

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 6, 2024
8:00 A.M.

A virtual / conference call meeting of the Maple River Water Resource District was held on June 6, 2024, at 8:00 a.m.

Present were Rodger Olson, Chairman; Gerald Melvin, Manager; Chad Miller, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, and Christie Rust, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Josh Hassell, Brady Woodard and Levi Hanson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Terry Freehauf, Clifton Township property owner; Sidney Steinweg, Davenport Township property owner; Randal Melvin, Hill Township property owner; and Randy Coon, Tower Township property owner.

Approval of agenda

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

Minutes

It was moved by Manager Miller, seconded by Manager Melvin, and unanimously carried to approve the minutes of the May 2, 2024, meeting, as presented.

Drain #14 – Temporary Access Agreement with WBI Energy Transmission, Inc. for installation of a crossing to facilitate construction of a natural gas pipeline

WBI, Energy Transmission, Inc. (WBI) is in the process of installing a natural gas pipeline and the project route includes a portion of the District's Drain #14 right of way. WBI has requested the District's permission to enter upon, over, across, and through the District's Drain #14 right of way for purposes of installing a temporary crossing in, on, over, across, and through the Drain to provide WBI access for purposes of constructing their project.

It was moved by Manager Melvin and seconded by Manager Miller to approve and authorize the Chairman to sign the *Temporary Access Agreement* with WBI Energy Transmission, Inc. for the installation of a crossing of Drain #14 to facilitate construction of a natural gas pipeline. Upon roll call vote, the motion carried unanimously.

Drain #34 Channel Improvement Project No. 2022-01

Levi Hanson updated the Board on right of way acquisition for the Drain #34 Channel Improvement Project No. 2022-01. Right of way acquisition is complete. Discussion was held on funding for the project. The Board will continue to discuss funding

for the project.

Drain #37 Improvement Project No. 2022-01

Mr. Hanson updated the Board on the status of right of way acquisition regarding Drain #37 Improvement Project No. 2022-01. Once right of way acquisition for the project is complete, Moore Engineering, Inc. will update the cost estimate for the project.

Drain #39 Improvement Project No. 2023-01

Brady Woodard provided project updates for Drain #39 Improvement Project No. 2023-01. Mr. Woodard is continuing discussions with property owners regarding the project.

Drain #46 – bridge cleanout in Sections 21 and 28 of Rochester Township

Mr. Woodard reported the contractor for the Drain #46 bridge cleanout project in Sections 21 and 28 of Rochester Township has not begun the project yet due to weather.

Lynchburg-Buffalo Project No. 2023-01

Mr. Lysne updated the Board on the status of the Lynchburg-Buffalo Project No. 2023-01 and stated Moore Engineering, Inc. is currently working with the Corps of Engineers and property owners regarding project design and permitting.

Cornell Township Drainage Improvement District No. 80

Mr. Lysne stated the petitioners have selected their preferred design alternative for Cornell Township Drainage Improvement District No. 80. The next step is to form a joint water resource district with Barnes County Water Resource District as there are benefits to properties in Cass County and Barnes County. The Board discussed forming a joint water resource district with Barnes County Water Resource District briefly and requested the Secretary add this item to the next Cass County Joint Water Resource District agenda for further discussion.

Davenport Flood Risk Reduction Project

Alexa Ducioame updated the Board on the status of permitting for the Davenport Flood Risk Reduction Project. The approved FEMA Conditional Letter of Map Revision should be sent soon.

Mr. Hanson updated the Board on the status of right of way acquisition for the Davenport Flood Risk Reduction Project.

Sidney Steinweg addressed the Board regarding right of way needed on his property for the project. Discussion was held on flood protection measures that are certifiable by FEMA. The Davenport Flood Risk Reduction Project is a FEMA-certifiable project.

Regional Conservation Partnership Program – Upper Maple River Watershed

Mr. Lysne updated the Board on the RCPP – Upper Maple River Watershed Plan. The Natural Resources Conservation Service is currently discussing the Plan with the North Dakota State Historic Preservation Office.

Complaint for Water-Related Issues from Randy Coon against Dennis Smith for unpermitted drainage in the S 1/2 of Section 7 in Tower Township

Before the Board discussed the *Complaint for Water Related Issues* filed by Randy Coon, Camille Schaetzel, Rob Loos, and Steve Richman against Dennis Smith, Sean Fredricks explained that one of the issues before the Board is the tile system Mr. Smith installed on the SW 1/4 of Section 7 in Tower Township. In March of 2023, Mr. Smith's tile contractor submitted a *Notification to Install Subsurface Water Management System* to the Board regarding a 20-acre tile system Mr. Smith planned to install. The *Notification* was an "under-80" notification as required by Section 61-32-03.3 of the North Dakota Century Code.

The *Complaint for Water Related Issues* before the Board today alleges unpermitted and illegal drainage in the S 1/2 of Section 7 in Tower Township, including Mr. Smith's tile system. In the course of investigating this complaint, Kurt Lysne, Josh Hassell, and Sean Fredricks engaged Mr. Smith, as directed by the Board, and Mr. Smith provided his tile as-built plans for purposes of the investigation.

Mr. Smith's *Notification to Install Subsurface Water Management System* and his tile as-built plans are both "exempt" records under N.D. Cent. Code §§ 61-32-03.3 and 44-04-17.1(5). Under North Dakota law, the District may, in its discretion, declare these records as open records. While the District does not typically allow public access to tile notifications or tile plans, to comply with the intent of the Legislature in enacting the tile permitting statutes in N.D. Cent. Code §§ 61-32-03.1 and 61-32-03.3, in this case Mr. Smith's *Notification to Install Subsurface Water Management System* and his tile as-built plans are germane to the legality of his alleged drainage activities as the Board considers the *Complaint for Water Related Issues*. Mr. Smith, through his counsel, has indicated Mr. Smith has no objection to the Board's disclosure of Mr. Smith's *Notification to Install Subsurface Water Management System* and his tile as-built plans as necessary for purposes of considering and investigating the *Complaint for Water Related Issues*.

With that in mind, the Board may, by motion, declare Mr. Smith's *Notification to Install Subsurface Water Management System* and his tile as-built plans open records.

Manager Miller moved and Manager Melvin seconded to declare Mr. Dennis Smith's *Notification to Install Subsurface Water Management System* dated March 9, 2023, and Mr. Smith's tile as-built plans regarding his tile system on the SW 1/4 of Section 7 in Tower Township as open records, in accordance with Sections 61-32-03.3 and 44-04-17.1(5) of the North Dakota Century Code. Upon roll call vote, the motion carried unanimously.

Following discussion, Manager Miller motioned, and Manager Melvin seconded to approve and authorize the Chairman to sign the *Order* regarding the *Complaint for Water Related Issues* filed by Randy Coon, Camille Schaetzel, Rob Loos, and Steve Richman against Dennis Smith in the S 1/2 of Section 7 in Tower Township based upon the discussed *Findings of Fact and Conclusions of Law* regarding the matter. Upon roll call vote, the motion carried unanimously.

Complaint for Water-Related Issues from Randy Coon against Tim Berntson et al. for unpermitted drainage in the NE 1/4 of Section 33 in Buffalo Township

It was moved by Manager Miller and seconded by Manager Melvin to authorize Moore Engineering, Inc. to conduct a survey and investigation of the *Complaint for Water-Related Issues* filed from Randy Coon against Tim Berntson et al. for unpermitted drainage in the NE 1/4 of Section 33 in Buffalo Township. Upon roll call vote, the motion carried unanimously.

Moore Engineering Inc. will provide a summary report based on the investigational findings at a future meeting.

Application to Install a Subsurface Water Management System No. 20246 for Randal Melvin in the NE 1/4 of Section 2 in Hill Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20246*, filed May 20, 2024, by Applicant Randy Melvin.

Before discussing the merits of the application, Sean Fredricks explained the conflict analysis the Board should conduct regarding Manager Melvin's conflict in the matter; Applicant Randy Melvin is Manager Melvin's son. Mr. Fredricks explained the law in North Dakota regarding conflicts, Section 44-04-22 of the North Dakota Century Code, provides the relevant standard. That statute provides:

A person acting in a legislative or quasi legislative or judicial or quasi-judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.

In this case, Manager Melvin has a direct and substantial personal interest in the matter that creates a clear conflict. Manager Miller moved to declare that Manager Melvin has a conflict and should not participate in any votes regarding *Application to Install a Subsurface Water Management System No. 20246* filed by Randy Melvin. Chairman Olson seconded the motion. Upon roll call vote, Chairman Olson and Manager Miller voted in favor of the motion. Manager Melvin abstained. The motion carried.

There is an additional conflict statute specific to water resource districts, Section 61-16-08.1 of the Century Code, that provides the County Commission with discretionary authority to appoint alternate water managers if a full-time member has a conflict. However, that statute was effectively superseded by Section 44-04-22 when the Legislature adopted Section 44-04-22 in 1995 (Section 61-16-08.1 went into effect in 1985). Section 61-16-08.1 does not provide a definition for what qualifies as a "conflict of interest" and does not provide a mandatory process; rather, the legislative history of Section 61-16-08.1 indicates the Legislature approved that statute to provide a process for water managers to avoid situations where they are not comfortable voting on a matter and; the process under Section 61-16-08.1 is not a mandatory process. Conversely, the process under Section 44-04-22 is mandatory for conflict situations, provides a detailed

test for determining if a conflict exists, and provides a detailed process for a Board to proceed even if a conflict does exist. The Legislature enacted Section 44-04-22 after passing the vague and optional Section 61-16-08.1 and, therefore, the process under Section 44-04-22 controls all conflict matters.

With the conflict issue concluded, the Board proceeded with discussion regarding the application.

Under the *Application*, Applicant seeks to install a 63-acre drain tile system in the NE 1/4 of Section 2 in Hill Township, Cass County, North Dakota. The project will include two gravity outlets, both located in the NE 1/4 of Section 2. The first outlet, near the northwest corner of the NE 1/4 of Section 2, will discharge directly into a USGS blue line natural watercourse; the watercourse flows to the west and ultimately discharges into the Maple River. The second outlet, near the southwest corner of the NE 1/4 of Section 2, will discharge directly into a natural drain or watercourse that flows to the west, across the NW 1/4 of Section 2 and ultimately discharges into the Maple River; that drain may qualify as a “watercourse” under N.D. Cent. Code § 61-01-06.

According to Cass County tax records, Randal and Kristi Melvin own those portions of the NE 1/4 of Section 2 in Hill Township where Applicant intends to install the tile system. Because the project outlet near the northwest corner of the NE 1/4 of Section 2 will discharge directly into a USGS blue line natural watercourse, no downstream notices are necessary regarding that outlet under N.D. Cent. Code § 61-32-03.1. With regard to the project outlet near the southwest corner of the NE 1/4 of Section 2, the Board could not definitively determine if the drain qualifies as a “watercourse” under Section 61-01-06; with that in mind, the Board will provide notices to the downstream landowners of the NW 1/4 of Section 2, as required under Section 61-32-03.1. According to Cass County tax records, Gary and Debra Froberg own the NW 1/4 of Section 2 in Hill Township.

Manager Miller moved, and Chairman Olson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20246*, filed May 20, 2024, for Randy Melvin regarding a proposed tile system in the NE 1/4 of Section 2 in Hill Township; and to authorize the Secretary Treasurer to sign *Subsurface Water Management Permit No. 20246*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all project outlets.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant’s tile system.
3. Only with regard to Applicant’s project outlet near the southwest corner of the NE 1/4 of Section 2, Applicant will remove silt or vegetation, or repair erosion or scour damages directly caused by Applicant’s tile system downstream of Applicant’s project outlet, but only up to the discharge into the Maple River.
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 NE 1/4 of Section 2 in Hill 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. 20246* 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, Chairman Olson and Manager Miller voted in favor of the motion. Manager Melvin abstained. The motion carried.

With regard to condition #3, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by downstream landowners that Applicant's tile system directly caused accumulation of silt or vegetation, erosion, or scouring.

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 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* and *Subsurface Water Management Permit No. 20246* to the North Dakota Department of Water Resources, Gary and Debra Froberg, 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.

Application to Install a Subsurface Water Management System No. 20247 for Daniel Garnas in the SE 1/4 of Section 2 in Lake Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20247*, filed May 16, 2024, by Applicant Daniel Garnas. Under the *Application*, Applicant seeks to install a 117-acre drain tile system in the SE 1/4 of Section 2 in Lake Township, Cass County, North Dakota. The project will include a single pump outlet located in the southwest corner of the SE 1/4 of Section 2; the outlet will discharge via a pipeline that will run to the west in the north road ditch along 19th Street SE, along the south boundary of the SW 1/4 of Section 2 in Lake Township; at approximately the quarter-quarter line along the south boundary of the SW 1/4 of Section 2, the pipeline discharges into the north road ditch along 19th Street; the discharge flows a short distance in the north road ditch, then flows under 19th Street and flows to the southwest across the NW 1/4 of Section 11; the discharge then flows into the east road ditch along 136th Avenue SE; the discharge flows south in the east road ditch, along the west boundary of the NW 1/4 of Section 11; at the south boundary of the NW 1/4 of Section 11, the discharge flows under 136th Avenue and continues to the southwest across a portion of

the SE 1/4 of Section 10 until flowing into a natural watercourse.

According to records submitted by Applicant, Daniel Garnas owns the SE 1/4 of Section 2 in Lake Township. With regard to downstream landowners, Murray and Ida Pearl Patterson own the SW 1/4 of Section 2; and Scott and Janet Davis own 144.20 acres in the NW 1/4 of Section 11 and the SE 1/4 of Section 10. Once the project tile discharge flows into a natural watercourse in the SE 1/4 of Section 10, no further downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Manager Melvin moved, and Manager Miller seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20247*, filed May 16, 2024, for Daniel Garnas regarding a proposed tile system in the SE 1/4 of Section 2 in Lake Township; and to authorize the Secretary Treasurer to sign *Subsurface Water Management Permit No. 20247*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Lake Township's Road right of way.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Maple River Water Resource District.
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 SE 1/4 of Section 2 in Lake Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant will remove silt or vegetation, or repair erosion or scour damages directly caused by Applicant's tile system, but only up to the natural watercourse in the SE 1/4 of Section 10 in Lake Township.
6. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20247* 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.

With regard to condition #5, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system directly caused accumulation of silt or vegetation, erosion, or scouring.

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 written consent from the Lake Township Board to install any pipeline or other tile components in any of the Township's Road right of way.
2. The Board recommends that Applicant obtain written consent from the Lake Township Board to discharge into or otherwise utilize any of the Township's Road right of way.
3. The Board recommends that Applicant obtain written consent from the owner of any land not owned by Applicant where Applicant intends to install tile components.
4. 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.
5. The Board will provide copies of the Board's *Notice of Decision, Subsurface Water Management Permit No. 20247*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, Lake Township, downstream landowners Murray and Ida Pearl Patterson and Scott and Janet Davis, 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.

Application to Install a Subsurface Water Management System No. 20248 for Michael Tryhus in the NE 1/4 of Section 14 in Gill Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20248*, filed June 4, 2024, by Applicant Michael Tryhus. Under the *Application*, Applicant seeks to install a 123-acre drain tile system in the NE 1/4 of Section 14 in Gill Township, Cass County, North Dakota. The project will include a single pump outlet located in the southeast corner of the NE 1/4 of Section 14; the outlet will discharge into the west road ditch along 150th Avenue SE and will run south in the west road ditch, along the east boundary of the SE 1/4 of Section 14; at approximately the quarter-quarter line, the discharge will flow east, under 150th Avenue, through an existing culvert; the discharge will continue east in a grass water way across the SW 1/4 of Section 13; at the east boundary of the SW 1/4 of Section 13, the grass water way turns south, along the east boundary of the SW 1/4 of Section 13; at the southeast corner of the SW 1/4 of Section 13, the discharge will flow into the north road ditch along 39th Street SE.

According to records submitted by Applicant, Michael and Susan Tryhus own that portion of the NE 1/4 of Section 14 in Gill Township where Applicant intends to install the tile system. With regard to downstream landowners, the Margaret E. Kensok Revocable Living Trust owns the SE 1/4 of Section 14 and Michael Beilke owns the SW 1/4 of Section

13 in Gill Township.

Manager Melvin moved, and Manager Miller seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20248*, filed June 4, 2024, for Michael Tryhus regarding a proposed tile system in the NE 1/4 of Section 14 in Gill Township; and to authorize the Secretary Treasurer to sign *Subsurface Water Management Permit No. 20248*, subject to the following conditions:

- 1. Applicant will install and maintain erosion protection at any and all outlets into Gill Township’s Road right of way.
- 2. Applicant will re-establish any areas disturbed installing or maintaining Applicant’s tile system.
- 3. Applicant will turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Maple River Water Resource District.
- 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 NE 1/4 of Section 14 in Gill Township under any blanket easements, or otherwise beyond the Water District’s existing easement(s).
- 5. Applicant will remove silt or vegetation, or repair erosion or scour damages directly caused by Applicant’s tile system, but only up to one mile from the project outlet.
- 6. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20248* 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.

With regard to condition #5, Applicant’s obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant’s tile system directly caused accumulation of silt or vegetation, erosion, or scouring.

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 written consent from the Gill Township Board to discharge into or otherwise utilize any of the Township’s Road right of way.

2. 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. 20248*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, Gill Township, downstream landowners Margaret E. Kensok Revocable Living Trust and Michael Beilke, 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.

Notification to Install a Subsurface Water Management System from Aim Ag Drainage for the NE 1/4 of Section 24 in Eldred Township

The Board received and filed a *Notification to Install a Subsurface Water Management System* from Aim Ag Drainage for the NE 1/4 of Section 24 in Eldred Township.

Notification to Install a Subsurface Water Management System from Aim Ag Drainage for the SE 1/4 of Section 19 in Gill Township

The Board received and filed a *Notification to Install a Subsurface Water Management System* from Aim Ag Drainage for the SE 1/4 of Section 19 in Gill Township.

Temporary Water Permit for ASN Constructors from the Maple River in the NW 1/4 of Section 23 in Raymond Township

The Board received and filed a *Temporary Water Permit* for ASN Constructors from the Maple River in the NW 1/4 of Section 23 in Raymond Township.

Temporary Water Permit for WBI Energy Transmission, Inc. from the Maple River in the NE 1/4 of Section 36 in Harmony Township

The Board received and filed a *Temporary Water Permit* for WBI Energy Transmission, Inc. from the Maple River in the NE 1/4 of Section 36 in Harmony Township.

Cass County Planning

A motion was made by Manager Melvin and seconded by Manager Miller to authorize the Secretary to submit comment on the following subdivision applications to Cass County Planning, with input from the Water Resource District Engineer:

- 5M Spendthrift Trust Subdivision
- Ford Field Subdivision
- Johnson Land Subdivision
- McIntyre Farms Subdivision

Upon roll call vote, the motion carried unanimously.

West Fargo Planning and Zoning

A motion was made by Manager Melvin and seconded by Manager Miller to authorize the Secretary to submit comment on the Shoman Conditional Use Permit to City of West Fargo Planning and Zoning, with input from the Water Resource District Engineer. Upon

roll call vote, the motion carried unanimously.

2025 budget and 2024 maintenance levy assessments

The Board discussed the 2025 budget. A motion was made by Manager Melvin and seconded by Manager Miller to approve the Maple River Water Resource District 2025 budget. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Melvin and seconded by Manager Miller to approve the Maple River Water Resource District 2024 maintenance levy assessments as follows:

- Cass-Richland Drain #1: \$0.10
- Swan Creek: \$2.00
- Drain MR-1 (Drains #15, #39, #58, and #59): \$4.00
- Drain MR-2 (Drains #14, #34, and #36): \$4.00
- Drain #37: \$4.00
- Drain #46: \$3.00
- Drain #54: \$3.00
- Drain #56: \$2.50
- Drain #62: \$2.00
- Drain #64: \$0.00
- Garsteig-Embsen Maintenance District: \$3.00
- Pontiac Township Improvement District #73: \$3.00
- Upper Maple River Dam: \$1.00
- Wheatland Channel Federal Maintenance District: \$4.00

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Miller to approve the payment of Checks #6178 through #6182, the wire transfers, and electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

The Secretary stated that a check that was addressed to Sonja Johnson regarding right of way for the Davenport Flood Risk Reduction Project has expired due to a delay in closing. The Secretary is requesting the Board authorize the Treasurer to reissue the check to Ms. Johnson, in the amount of \$3,510.

A motion was made by Manager Miller and seconded by Manager Melvin to authorize the Treasurer to reissue a check to Ms. Sonja Johnson, in the amount of \$3,510 regarding the Davenport Flood Risk Reduction Project. Upon roll call vote, the motion carried unanimously.

Correspondence from the NDDWR regarding low head dam cost-share funding and safety signage

Discussion was held on correspondence received from the North Dakota Department of Water Resource (NDDWR) regarding a low head dam within the Maple River Water Resource District. The NDDWR may provide cost-share up to 75-percent to mitigate public hazards associated with low head dams. Cost-share funding will be considered

under this category for dam removals or the placement of hazard mitigation measures.

Manager Melvin motioned and Manager Miller seconded to direct Moore Engineering, Inc. to reach out to property owners adjacent to the low head dam in the Maple River Water Resource District to gather input on removal of the dam or installation of hazard mitigation measures regarding the dam. Upon roll call vote, the motion carried unanimously.

2023 Audit

The Secretary briefly discussed the draft 2023 Audit report of the Maple River Water Resource District. The Secretary indicated if the Board has any comments, they should be submitted to the Office of the State Auditor as soon as possible.

Clifton Township drainage issues – Terry Freehauf

Terry Freehauf addressed the Board with drainage concerns regarding his property in Clifton Township and inquired on the proper procedures in finding a solution to his drainage issues. The Board discussed the matter with Mr. Freehauf and noted a Complaint would need to be filed for the Board to have jurisdiction to investigate the matter.

Adjournment

There being no further business to be considered by the Board, Manager Melvin motioned, and Chairman Olson seconded to adjourn the meeting. The meeting adjourned without objection.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary