

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

A virtual / conference call meeting of the Maple River Water Resource District was held on March 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.; Duane Breitling, Cass County Commissioner; and Dylan Brown, ASN Constructors.

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 February 3, 2022, meeting. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – P3 introduction

Dylan Brown introduced himself as the designated point of contact for the P3 developer regarding the Metro Flood Diversion Project. Mr. Brown also indicated he will be attending Water Resource District meetings regularly as construction of the Metro Flood Diversion Project occurs within the boundaries of the Water Resource District.

Lynchburg-Buffalo Project No. 2016-01

Kurt Lysne and Sean Fredricks briefly updated the Board on the status of right of way acquisition for Phase III of Lynchburg-Buffalo Project No. 2016-01.

Upper Swan Creek Channel Improvement Project No. 2020-01

In June of 2020, the Board approved *Surface Drain Permit No. 5408* regarding Upper Swan Creek Channel Improvement Project No. 2020-01 and the Board provided the signed permit to the North Dakota Office of the State Engineer, now known as the North Dakota Department of Water Resources (NDDWR). Under N.D. Admin. Code § 89-02-01-09.11, construction on any permitted project must be completed within two years. However, the Board has authority under N.D. Admin. Code § 89-02-01-09.12 to approve up to two one-year extensions. The Board recently completed project design and is in the process of acquiring the right of way necessary to accommodate the project. The

Board plans to bid the project in the near future, once right of way acquisition is complete. Despite this progress, the Board will have to extend the permit for at least one year.

A motion was made by Manager Melvin, seconded by Manager Miller and unanimously carried to approve a one-year extension of *Surface Drain Permit No. 5408* regarding Upper Swan Creek Channel Improvement Project No. 2020-01, subject to the conditions previously attached by the State Engineer.

Pat Downs reported all right of way has been secured for Upper Swan Creek Channel Improvement Project No. 2020-01. It was moved by Manager Miller and seconded by Manager Melvin to approve and authorize the Chairman to sign *Purchase Agreements* with the following property owners for Upper Swan Creek Channel Improvement Project No. 2020-01:

- Cass County Wildlife Club
- Dallas Nesemeier
- James Nesemeier
- Vivian Nesemeier Estate
- William Roney, et al.
- Beatrice Vining

Upon roll call vote, the motion carried unanimously.

Mr. Lysne stated the project is ready to be advertised for bids now that the right of way has been acquired for the project. Construction is estimated to be completed this summer.

It was moved by Manager Melvin and seconded by Manager Miller to authorize Moore Engineering, Inc. to advertise Upper Swan Creek Channel Improvement Project No. 2020-01 for bids. Upon roll call vote, the motion carried unanimously.

Pat Downs provided record from a property owner of the fertilizer that was spread on approximately 15 acres of property needed for Upper Swan Creek Channel Improvement Project No. 2020-01. Mr. Downs noted the fertilizer was spread before the property owners in the area were aware of the footprint of the project. The construction boundaries for the project will be staked as early as possible this spring and property owners will be notified to refrain from seeding within the staked area.

It was moved by Manager Miller and seconded by Manager Melvin to reimburse Mike Ulmer / Ulmer Farms for fertilizer that was spread on approximately 15 acres of property needed for Upper Swan Creek Channel Improvement Project No. 2020-01, in the amount of \$2,770.13. Upon roll call vote, the motion carried unanimously.

Drain #37 Improvement Project

Mr. Lysne reported Moore Engineering, Inc. is nearly finished with the design for the Drain #37 Improvement Project. The completed design and cost estimate for the project will be brought to a future meeting for review.

Cornell Township Drainage Improvement District No. 80

Moore Engineering, Inc. has begun preliminary design including hydrology and hydraulic work for Cornell Township Drainage Improvement District No. 80, with input from the petitioners. Surveying and final design will be completed this spring. A cost estimate for the project will be developed following completion of the preliminary engineering work. Mr. Lysne noted property owners have been notified of the upcoming survey work for the project.

Davenport Flood Risk Reduction Project

Mr. Lysne updated the Board on the Davenport Flood Risk Reduction Project. Moore Engineering, Inc. continues to work on project design, including interior drainage design and levee alignments, as well as coordination with Red River Valley and Western Railway Company and FEMA. Mr. Lysne indicated FEMA is willing to allow the Water Resource District to submit a Conditional Letter of Map Revision (CLOMR) prior to the FEMA floodplain maps becoming effective.

Mr. Lysne stated discussions are ongoing with property owners and appraisals are being completed regarding right of way acquisition for the Davenport Flood Risk Reduction Project. Mr. Lysne also continues to attend Davenport City Council meetings to keep them updated on the status of the project.

Regional Conservation Partnership Program – Upper Maple River Watershed

Mr. Lysne reported the RCPP – Upper Maple River Watershed Plan has been updated with information provided by the Natural Resources Conservation Service (NRCS) and will be returned to the NRCS soon. Cass County Joint Water Resource District can now draft an exception request letter for the benefit-cost ratio for the RCPP – Upper Maple River Watershed Plan to be sent with the Plan to the NRCS for review.

Upper Maple River Dam

Brady Woodard stated Harold Zerface is possibly interested in transferring the *Lease Agreement* regarding Water Resource District owned property for the Upper Maple River Dam to his son, Kyle Zerface. Mr. Fredricks noted the terms of the lease can be changed at any time, but the current terms are specific to Harold Zerface and do not allow him to sublease the property.

It was moved by Manager Miller and seconded by Manager Melvin to approve and authorize the Chairman to sign the following regarding Water Resource District owned property for the Upper Maple River Dam:

- *Lease Agreement* with Harold Zerface, at a rental rate of \$62.33 per acre; or
- *Lease Agreement* with Kyle Zerface, at a rental rate of \$80 per acre

Upon roll call vote, the motion carried unanimously.

Surface Drain Permit No. 5515 for Daniel Bartholomay in the E 1/2 of Section 4-T136N-R54W, Ransom County

Mr. Fredricks reported Ransom County Water Resource District recently approved *Surface Drain Permit No. 5515* for Daniel Bartholomay in the E 1/2 of Section 4-T136N-R54W, Ransom County, with the conditions previously recommended by the Maple River Water Resource District. No action was necessary by the Maple River Water Resource District; however, discussion was held about the possibility of engaging the North Dakota Department of Transportation about closing the gate, if necessary. Chairman Olson also plans to contact a downstream property owner with concerns regarding the permit.

2022 facility inspections

It was moved by Manager Miller and seconded by Manager Melvin to authorize Moore Engineering, Inc. to conduct the 2022 inspection of Maple River Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Weed, cattail, tree and brush control

The Board reviewed bids for aerial and ground spraying services for weed, cattail, tree and brush control for 2022. A motion was made by Manager Miller, seconded by Manager Melvin and unanimously carried to approve and authorize the Chairman to sign the *Agreement* with Larson Helicopters, LLC to provide aerial and ground spraying services for weed, cattail, tree and brush control for 2022, provided the bid includes flying time to inspect the facilities. The Secretary-Treasurer will contact the contractor regarding the matter.

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 discussed a list of Maple River Water Resource District projects to submit to the NDDWR for the 2023 Water Development Plan. The final list of projects to submit for the 2023 Water Development Plan will be brought to a future meeting for consideration.

Letter from the Cass County Commission seeking input on potential flood risk reduction projects to submit for Cass County Flood Sales Tax funding consideration

Mr. Lysne stated he is not currently aware of any Maple River Water Resource District projects that may request funding through the Cass County Flood Sales Tax at this time; however, the RCPP – Upper Maple River Watershed project will be submitted in the future through the Cass County Joint Water Resource District. Mr. Lysne indicated he will work with Jason Benson, Cass County Engineer, to develop a list of potential projects throughout the county for consideration. Brief discussion was held on potential support for funding ring dikes with the Cass County Flood Sales Tax. Mr. Lysne will include that in the discussion with the Cass County Engineer.

Bills

It was moved by Manager Melvin and seconded by Manager Miller to approve payment of Check # 6119, 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.

Notice regarding Water Permit Application No. 7207 for Evan Pilgrim in Section 17 in Ayr Township

The Board briefly discussed the NDDWR Notice regarding *Water Permit Application No. 7207* for Evan Pilgrim in Section 17 in Ayr Township. The Board directed the Secretary-Treasurer to inform the NDDWR they had no comment to submit on the application.

Weed, cattail, tree and brush control (continued)

A motion was made by Manager Miller and seconded by Manager Melvin to approve the Cass County Weed Control Work Order form for spraying services regarding weed, cattail, tree and brush control for Maple River Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – flowage easement open houses

Chairman Olson stated flowage easement open house informational meetings regarding the Metro Flood Diversion Project will be held March 14 and 16, 2022, in Hickson, North Dakota, and March 15, 2022, in Christine, North Dakota. The open house meetings will also discuss mitigation and supplemental crop insurance programs regarding the Metro Flood Diversion Project.

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