

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 4, 2024

A virtual / conference call meeting of the Maple River Water Resource District was held on January 4, 2024, at 9:00 a.m.

Present were Rodger Olson, Chairman; Gerald Melvin, Manager; Chad Miller, Manager; Melissa Hinkemeyer, Director and Secretary-Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard and Levi Hanson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; and Sidney Steinweg, Davenport Township property owner.

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 Miller and seconded by Manager Melvin to approve the minutes of the December 4, 2023, meeting. Upon roll call vote, the motion carried unanimously.

Reorganization of the Board for 2024

It was moved by Manager Melvin, seconded by Manager Miller and unanimously carried to appoint the following individuals to serve in the designated capacities for calendar year 2024:

Rodger Olson	Chairman
Gerald Melvin	Vice Chairman
Melissa Hinkemeyer	Secretary-Treasurer
Rodger Olson	Cass County Joint Water Resource District Representative
Gerald Melvin	Cass County Joint Water Resource District Alternate Representative 1

Chad Miller	Cass County Joint Water Resource District Alternate Representative 2
Rodger Olson	Red River Joint Water Resource District Representative
Gerald Melvin	Red River Joint Water Resource District Alternate Representative.

Designate depositories of Maple River Water Resource District public funds

It was moved by Manager Miller and seconded by Manager Melvin to designate the following as depositories of Maple River Water Resource District public funds:

Alerus Financial
Bell Bank
Bank North (Casselton)

Upon roll call vote, the motion carried unanimously.

Approve the Pledge of Assets

It was moved by Manager Melvin and seconded by Manager Miller to approve the following *Pledge of Assets*:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Review of agreement for legal services

It was moved by Manager Miller and seconded by Manager Melvin to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the 2024 billing rates as presented for Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

Review of agreements for engineering services

It was moved by Manager Melvin and seconded by Manager Miller to reaffirm the agreement with Moore Engineering, Inc. for engineering services and approve the 2024 billing rates as presented for Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Miller and seconded by Manager Melvin to reaffirm the agreement with Houston Engineering, Inc. for engineering services and approve the 2024 billing rates as presented for Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

Agreement for animal damage control services

It was moved by Manager Melvin and seconded by Manager Miller to approve and authorize the Chairman to sign the *Agreement* with JAC Predator & Large Pest Control, Inc. for animal damage control services and approve the 2024 billing rates presented for Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

Drain #34 Channel Improvement Project No. 2022-01

Sean Fredricks discussed a recent North Dakota Supreme Court case that significantly impacts financing of future drain reconstruction projects. The Board discussed the issue in regard to Drain #34 Channel Improvement Project No. 2022-01 and future drain reconstruction projects.

Kurt Lysne stated the cost-share request for the project was on the State Water Commission agenda for their December 8, 2023, meeting. The State Water Commission approved 31% of the requested cost-share for the project. The Board discussed the project cost estimate and financing the project with the reduced State Water Commission cost-share funding. It is unknown at this time if the project is feasible with the reduced State Water Commission cost-share funding. The Board tabled the *Agreement for Cost-Share Reimbursement* with the State Water Commission regarding the Drain #34 Channel Improvement Project No. 2022-01 until the next meeting for further discussion on financing of the project.

Christie Rust noted there are right of way acquisition transactions currently ready to close regarding the project. The Board directed Ohnstad Twichell, P.C. to proceed with closings regarding right of way acquisition for the Drain #34 Channel Improvement Project No. 2022-01.

Drain #14B – Metro Flood Diversion Project transition

A motion was made by Manager Miller and seconded by Manager Melvin to authorize Moore Engineering, Inc. to prepare legal descriptions and conduct right of way acquisition regarding the transition between the Metro Flood Diversion Project and Drain #14B. Upon roll call vote, the motion carried unanimously.

Pontiac Township Improvement District No. 73

Brady Woodard discussed animal activity at Pontiac Township Improvement District No. 73. Mr. Woodard noted JAC Predator & Large Pest Control, Inc. has been working at the project site several times over the last year and will soon be inspecting one of the project structures regarding possible animal damage control needs. The project structures are currently closed to help improve accessibility to the structures this spring. Moore Engineering, Inc. will continue to monitor animal activity at Pontiac Township Improvement District No. 73.

Drain #37 Improvement Project No. 2022-01

Mr. Lysne reported the State Water Commission tabled the cost-share request for the Drain #37 Improvement Project No. 2022-01 at their December 8, 2023, meeting at the request of the Water Resource District as it was anticipated the cost-share request for the project would not be fully funded by the State Water Commission. The Board discussed the cost estimate and financing of the project with estimated cost-share funding. The project is not feasible without full cost-share funding from the State Water Commission.

Ms. Rust noted there are right of way acquisition transactions currently ready to close regarding the project. The Board directed Ohnstad Twichell, P.C. to proceed with

closings regarding right of way acquisition for the Drain #37 Improvement Project No. 2022-01.

Levi Hanson updated the Board on right of way acquisition for the Drain #37 Improvement Project No. 2022-01.

A motion was made by Manager Melvin and seconded by Manager Miller to approve the *Purchase Agreement* with the Carol E. Currie Family Trust regarding the Drain #37 Improvement Project No. 2022-01. Upon roll call vote, the motion carried unanimously.

Drain #39 Improvement Project No. 2023-01

Mr. Lysne updated the Board on the Drain #39 Improvement Project No. 2023-01. The North Dakota Department of Water Resources is currently processing the *Application for Surface Drain* submitted for the project. Once the *Application for Surface Drain* is approved, the Water Resource District can apply for State Water Commission cost-share funding for the project.

Lynchburg-Buffalo Project No. 2023-01

Alexa Ducioame said Moore Engineering, Inc. has completed the preliminary plans and cost estimates for the remaining three reaches of Lynchburg-Buffalo Project No. 2023-01. Moore Engineering, Inc. will refine the cost estimates for the project and bring a recommended plan regarding construction of the remaining three reaches of the project to a future meeting for further discussion.

Davenport Flood Risk Reduction Project

Ms. Ducioame updated the Board on the Davenport Flood Risk Reduction Project. Ms. Ducioame said Moore Engineering, Inc. is continuing to correspond with FEMA regarding the Conditional Letter of Map Revision (CLOMR) submitted for the project. Ms. Ducioame also noted an *Application to Construct* for the project was submitted to the NDDWR this summer. Ms. Ducioame will continue to follow up with the NDDWR on the status of the permit.

Mr. Fredricks and Mr. Hanson briefly updated the Board on right of way acquisition regarding the project. Sidney Steinweg provided comments regarding valuation of right of way needed for the project on property he owns.

Complaint for Water-Related Issues from Harold Miller against Dobler Trust for unpermitted drainage in the NE 1/4 of Section 8 in Cornell Township

Discussion was held on the *Complaint for Water-Related Issues* from Harold Miller against Dobler Trust for unpermitted drainage in the NE 1/4 of Section 8 in Cornell Township. The Board noted a conflict analysis for Manager Chad Miller regarding the *Complaint* was completed at the June 1, 2023, Maple River Water Resource District meeting. The conflict analysis still stands, and a copy of the conflict analysis minutes are available on file at the Water Resource District office.

Mr. Lysne stated Moore Engineering, Inc. has completed a watershed delineation regarding the *Complaint*. Moore Engineering, Inc. will continue investigating the matter and bring a report on their findings to a future meeting.

Cass County Planning

A motion was made by Manager Melvin and seconded by Manager Miller to authorize the Secretary-Treasurer to submit comment on the Hagensen Subdivision application to Cass County Planning, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Burlington Northern Santa Fe Railway Company *Subsurface Water Management Permit* appeals

Mr. Fredricks updated the Board on two *Subsurface Water Management Permit* appeals in the Maple River Water Resource District.

Bills

It was moved by Manager Melvin and seconded by Manager Miller to approve payment of Check #6162, 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.

A motion was made by Manager Melvin and seconded by Manager Miller to set policy that bills are due by 5:00 p.m. the Monday before Maple River Water Resource District meetings. Bills received after that time will be considered at the following meeting. Upon roll call vote, the motion carried unanimously.

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:

Melissa Hinkemeyer
Secretary-Treasurer