

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 15, 2012

The Rush River Water Resource District met on May 15, 2012, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Dick Sundberg, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Tyler Johnson, Engineers for the Board; Tim Springer, Charles Sorvaag and Gordon Erickson, property owners in Berlin Township; and Tom Soucy, Cass County Highway Department.

Berlin Township Improvement District No. 70 - assessment hearing

Chairman Wolfer called the hearing to order.

Sean Fredricks informed those present that the vote passed on Berlin Township Improvement District No. 70, and that the Assessment Hearing being held today provides the property owners an opportunity to comment on their respective assessments for the project. He explained that the Board can confirm or amend the proposed assessment district, recognizing that any reduced assessments are spread throughout the district, which would in turn raise the assessments for the other property owners in the district. The Board can take action on the assessment district today or wait until the next meeting.

Chad Engels reviewed the summary of the vote on the project, as well as the estimated cost and assessment. He then asked if anyone had comments with regard to the boundaries of the proposed assessment district. Tim Springer owns a 10 acre farmstead on the quarter line on the south side of Section 21 in Berlin Township. He believes the farmstead should be removed from the assessment district because the property drains into the Cass County Highway 32 ditch.

The temporary construction easement area has been staked for the project. Some farmers have planted those areas at their own risk. Mr. Engels said thirty right-of-way descriptions were created for the project and letters would be ready to go out to the property owners by the end of the week. During the next few weeks they will be working with property owners to get Purchase Agreements signed.

Tyler Johnson reported on the utility work needed for the project. Payment in the amount of \$5,242.28 is required by Century Link prior to starting work.

The Board discussed whether the assessments should be spread over a 15 or 20-year term. The bid opening is scheduled for May 22, 2012, but may be pushed back to a later date. The Board hopes to award a contract for the project at its June 19, 2012, meeting. Construction will start in July. The hearing on Berlin Township Improvement District No. 70 was closed.

Brewer Lake

Manager Hejl reported that Mark Zimmerman, North Dakota Director of State Parks, has expressed interest in making some improvements to parks in the eastern part of the state. Manager Hejl will advise Mr. Zimmerman to contact the Cass County Park Board to see if improvements could be made to the park at Brewer Lake.

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

It was moved by Manager Hejl and seconded by Manager Sundberg to rescind the following language from the motion made at the April 17, 2012, meeting regarding the *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:

“...contingent on the landowner paying half of the cost of changing Drain #29A in Section 5 where the drain tile outlet is located.”

Upon roll call vote, the motion carried unanimously.

Stability of material placed at the low water crossing on the Rush River in Section 15 of Raymond Township.

Chairman Wolfer expressed concern about the gravel placed at the low water crossing on the Rush River in Section 15 of Raymond Township. He is concerned that the material will wash out and would prefer that asphalt would be used to cover the crossing. The Board directed the Water Resource District Engineer to get an estimate for the work.

Cass County Retention

The Board discussed whether retention projects in Cass County should be pursued through the Cass County Joint Water Resource District, rather than each individual Water Resource District in the county. The Board agreed that the individual Water Resource District could advance a project if they can. Projects can always be turned over to the Cass County Water Resource District if they would like them to take it over.

Berlin-Harwood Township Improvement District No. 72 - assessment hearing

Chairman Wolfer called the hearing to order.

Sean Fredricks informed those present that the vote passed on Berlin Township Improvement District No. 72, and that the Assessment Hearing being held today provides the property owners an opportunity to comment on their respective assessments for the project. He explained that the Board can confirm or amend the proposed assessment district, recognizing that any reduced assessments are spread throughout the district, which would in turn raise the assessments for the other property owners in the district. The Board can take action on the assessment district today or wait until the next meeting.

Chad Engels reviewed the summary of the vote on the project, as well as the estimated cost and assessment. No comments were heard with regard to the assessments or the boundary for the proposed assessment district. Additional minutes regarding the project are attached hereto.

The Board expressed its appreciation for the work that Cass County Highway Department has done on this project. Tom Soucy proceeded to update the Board on the matter.

The Secretary-Treasurer informed the Board that an e-mail has been received from the Burlington Northern Santa Fe Railway Company (BNSF) with a letter stating they did not have sufficient information on the project or proposed construction to determine whether a hearing was necessary. Their engineering team will evaluate the plans further and communicate any potential concerns with the Water Resource District. The letter went on to say if issues cannot be resolved in that manner, BNSF hereby reserves the right to request a formal hearing at that time.

Mr. Engels said the North Dakota Department of Transportation has indicated they are comfortable with the project.

Berlin-Harwood Township Improvement District No. 72 - Application to Drain #4000

It was moved by Manager Hejl and seconded by Manager Sundberg to approve *Application to Drain #4000* regarding the Berlin-Harwood Township Improvement District No. 72 Project. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the minutes of the April 17, 2012, meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Hejl and seconded by Manager Sundberg to approve payment of Checks #43618 through #43627 and the electronic funds transfers, as presented, pending review of Check #43622 by the Water Resource District Engineer. Upon roll call vote, the following Managers voted in favor: Wolfer, Hejl and Sundberg. The Chairman declared the motion passed.

Utility Permit for Cass County Electric Cooperative to install underground power cable under the Rush River between Sections 25 and 36 in Dows Township

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the *Utility Permit* for Cass County Electric Cooperative to install underground power cable under the Rush River between Sections 25 and 36 in Dows Township, subject to review by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer