

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 11, 2022

A virtual / conference call meeting of the Maple River Water Resource District was held on July 11, 2022, at 1:30 p.m.

Present were Rodger Olson, Chairman; Gerald Melvin, Manager; Chad Miller, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, 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; Tom Soucy, Cass County Highway Department; Doug VanMeter and Collin Maki, North Dakota Soybean Processors, LLC; and Michele Caron, MJC Engineering LLC.

Drain #62 – North Dakota Soybean Processors, LLC

Sean Fredricks stated an Easement was drafted with North Dakota Soybean Processors, LLC (NDSP) regarding impacts to Drain #62 from construction of the soybean processing facility located in Section 34 of Casselton Township. Discussion was held on draft Easement language and the Board indicated any modifications needed to Drain #62 as a result of the soybean processing facility should be at the expense of NDSP.

Mr. Fredricks indicated an Agreement will be drafted with NDSP regarding relocation and reconstruction of a portion of Drain #62 due to the soybean processing facility. The agreement will set out that NDSP will reimburse the Water Resource District for all costs regarding relocation and reconstruction of Drain #62 due to the soybean processing facility.

Kurt Lysne noted NDSP is requesting assistance with sizing a box culvert through the driveway to the soybean processing facility in Section 34 of Casselton Township regarding Drain #62. The Board indicated reimbursement of the cost for Moore Engineering, Inc. to provide that service must be included and approved as part of the agreement with NDSP.

Lynchburg-Buffalo Project No. 2016-01

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

2023 budget and 2022 maintenance levy assessments

A motion was made by Manager Miller and seconded by Manager Melvin to approve the Maple River Water Resource District 2023 budget. Upon roll call vote, the motion carried unanimously.

Discussion was held on the 2022 maintenance levy assessments. A motion was made by Manager Miller and seconded by Manager Melvin to approve the Maple River Water Resource District 2022 maintenance levy assessments. Upon roll call vote, the motion carried unanimously.

Utility Permit for MLGC, LLC to install fiber optic cable under the branch of Drain #14 in Section 5 of Warren Township

It was moved by Manager Melvin, seconded by Manager Miller and unanimously carried to approve the *Utility Permit* for MLGC, LLC to install fiber optic cable under a branch of Drain #14 in Section 5 of Warren Township on the south side of 42nd Street SE, with input from the Water Resource District Engineer. This replaces the *Utility Permit* approved July 7, 2022, on the branch of Drain #14 in Section 32 of Mapleton Township on the north side of 42nd Street SE.

Drain #14 and the Maple River crossings – WBI Energy Transmission, Inc. Wahpeton Expansion Project

Discussion was held on correspondence from the Federal Energy Regulatory Commission (FERC) regarding the WBI Energy Transmission, Inc. Wahpeton Expansion Project regarding crossings on Drain #14 and the Maple River. The Board previously approved *Access Agreements* to allow surveying activities by WBI Energy Transmission, Inc. regarding Drain #14 and the Maple River. The Water Resource District has not yet received a signed copy of the Agreements from WBI Energy Transmission, Inc. Mr. Fredricks noted WBI Energy Transmission, Inc. will need to obtain Utility Permits from the Water Resource District prior to installing pipeline on Water Resource District facilities.

It was moved by Manager Melvin and seconded by Manager Miller to authorize the Water Resource District Attorney to contact WBI Energy Transmission, Inc. about the status of obtaining signed copies of the *Access Agreements* for surveying activities regarding Drain #14 and the Maple River and to submit comments on the matter to the FERC if WBI Energy Transmission, Inc. does not reply within two weeks. Upon roll call vote, the motion carried unanimously.

2022 facility inspections

Brady Woodard presented the 2022 inspection report for the Maple River Water Resource District facilities.

A motion was made by Manager Melvin and seconded by Manager Miller to authorize Moore Engineering, Inc. to hire a contractor to complete repairs at the following sites:

- Cass-Richland Drain #1 Sites #8, #9
- Coburn Township Drain #2 Sites #1, #3, #4, #6
- Drain #14 Site #3
- Drain #15 Site #22
- Drain #37 Site #14
- Drain #39 Sites #3, #10, #13, #14, #15, #17, #18, #19, #20, #24
- Drain #46 Site #14
- Drain #54 Sites #1, #3, #6, #8
- Drain #56 Sites #1, #10, #11, #13, #14
- Drain #58 Sites #3, #4, #8
- Drain #59 Sites #4, #6, #7, #8, #9, #10
- Drain #62 Sites #1, #3, #4, #5
- Swan Creek Diversion Sites #2, #3

Upon roll call vote, the motion carried unanimously.

Mr. Woodard noted dam inspections will likely be completed within approximately one month.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer