

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JUNE 25, 2013

The North Cass Water Resource District met on June 25, 2013, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Wes Ecker, Manager; Robert Thompson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean M. Fredricks, Brian D. Neugebauer, and Lukas Andrud, Attorneys for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; and Pat Downs, Red River Retention Authority. Manager Michael R. Buringrud was absent.

Manager Ecker called the meeting to order.

**Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures**

It was moved by Manager Thompson and seconded by Manager Ecker to approve the Post-Issuance Debt Compliance Policy. Upon roll call vote, the motion carried unanimously. The policy is attached to these minutes.

It was moved by Manager Thompson and seconded by Manager Ecker to approve the Post-Issuance Debt Compliance Procedures. Upon roll call vote, the motion carried unanimously. The policy is attached to these minutes.

**Drain #13 Channel Improvements Phase V**

Additional minutes relating to the Bond Sale for the Drain #13 Channel Improvements Phase V Project are attached hereto.

Chad Engels informed the Board that the remaining right-of-way required for the project has yet to be obtained. Mr. Engels reminded the Board that in accordance with the bid contract, the Board must award the contract within 90 days of opening bids, an approaching deadline. Lukas Andrud has been in contact with the Attorneys representing the landowners of the final parcel of right-of-way needed.

It was moved by Manager Thompson and seconded by Manager Ecker to approve the following regarding Drain #13 Channel Improvements Phase V Project:

- Resolution of Necessity; and
- Resolution of Offer to Purchase.

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Thompson and seconded by Manager Ecker to award the contract for Drain #13 Channel Improvements Phase V to Comstock Construction, Inc. for the low bid of \$497,753. Upon roll call vote, the motion passed unanimously.

### **Drain #18**

Kurt Lysne informed the Board the work has been completed on Drain #18 and he is satisfied with the field verification of the project. He noted that the elevation on top of the berm on the west side of Drain #18, where water crosses under the township road between Sections 8 and 17 of Kinyon Township, was set one foot above a 10-year event level; the rest of the berm is higher.

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

Mr. Lysne informed the Board that Moore Engineering, Inc. has completed surveying the Magellan pipeline crossings on Drains #18, #25, #26, and #32. The Board directed Mr. Lysne to meet with Paul Klabunde, Magellan Midstream Partners, L.P., to let him know the Water Resource District would be agreeable to them lowering the pipeline at those locations and ask that they install the pipeline 2' below the bottom of the drain.

### **Drainage Complaint from Wayne Cole against Mike Whitmore in the SW 1/4 of Section 3 in Rochester Township**

Wayne Cole indicated to Manager Thompson that he wanted to withdraw the *Drainage Complaint* against Mike Whitmore in the SW 1/4 of Section 3 in Rochester Township.

### **Application to Install a Subsurface Drain #20135 for Richard Jones in the W 1/2 of the W 1/2 of Section 30 in Noble Township**

The Board reviewed an *Application to Install a Subsurface Drain No. 20135* dated June 4, 2013, for Richard Jones. 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 W 1/2 of the W 1/2 of Section 30 in Noble Township, Cass County, North Dakota. The project will include a pump outlet that will discharge directly into Cass County Drain #19. The North Cass Water Resource District owns and operates Drain #19.

Kurt Lysne reviewed the application and indicated that, because the project will discharge directly into Drain #19, his recommendation for the Board is attachment of a condition to approval to require the Applicant to install and maintain erosion protection to protect Drain #19. Sean Fredricks suggested the Board require Applicant to execute a *Utility Permit*. Because the project will discharge directly into Drain #19, 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, Richard and Marjorie Jones own the W 1/2 of the W 1/2 of Section 30.

It was moved by Manager Thompson and seconded by Manager Ecker to approve *Application to Install a Subsurface Drain No. 20135* dated June 4, 2013, for Richard Jones in the W 1/2 of the W 1/2 of Section 30 in Noble Township, and to approve a *Utility Permit*, 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 Cass County Drain #19 (Applicant is solely responsible for any damages to Cass County Drain #19 as a result of the tile project);
- 3) That Applicant notify the North Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the North Cass 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;
- 5) That Applicant obtain an approved *Utility Permit* from the North Cass Water Resource District regarding any and all outlets into Cass County Drain #19;
- 6) That if Applicant excavates any of the Drain #19 berm or right-of-way to accommodate Applicant's tile system, Applicant is solely responsible for returning the berm or drain right-of-way to its previous condition, at Applicant's sole cost; 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. The Board suggested that the *Notice of Decision* should notify the Applicant that, while he can locate the pump on the Board's Drain #19 property in accordance with the Board's Utility Permit, he would be well advised to locate the pump on his own property in case the Board reconstructs Drain #19 in the future.

#### **Drain #31 cleanout**

Manager Ecker was contacted by Doug Rensvold about silt in the bottom of Drain #31 in Section 14 of Noble Township. The Board directed Moore Engineering, Inc. to look into the matter.

**Assessments on properties with no value or tax liability**

The Board discussed assessments on properties with no value or tax liability. No action was taken.

**2012 Audit**

It was moved by Manager Thompson and seconded by Manager Ecker to approve the 2012 Audit of the North Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

**2014 Budget and 2013 Maintenance Levy Assessments**

The Board worked on the 2014 Budget and 2013 Maintenance Levy Assessments.

**Minutes**

It was moved by Manager Thompson and seconded by Manager Ecker to approve the minutes of the May 28, 2013, meeting. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Thompson and seconded by Manager Ecker to approve payments of Checks #3785 through #3792 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Ecker and Thompson. The Vice Chairman declared the motion passed.

**Adjournment**

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

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Wes Ecker  
Vice Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer