

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
DECEMBER 1, 2022

A virtual / conference call meeting of the Maple River Water Resource District was held on December 1, 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 Hinkemeyer, Administrative Assistant; Sean Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Jim Guler and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling and Mary Scherling, Cass County Commissioners; Tom Soucy, Cass County Highway Department; and Doug VanMeter, North Dakota Soybean Processors, LLC.

Agenda

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

Minutes

It was moved by Manager Melvin and seconded by Manager Miller to approve the minutes of the November 3 and 18, 2022, meetings. Upon roll call vote, the motion carried unanimously.

Wheatland Channel - Grand Farm crossings in the NE 1/4 of Section 8 in Everest Township

Kurt Lysne reported Moore Engineering, Inc. is conducting the hydraulic study relating to the of crossings on the Wheatland Channel requested by Grand Farm in the NE 1/4 of Section 8 in Everest Township. Mr. Lysne indicated Moore Engineering, Inc. has been asked to analyze the 100-year elevation at this location to determine if the proposed building elevation is adequate. Grand Farm indicated they will reimburse the Water Resource District for the additional work per the *Reimbursement Agreement* recently approved.

It was moved by Manager Miller and seconded by Manager Melvin to authorize Moore Engineering, Inc. to study the 100-year elevation to determine any potential impact related to the proposed building for Grand Farm, as part of the hydraulic study of crossings on the Wheatland Channel in the NE 1/4 of Section 8 in Everest Township, provided the cost is reimbursed under the *Reimbursement Agreement*. Upon roll call vote, the motion carried unanimously.

Drain #62 – North Dakota Soybean Processors, LLC in Section 33 of Casselton Township

Sean Fredricks briefly discussed a three-party Agreement with North Dakota Soybean Processors, LLC and Cass County that is currently being reviewed by North Dakota Soybean Processors, LLC. The Agreement will be brought to a future meeting for consideration by the Board. Brief discussion was held on the culvert for the driveway over Drain #62 for North Dakota Soybean Processors, LLC.

Drain #37 Improvement Project

Mr. Lysne reported on the Drain #37 Improvement Project. Moore Engineering, Inc. is currently conducting the economic analysis and working on the cost-share request for final design and construction to submit to the North Dakota Department of Water Resources (NDDWR).

Executive Session for purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation and ongoing contract negotiations related to right of way and property acquisitions necessary to accommodate Lynchburg-Buffalo Project No. 2016-01, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9)

It was moved by Manager Melvin and seconded by Manager Miller to close the meeting at 9:14 a.m. for the purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation and ongoing contract negotiations related to right of way and property acquisitions necessary to accommodate Lynchburg-Buffalo Project No. 2016-01, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9), regarding the following matter and parties:

1. Maple River Water Resource District v. Carole G. Meyers as Trustee of the Ruth E. Buchholtz Testamentary Trust created the 22nd day of August, 2003, et al., Civ. No. 09-2021-CV-02321

Upon roll call vote, the following Managers voted in favor: Olson, Melvin and Miller. The motion passed.

The executive session was attended by Managers Olson, Melvin and Miller, Carol Harbeke Lewis, Melissa Hinkemeyer, Sean Fredricks, Kurt Lysne, Alexa Ducioame, Jim Guler, Brady Woodard, Mary Scherling and Duane Breitling.

The executive session adjourned at 9:31 a.m. and the regular meeting was reconvened and opened to the public.

Lynchburg-Buffalo Project No. 2016-01

A motion was made by Manager Miller and seconded by Manager Melvin to approve and authorize the Chairman to sign the *Agreement for Entry and Construction* and approve payment of \$68,000 to the Ruth E. Buchholtz Testamentary Trust regarding right of way for Phase III of the Lynchburg-Buffalo Project No. 2016-01. Upon roll call vote, the motion carried unanimously.

2022 facility inspections – Drain #39 slide in Section 24 of Maple River Township

Mr. Lysne discussed the preliminary plans and cost estimate to repair the slide on Drain #39 in Section 24 of Maple River Township. Utility relocations will be needed as part of the project. Discussion was held on funding for the potential project in relation to the Drain #39 Master Plan. Moore Engineering, Inc. will coordinate a meeting with Maple River Township officials to discuss the proposed project.

Davenport Flood Risk Reduction Project

Alexa Ducioame updated the Board on the Davenport Flood Risk Reduction Project. Moore Engineering, Inc. has finalized the project alignment and is finishing the final project plans and modeling. A Conditional Letter of Map Revision is anticipated to be submitted to FEMA by the end of the year and Moore Engineering, Inc. has also prepared a Section 404 Permit application to submit to the Corps of Engineers. Mr. Fredricks indicated a three-party Agreement will be needed with Red River Valley and Western Railroad Company and Burlington Northern Santa Fe Railway Company regarding the project. Brief discussion was held on the status of right of way acquisition for the project.

Regional Conservation Partnership Program – Upper Maple River Watershed

Mr. Lysne reported the RCPP – Upper Maple River Watershed Plan will need modifications per feedback from the Natural Resources Conservation Service and the National Watershed Management Center. Cost-share requests have been submitted to the NDDWR, Red River Joint Water Resource District and Cass County Flood Sales Tax Committee regarding the increased costs to modify the Plan.

Upper Maple River Dam – tree removal

Brady Woodard updated the Board on the removal of fallen trees in the shelterbelt on Water Resource District owned property in Section 35 of Carpenter Township for the Upper Maple River Dam. The contractor is nearly complete with the project. The Board discussed potentially replanting the shelterbelt and directed Moore Engineering, Inc. to obtain a quote to do so from the Steele County Soil Conservation District. The potential project will also be discussed with Steele County Water Resource District. Mr. Woodard will bring more information on the matter to a future meeting for further discussion.

Cass County Planning

It was moved by Manager Melvin, seconded by Manager Miller 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:

- Richard Family Farm Subdivision
- Wheatland Colony Subdivision

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Miller to approve payment of Checks #6133 and #6134, 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 #34 Improvement Project

Ms. Ducioame reported on the Drain #34 Improvement Project. A Section 404 Permit application has been submitted to the Corps of Engineers and an *Application for Surface Drain* has been submitted to the NDDWR regarding the project. A request for cost-share on the project will be submitted to the NDDWR soon.

Year-end issues

A motion was made by Manager Miller and seconded by Manager Melvin to do the following:

- Authorize the Secretary-Treasurer to make any minor year-end transfers to balance the Maple River Water Resource District 2022 budget;
- Authorize the Secretary-Treasurer to make transfers to/from obligated funds, if necessary; and
- Amend the Maple River Water Resource District 2022 budget.

Upon roll call vote, the motion carried unanimously.

Set regular meeting dates for 2023

The Board discussed its regular meeting dates for the year 2023. It was moved by Manager Melvin, seconded by Manager Miller, and unanimously carried to adopt the following Resolution.

RESOLUTION

BE IT RESOLVED, that the Maple River Water Resource District does hereby set the first Thursday of January through March at 9:00 a.m., the first Thursday of April through October at 8:00 a.m., and the first Thursday of November and December at 9:00 a.m., at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, times and place for the year 2023.

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:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

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