

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 26, 2013

The North Cass Water Resource District Board met on February 26, 2013, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Michael R. Buringrud, Chairman; Robert Thompson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly A. Chaput, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Kurt Lysne, Engineer for the Board; and Paul Klabunde, Magellan Midstream Partners, L.P. Manager Wes Ecker was absent.

**Reorganization of the Board for 2013**

It was moved by Manager Thompson and seconded by Manager Buringrud to appoint the following individuals to serve in the designated capacities for the North Cass Water Resource District for calendar year 2013. Upon roll call vote, the motion carried unanimously.

Michael R. Buringrud	Chairman
Wesley Ecker	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Wesley Ecker	Cass County Joint Water Resource District alternate representative #1
Robert Thompson	Cass County Joint Water Resource District alternate representative #2
Wesley Ecker	Red River Joint Water Resource District representative
Robert Thompson	Red River Joint Water Resource District alternate representative

**2013 meeting dates**

The Board discussed its regular meeting dates for the year 2013. It was moved by Manager Buringrud and seconded by Manager Thompson to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the North Cass Water Resource District does hereby set the fourth Tuesday of February through April, and November at 9:00 a.m.; the fourth Tuesday of May through October at 8:00 a.m.; and the December meeting will be determined at a later date in the Cass County Highway Department building, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, times and place for the year 2013.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

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Michael Buringrud  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer

**Designate depositories of North Cass Water Resource District public funds and Pledges of Assets**

It was moved by Manager Thompson and seconded by Manager Buringrud to designate the following as depositories of North Cass Water Resource District public funds:

Alerus Financial  
Bell State Bank and Trust  
First State Bank of North Dakota (Casselton)

and to approve the following Pledges of Assets:

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

Upon roll call vote, the motion carried unanimously.

**Review of contracts for engineering and legal services**

Kurt Lysne reviewed the Moore Engineering, Inc. 2013 billing schedule for projects with construction contracts.

It was moved by Manger Thompson and seconded by Manager Buringrud to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and the agreement with Moore Engineering, Inc. for engineering services. Upon roll call vote, the motion carried unanimously.

**Magellan pipeline crossings on Drains #18, #25, #26 and #32**

Paul Klabunde with Magellan Midstream Partners, L.P. met with the Board to discuss exposed pipeline crossings on Drains #18, #25, #26 and #32. The pipe was installed in 1946. Magellan Midstream Partners, L.P. will do the work in May or June when the water is down. Manager Buringrud pointed out that they will need to lower the utility deep enough to allow for future improvements to the drains.

It was moved by Manager Thompson and seconded by Manager Buringrud to authorize Moore Engineering, Inc. to survey Drains #18, #25, #26 and #32, as needed, and compare current conditions to as-built plans regarding the Magellan pipeline crossings. Upon roll call vote, the motion carried unanimously.

**Drain #13 Channel Improvements Phase V**

Right of way mailings will be going out this week on the Drain #13 Channel Improvements Phase V.

It was moved by Manager Buringrud and seconded by Manager Thompson to approve the State Water Commission *Agreement for Cost-Share Reimbursement*, subject to review by the Water Resource District Engineer, regarding Drain #13 Channel Improvements Phase V. Upon roll call vote, the motion carried unanimously.

**Gary Stibbe Drainage Complaint against Thomas and Yvonne Halstenson and Mark and Jason Richtsmeier, in the SW 1/4 of Section 4 in Hunter Township**

The Board next considered Gary Stibbe's Drainage Complaint against Thomas and Yvonne Halstenson and Mark and Jason Richtsmeier. Mr. Stibbe submitted the Drainage Complaint dated February 10, 2013. Chad Engels contacted Mr. Stibbe in advance of the Board's meeting, and Mr. Stibbe indicated the other parties simply converted an ag field into production and that their use resulted in additional runoff. He did not allege the parties constructed any ditches or other drainage. Mr. Engels explained to Mr. Stibbe that the Water Resource District does not have jurisdiction over how parties choose to utilize their property, and he understood.

Sean Fredricks indicated the Board only has jurisdiction over drainage to the extent the activity requires a permit under N.D. Cent. Code § 61-32-03. Under Section 61-32-03, a party must obtain a permit prior to constructing drainage that will result in drainage of any "pond, slough, lake, or sheet water, or any series thereof," with a watershed area of 80 acres or more. In this instance, Mr. Stibbe acknowledged the parties did not

construct any drainage whatsoever; and, therefore, their conversion of a field into production did not require a permit. Therefore, Mr. Fredricks indicated the Board had no choice but to dismiss the matter. It was moved by Manager Thompson and seconded by Manager Buringrud to dismiss the Drainage Complaint against Thomas and Yvonne Halstenson and Mark and Jason Richtsmeier in the SW 1/4 of Section 4 in Hunter Township, in accordance with Section 61-32-07. Upon roll call vote, the motion carried unanimously. The Board will provide a notice of its decision to all parties of record.

**Letter of engagement to the Office of the State Auditor for audit services for 2012**

It was moved by Manager Thompson and seconded by Manager Buringrud to approve the letter of engagement to the Office of the State Auditor for audit services for the North Cass Water Resource District in 2012. Upon roll call vote, the motion carried unanimously.

**Minutes**

It was moved by Manager Buringrud and seconded by Manager Thompson to approve the minutes of the December 18, 2012, meeting.

**Bills**

It was moved by Manager Thompson and seconded by Manager Buringrud to approve payment of Checks #3741 through #3758 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Buringrud and Thompson. Manager Ecker was absent. The Chairman declared the motion passed.

**Adjournment**

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

APPROVED:

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Michael R. Buringrud  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer