

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 3, 2022

A virtual / conference call meeting of the Maple River Water Resource District was held on February 3, 2022, at 9:00 a.m.

Present were Rodger Olson, Chairman; Gerald Melvin, Manager; Chad Miller, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Maertens, Administrative Assistant; Sean Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Brady Woodard and Pat Downs, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Kyle Nelson, Farmers National Company; Steve Burbrink, Doug VanMeter and Jonathan Sandoz, CGB Enterprises, Inc.

Agenda

It was moved by Manager Melvin, seconded by Manager Miller and unanimously carried to approve the order of the agenda, as amended.

Minutes

It was moved by Manager Melvin and seconded by Manager Miller to approve the minutes of the January 6, 2022, meeting. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project

Sean Fredricks stated representatives of the Public-Private Partnership developer for the Metro Flood Diversion Project will be attending a future meeting to introduce themselves and answer any questions from the Water Resource District regarding the Metro Flood Diversion Project.

Lynchburg-Buffalo Project No. 2016-01

Kurt Lysne and Mr. Fredricks briefly updated the Board on the status of right of way acquisition for Phase III of Lynchburg-Buffalo Project No. 2016-01. Mr. Lysne stated the design of the project is complete.

Upper Swan Creek Channel Improvements 2020

Mr. Lysne updated the Board on the Upper Swan Creek Channel Improvements 2020 Project. Moore Engineering, Inc. has completed the project design and the project is ready to be bid following acquisition of right of way. Pat Downs updated the Board on the status of right of way acquisition for the project. The Board directed Mr. Downs to continue to negotiate with the property owners and bring back information for discussion at a future meeting.

Mr. Downs stated a property owner fertilized approximately 15 acres of property that is needed for the Upper Swan Creek Channel Improvements 2020 Project. The property owner inquired about reimbursement for the cost of the fertilizer. The Board indicated willingness to reimburse the property owner for the cost of the fertilizer, contingent on the property owner providing record of the work done and the cost. The Board directed Moore Engineering, Inc. to stake the Upper Swan Creek Channel Improvements 2020 Project right of way as early as possible this spring and notify property owners to refrain from seeding within the staked area.

Mr. Lysne stated there is an exposed pipeline owned by WBI Energy Transmission, Inc. within the project area. WBI Energy Transmission, Inc. had intended to relocate and lower the pipeline, but have now indicated they plan to leave the pipeline in place. Mr. Lysne said the Water Resource District easement clearly predates the pipeline and Moore Engineering, Inc. will clearly mark the location of the pipeline on the project plans.

Drain #34 Improvement Project

Mr. Lysne reported plans for the Drain #34 Improvement Project are nearly complete. Brief discussion was held on potentially completing the project in phases, due to other pending costs associated with the Cass County Highway 15 bridge replacement on Drain #14, which is also part of Drain MR-2.

Drain #37 Improvement Project

It was moved by Manager Melvin and seconded by Manager Miller to approve and authorize the Chairman to sign the *Agreement for Cost-Share Reimbursement* with the State Water Commission regarding preliminary engineering for the Drain #37 Improvement Project. Upon roll call vote, the motion carried unanimously.

Drain #62 – crossing for soybean plant

Discussion was held on a request from the North Dakota Soybean Processors, LLC for an Access Easement across Drain #62 in the SW 1/4 of Section 34 in Casselton Township. A soybean crushing facility is being planned in Section 34 and it will be necessary to cross Drain #62 to access the property using 36th Street SE. Mr. Fredricks noted North Dakota Soybean Processors, LLC is closing on the purchase of property in Section 34 of Casselton Township tomorrow and is looking for assurance in the form of a Letter Agreement that the Water Resource District will negotiate an Access Easement in good faith them at their cost.

It was moved by Manager Miller and seconded by Manager Melvin to approve and authorize the Secretary-Treasurer to sign the *Letter Agreement* with North Dakota Soybean Processors, LLC indicating the parties will later execute an easement that would allow North Dakota Soybean Processors, LLC access over Drain #62 in the SW 1/4 of Section 34 in Casselton Township. Upon roll call vote, the motion carried unanimously.

Cornell Township Drainage Improvement District No. 80

Mr. Lysne reported Moore Engineering, Inc. began the preliminary design for Cornell Township Drainage Improvement District No. 80, with input from the petitioners. Preliminary design and hydrologic work will be completed this winter with surveying and final design planned for the spring. A cost estimate for the project will be developed following completion of the preliminary engineering work. Project construction is currently estimated for 2023.

Wheatland Channel Repair and Sediment Removal Project 2021

Brady Woodard reported the Wheatland Channel Repair and Sediment Removal Project 2021 is complete. The sediment removed has been laid beside the channel and will be leveled this spring. A low spot in the berm will also be repaired this spring and the project will be seeded when conditions allow.

Regional Conservation Partnership Program – Upper Maple River Watershed

Mr. Lysne updated the Board on the work that continues on the RCPP – Upper Maple River Watershed Plan. The Natural Resources Conservation Service (NRCS) recently completed calculations regarding the additional environmental benefits that have been incorporated into the Plan. Moore Engineering, Inc. will finalize the Plan with the data from the NRCS.

Application for Surface Drain No. 5515 for Daniel Bartholomay in the E 1/2 of Section 4-T136N-R54W, Ransom County – application to convert from an emergency permit into a permanent surface permit

Discussion was held on the request to convert *Application for Surface Drain No. 5515* for Daniel Bartholomay in the E 1/2 of Section 4-T136N-R54W, Ransom County, from an emergency permit into a permanent surface permit. Mr. Fredricks indicated the North Dakota Department of Water Resources (NDDWR) included comments previously submitted by the Water Resource District. The Board will discuss sending a letter to the applicant outlining the comments upon approval of the permit application by the Ransom County Water Resource District.

2023-2025 Water Development Plan – request from the NDDWR / State Water Commission to identify potential water development projects, the timing of their implementation and estimated costs

Mr. Lysne briefly discussed a letter from the NDDWR regarding the identification of potential water development projects, the timing of their implementation and estimated costs for inclusion in the 2023 Water Development Plan. A list of potential Maple River Water Resource District projects to submit to the DWR for the 2023 Water Development Plan will be brought to a future meeting for consideration.

Animal Damage Control rates

The Secretary-Treasurer indicated JAC Predator and Large Pest Control has requested a rate increase due to the increase in cost of equipment and staff. Rates have not been increased for 7 years.

It was moved by Manager Melvin and seconded by Manager Miller to approve and authorize the Chairman to sign the *Second Amendment to Independent Contractor Agreement* with Jarrett Christoferson. Upon roll call vote, the motion carried unanimously.

Cass County Planning

It was moved by Manager Miller and seconded by Manager Melvin and unanimously carried to authorize the Secretary-Treasurer to submit comment on the following subdivision applications to Cass County Planning with input from the Water Resource District Engineer:

- Morris Subdivision
- RK Farms Subdivision

Bills

It was moved by Manager Melvin and seconded by Manager Miller to approve payment of the wire transfers and electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Melvin and Miller. The Chairman declared the motion passed.

Drain #46 – crossing between Sections 28 and 33 in Lake Township

Tom Soucy reported the bid opening for the crossing replacement project on Drain #46 between Sections 28 and 33 of Lake Township is scheduled for February 24, 2022, at 1:00 p.m. The project includes installing two 12' x 8' box culverts to be consistent with the upstream and downstream crossings. Mr. Soucy noted box culvert suppliers indicated they are currently scheduling into August 2022.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer