hunter Township, noting that a state drainage permit will be required if the work will include any deepening or widening and affects a watershed of 80 acres or more. Upon roll call vote, Managers Buringrud and Ecker voted in favor. Manager Thompson was not present at the time of the vote. Motion carried.

Kevin and Teresa Ohnstad ring dike – State Water Commission Agreement for Cost Share Reimbursement

It was moved by Manager Ecker and seconded by Manager Buringrud to approve the State Water Commission Agreement for Cost-Share Reimbursement on the Kevin and Teresa Ohnstad ring dike project. Upon roll call vote, Managers Buringrud and Ecker voted in favor. Manager Thompson was not present at the time of the vote. Motion carried.

Beaver Creek Dam repair

The Board discussed repair work on the low level control structure on Beaver Creek Dam in Steele County, as well as other maintenance to be done at the site. The North Cass Water Resource District will be responsible for 1% of the local project cost.

2012 spring inspection report

Brady Woodard presented the 2012 spring inspection report. It was moved by Manager Ecker and seconded by Manager Thompson to proceed with the following, as set out in the 2012 spring inspection report:

- Drain #13 Site A – repair work consisting of cutting off a band and moving a flared end section back;
- Drain #16 Site A – pipe replacement;
- Drain #22 Site C – ask the county to put the replacement of the wooden box culverts on their list of projects;
- Drain #23 Site J – repair erosion behind concrete structure;
- Drain #23 Site K – place grout on the south wing wall of the drop structure;
- Drain #32 Site A – add an intercept pipe;
- Drain #32 Site E – repair separated pipe; and
- Drain #55 Site – check into spoil leveling.

Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Thompson and seconded by Manager Ecker to approve the minutes of the July 23, 2012, meeting, as amended. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Ecker and seconded by Manager Thompson to approve payment of Checks #3695 through #3707 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Buringrud, Thompson and Ecker. The Chairman declared the motion passed

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