

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 15, 2013

The Rush River Water Resource District met on January 15, 2013, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager (by phone); Dick Sundberg, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly A. Chaput, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; Jason Benson, Cass County Engineer; Lloyd Knight, Amenia Township; David G. Baumler, Dennis Meier and Josh Schrader, property owners in Amenia Township; and Chris Gourde, property owner in Harwood Township.

Reorganization of the Board for 2013

It was moved by Manager Hejl and seconded by Manager Sundberg to appoint the following individuals to serve in the designated capacities for calendar year 2013:

Raymond Wolfer	Chairman
William A. Hejl	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
William A. Hejl	Cass County Joint Water Resource District alternate representative #1
Dick Sundberg	Cass County Joint Water Resource District alternate representative #2
William A. Hejl	Red River Joint Water Resource District representative
Dick Sundberg	Red River Joint Water Resource District alternate representative

Upon roll call vote, the motion carried unanimously.

2013 meeting dates

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

RESOLUTION

BE IT RESOLVED, that the Rush River Water Resource District does hereby set the third Tuesday of January through March at 9:00 a.m., the third Tuesday of April through October at 8:00 a.m., and the third Tuesday of November and December at 9:00 a.m. 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:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

Designation of depositories of Rush River Water Resource District public funds

It was moved by Manager Hejl and seconded by Manager Sundberg to designate the following as depositories of Rush River Water Resource District public funds:

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

Upon roll call vote, the motion carried unanimously.

Pledges of Assets

It was moved by Manager Sundberg and seconded by Manager Hejl 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 contract for engineering services

It was moved by Manager Sundberg and seconded by Manager Hejl to reaffirm the agreement with Moore Engineering, Inc. for engineering services. Upon roll call vote, the motion carried unanimously.

Review of contract for legal services

It was moved by Manager Sundberg and seconded by Manager Hejl to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Hejl, seconded by Manager Sundberg and unanimously carried to approve the minutes of the December 18, 2012, meeting, as presented.

Bills

It was moved by Manager Hejl and seconded by Manager Sundberg to approve payment of Checks #3742 through #3751 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Wolfer, Hejl and Sundberg. The Chairman declared the motion passed.

Amenia Township Improvement District No. 75

Property owners met with the Board about developing a legal assessment drain on the north side of Cass County Highway 32, along the south side of Sections 19, 20 and 21 of Amenia Township.

The Water Resource District Engineer provided an estimate of \$15,000 to conduct a preliminary analysis to determine the feasibility and potential costs of the proposed project.

The property owners in the Drain #52 assessment district would receive benefit from the project because the water would be diverted away from that area.

It was moved by Manager Hejl and seconded by Manager Sundberg to authorize the Water Resource District Attorney to send a Petition and bond document to David

Baumler to circulate amongst property owners regarding the proposed legal assessment drain project on the north side of Cass County Highway 32, along the south side of Sections 19, 20 and 21 of Amenia Township. Upon roll call vote, the motion carried unanimously.

The Board informed the landowners that the Petition, along with a \$10,500 deposit, would be required if they want to proceed with preliminary engineering and cost estimating. The Board indicated they will also be looking for the number of signatures of property owners showing support for the project. No further action will be taken on the matter until the Board receives those items. It was pointed out that an additional deposit of approximately \$25,000 would be required to take the project through the next phase.

Erosion problem on the Chris Gourde property in the SE 1/4 of Section 30 in Harwood Township

Chris Gourde met with the Board to discuss the erosion problem on his property in the SE 1/4 of Section 30 in Harwood Township. Manager Hejl asked about the Water Resource District's responsibility or further liability if the slope collapsed into the channel. Sean Fredricks said there is a responsibility to address it since the Water Resource District operates and maintains the channel, but that does not mean they have legal liability or further responsibility.

Mr. Gourde said the building is starting to settle in the last year. He said he needs the building and would like to keep it. Chad Engels said the Water Resource District's interest is the conveyance of water and any improvement must not impede the flow of water in the channel. Mr. Engels said the cost to do a permanent repair would be more than the building is worth. The other permanent fix would be to move the building.

The Board discussed a possible settlement with Mr. Gourde. Mr. Gourde said it would cost \$40,000 to move the building and that he did not want to incur any cost to move it.

It was moved by Manager Sundberg and seconded by Manager Wolfer to authorize the Water Resource District attorney to send a *Settlement and Release Agreement* to Chris Gourde regarding the erosion problem in the SE 1/4 of Section 30 in Harwood Township. Upon roll call vote, the motion carried unanimously. The Board indicated to Mr. Gourde this would be the final offer regarding the matter.

Snagging and Clearing on the Rush River

Mr. Engels informed the Board that Brady Woodard will have American Enterprises, Inc. start the snagging and clearing project on the Rush River. The project is ineligible for state funding due to the location of the work.

Berlin-Harwood Township Improvement District No. 72

Mr. Engels informed the Board that he received a call from the North Dakota Department of Transportation (NDDOT) requesting the following regarding Berlin-Harwood Township Improvement District No. 72:

- Preliminary Plans (being developed);
- A hydraulic report (being compiled); and
- A wetlands review (Natural Resources Conservation Service said they do not have jurisdiction over wetland issues in county and state right of way);

Mr. Engels and Mr. Fredricks will continue working with the NDDOT on the matter and report back to the Board.

Amenia Township Improvement District No. 74

Lloyd Knight asked about the status of Amenia Township Improvement District No. 74. Mr. Engels said right of way documents will be going out next week. The project will be advertised for bids after right of way is secured.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Wolfer, seconded by Manager Sundberg and unanimously carried to adjourn the meeting.

APPROVED:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer