

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 5, 2022

A virtual / conference call meeting of the Maple River Water Resource District was held on May 5, 2022, at 8:00 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, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Mary Scherling, Cass County Commissioner; Blaine Laaveg, Cass County Highway Department; and David Loegering, Fargo.

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 April 7 and 11, 2022, meeting. Upon roll call vote, the motion carried unanimously.

Lynchburg-Buffalo Project No. 2016-01

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

Kurt Lysne reviewed the bid tabulation for Upper Swan Creek Channel Improvement Project No. 2020-01. Mr. Fredricks noted the project financing is in place and the contract can be awarded.

A motion was made by Manager Miller and seconded by Manager Melvin to award the contract for Upper Swan Creek Channel Improvement Project No. 2020-01 to R. J. Zavoral & Sons, Inc. for the low bid of \$1,112,101.70 and to authorize the Chairman to sign the same. Upon roll call vote, the motion carried unanimously.

Additional minutes relating to Upper Swan Creek Channel Improvement Project No. 2020-01 are attached hereto.

Mr. Lysne discussed a road that was overtopped with water and needed repairs. The road has been repaired and is now open again. The contractor will return to re-compact the area and inspect the culverts. The roadbed was in good condition so the repairs were made quickly. Casselton Township expressed their appreciation for the quick repair.

Swan Creek – slides near Casselton lagoon

Mr. Lysne reported the City of Casselton has assembled a cost estimate for the repair of slides on Swan Creek Diversion near the Casselton lagoons. The City wishes to repair the slides before the lagoons are impacted. The City will investigate cost-share sources before approaching the Water Resource District about the matter.

Pontiac Township Improvement Project No. 73

Discussion was held on Robin Kittelson's concerns regarding Pontiac Township Improvement Project No. 73. Mr. Kittelson provided survey data which was compared to LiDAR work on pre-project conditions completed by Moore Engineering, Inc. Moore Engineering, Inc. concluded the current condition of the property is very similar to the condition of the property prior to construction of Pontiac Township Improvement Project No. 73. The wet conditions have made it difficult to access the property to inspect the site. The Board asked Moore Engineering, Inc. to use a drone to get some images of the area for the Board to review and discuss at a future meeting.

Drain #34 Improvement Project

Alexa Ducioame discussed preliminary plans for the Drain #34 Improvement Project. Discussion was held on the timing of crossing replacements on Drain #34, with input from the Cass County Highway Department. The cost estimate for the project will be broken down into smaller projects that can be completed over time. More information on the project will be brought to a future meeting for further discussion.

Drain #37 Improvement Project

Mr. Lysne reported on the preliminary plans for the Drain #37 Improvement Project. Meetings have been scheduled with adjacent property owners to discuss the proposed project. The design could be modified to minimize tree removal. Utility costs will also be researched. The next steps regarding the Drain #37 Improvement Project are to submit an *Application for Surface Drain* to the North Dakota Department of Water Resources and a cost-share application to the State Water Commission.

2022 facility inspections

Brady Woodard reported damage and the need to replace the culvert on Drain #15 in the NE 1/4 of Section 15 in Leonard Township. A motion was made by Manager Melvin and seconded by Manager Miller to replace the culvert on Drain #15 in the NE 1/4 of Section 15 in Leonard Township. Upon roll call vote, the motion carried unanimously.

Mr. Woodard reported there is a slide approximately 100 feet in length that is situated in between two slides that were previously repaired on Drain #39 in Section 24 of Maple River Township. The slide is approaching the adjacent road shoulder but has not impacted the road at this time. Brief discussion was held on the potential origin of slides

on Drain #39. The Board directed Moore Engineering, Inc. to survey Drain #39 from the drop structure to the current slide to determine if there has been any downcutting in the channel bottom and bring the information to a future meeting for further discussion.

Cornell Township Drainage Improvement District No. 80

Moore Engineering, Inc. continues to work on preliminary design for Cornell Township Drainage Improvement District No. 80. Surveying for the project will occur when there is less water in the area. Mr. Lysne noted the petitioners have provided great input on the project.

Davenport Flood Risk Reduction Project

Ms. Ducioame updated the Board on the Davenport Flood Risk Reduction Project. Moore Engineering, Inc. continues to work on project design and the items needed to submit a Conditional Letter of Map Revision to FEMA for the project. The next step for the project is to survey along the proposed levee alignment and pond area of the project. Discussion was held on the status of right of way acquisition for the project. Mr. Lysne also indicated the City of Davenport and property owners prefer a PTO pump as an alternative to a pump station to help reduce electricity costs and maintenance for the project.

Application to Install a Subsurface Water Management System No. 20225 for Justin Killoran in the S 1/2 of Section 23 and the S 1/2 of Section 24 in Cornell Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20225*, filed April 29, 2022, by Applicant Justin Killoran. Under the Application, Applicant seeks to install a 101-acre drain tile system in the S 1/2 of Section 23 and the S 1/2 of Section 24 in Cornell Township, Cass County, North Dakota. The project will include a pipeline under and through 137th Avenue SE to connect the systems in the S 1/2 of Section 24 and the S 1/2 of Section 23. The project will include a single gravity outlet that will discharge directly into Cass County Drain No. 56 in the SW 1/4 of Section 23. Cass County Drain No. 56 is a legal drain owned and operated by the Maple River Water Resource District.

According to County tax roll information supplied by Applicant, Justin Killoran owns the SW 1/4 of Section 24 and 146.11 acres in the SE 1/4 of Section 24; Terence L. Hanley owns the SE 1/4 of Section 23; and Colleen Buhr owns the SW 1/4 of Section 23.

The Board discussed how the project will impact benefits and assessments for Drain No. 56. Kurt Lysne indicated the S 1/2 of Section 23 is currently within the Drain No. 56 assessment district, but the S 1/2 of Section 24 is not within the assessment district. More specifically, the SE 1/4 of the SW 1/4 in Section 24 and the SW 1/4 of the SE 1/4 in Section 24 are not currently in the Drain No. 56 assessment district. The Board agreed this project, that will utilize Drain No. 56 as an outlet, will provide significant benefits to the SE 1/4 of the SW 1/4 in Section 24 and the SW 1/4 of the SE 1/4 in Section 24. The Board concluded that property should be included within the Drain No. 56 assessment district at 100% benefit.

Manager Miller moved, and Manager Melvin seconded the motion, to amend the assessment list for Cass County Drain No. 56 to include the SE 1/4 of the SW 1/4 in Section 24 and the SW 1/4 of the SE 1/4 in Section 24 of Cornell Township in the Drain No. 56 assessment district at 100% benefit levels; to approve *Application to Install a Subsurface Water Management System No. 20225*, filed April 29, 2022, for Justin Killoran regarding a proposed tile system in the S 1/2 of Section 23 and the S 1/2 of Section 24 in Cornell Township; and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 20225, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Cass County Drain No. 56.
2. The Board will include the SE 1/4 of the SW 1/4 in Section 24 and the SW 1/4 of the SE 1/4 in Section 24 of Cornell Township in the Cass County Drain No. 56 assessment district at 100% benefit.
3. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
4. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in the S 1/2 of Section 23 or the S 1/2 of Section 24 in Cornell Township, under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20225* in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain easements from the owners of the S 1/2 in Section 23 to install and maintain Applicant's tile system.
2. The Board recommends that Applicant obtain written consent from the Cornell Township Board of Township Supervisors to install any pipeline within or through Cornell Township's road right of way.
3. The Board recommends 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.

The Board will provide copies of the Board's *Notice of Decision, Subsurface Water Management Permit No. 20225*, and Applicant's downstream flow map to the Department of Water Resources, the owners of the S 1/2 of Section 23 in Cornell Township, Cornell Township, and Cass Rural Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Utility Permit for MLGC, LLC to install fiber optic cable under Drain #14 on the west side of Cass County Highway 15 between Sections 8 and 17 in Mapleton Township

A motion was made by Manager Melvin and seconded by Manager Miller to approve the *Utility Permit* for MLGC, LLC to install fiber optic cable under Drain #14 on the west side of Cass County Highway 15 between Sections 8 and 17 in Mapleton Township, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Utility Permit for MLGC, LLC to install fiber optic cable under the Sheyenne River tributary on the east side of Cass County Highway 15 between Sections 9 and 16 in Mapleton Township

A motion was made by Manager Miller and seconded by Manager Melvin to approve the *Utility Permit* for MLGC, LLC to install fiber optic cable under the Sheyenne River tributary on the east side of Cass County Highway 15 between Sections 9 and 16 in Mapleton Township, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Red River Joint Water Resource District (RRJWRD) Basinwide Plan Development – Project Inventory Request Form

Mr. Lysne discussed the Red River Basinwide Plan, a potential pilot project for funding water conveyance projects in the Red River Basin through the RRJWRD. Houston Engineering, Inc. is surveying member water resource districts to collect data regarding upcoming water conveyance projects in the Basin and will compile the information into the Basinwide Funding Plan.

It was moved by Manager Melvin and seconded by Manager Miller to authorize Moore Engineering, Inc. to submit information on upcoming Maple River Water Resource District water conveyance projects to Houston Engineering, Inc. to be compiled into the Red River Basinwide Plan. Upon roll call vote, the motion carried unanimously.

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.

Maple River Dam and Upper Maple River Dam – spring flooding conditions

Mr. Lysne reported on spring flooding conditions at the Maple River Dam and Upper Maple River Dam. Water is currently overtopping the secondary concrete spillway at the Maple River Dam. Moore Engineering, Inc. continues to monitor the facilities.

Cass County Flood Sales Tax Committee meeting

Commissioner Mary Scherling reported on the recent Cass County Flood Sales Tax Committee meeting. The Committee is currently working to streamline the cost-share application process and to ensure meetings are scheduled appropriately and efficiently for project sponsors. Commissioner Scherling noted any suggestions can be directed to her or Jason Benson, Cass County Engineer.

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