

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
MAPLE RIVER WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
HERITAGE CONFERENCE ROOM  
WEST FARGO, NORTH DAKOTA  
NOVEMBER 7, 2024  
9:00 A.M.

A virtual / conference call special meeting of the Maple River Water Resource District was held on November 7, 2024, at 9:00 a.m.

Present were Gerald Melvin, Chairman; Chad Miller, Manager; Dallas Hoffmann, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks, David C. Piper, and Christie Rust, 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; and Alex Larson, Bolton & Menk, Inc.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Miller and seconded by Manager Hoffmann to approve the minutes of the October 3 and 21, 2024, meetings, as presented. Upon roll call vote, the motion carried unanimously.

**Drain #14 – Tree removal**

Brady Woodard reported there are fallen trees in the Drain #14 right of way in Section 9 of Mapleton Township that should be removed.

A motion was made by Manager Miller and seconded by Manager Hoffmann to authorize Moore Engineering, Inc. to hire a contractor to remove the fallen trees in the Drain #14 right of way in Section 9 of Mapleton Township. Upon roll call vote, the motion carried unanimously.

**Drain #14B – Metro Flood Diversion Project transition – Task Order No. 17 – Amendment 1 with Moore Engineering, Inc.**

Alexa Ducioame updated the Board on the status of the transition between the Metro Flood Diversion Project and Drain #14B. A task order amendment is needed to continue engineering work for the transition regarding Drain #14B.

A motion was made by Manager Miller and seconded by Manager Branson to approve and authorize the Chairman to sign *Task Order No. 17 – Amendment 1*, in the amount of \$2,500 with Moore Engineering, Inc. regarding the engineering for the transition between

the Metro Flood Diversion Project and Drain #14B. Upon roll call vote, the motion carried unanimously.

**Wheatland Channel – access to property in the NW 1/4 of Section 9 in Everest Township**

Alex Larson discussed access to a property south of I-94 in the NW ¼ of Section 9 in Everest Township. Ms. Larson stated she has held conversations with the North Dakota Department of Transportation about the access and they prefer access to the property south of the Wheatland Channel off of 153rd Ave SE. An access point south of the Wheatland Channel will require a new crossing of the Wheatland Channel be installed just east of 153rd Ave SE. Ms. Larson asked what the Board's preferences on access to the property might be and if the southern access is preferred, would the Board be willing to complete a hydraulic analysis to size the crossing.

Kurt Lysne indicated the Water Resource District has recently completed extensive floodplain modeling efforts in the vicinity and the area is very sensitive to changes in the hydraulic capacity of the Wheatland Channel. The Board indicated they strongly prefer and recommend access on the north side of the property.

A motion was made by Manager Miller and seconded by Manager Hoffmann to authorize the Secretary to send a letter to the North Dakota Department of Transportation, with input from the Water Resource District Attorney and Engineer, supporting the north access to the property in the NW ¼ of Section 9 in Everest Township. Upon roll call vote, the motion carried unanimously.

**Drain #34 Channel Improvement Project No. 2022-01**

Mr. Lysne indicated the Drain #34 Channel Improvement Project No. 2022-01 is on hold until the financing for the project is established. Sean Fredricks updated the Board on a recent North Dakota Supreme Court decision regarding benefit analyses and how it might impact water resource districts.

**Drain #37 Improvement Project No. 2022-01**

Mr. Lysne indicated right of way acquisition is nearly complete for the Drain #37 Improvement Project No. 2022-01. The project is on hold until the financing for the project is established.

**Drain #39 Improvement Project No. 2023-01**

Mr. Lysne said the Drain #39 Improvement Project No. 2023-01 design is nearing completion. Ms. Ducioame reported on negotiations regarding a request from an adjacent property owner for excess material generated from the project. The Board had no concerns regarding the request at this time.

**Lynchburg-Buffalo Project No. 2023-01**

Ms. Ducioame updated the Board on the status of the Lynchburg-Buffalo Project No. 2023-01 and stated Moore Engineering, Inc. is waiting to hear back from the Corps of Engineers regarding permitting of the preferred project design that would use less farmland. Moore Engineering, Inc. has begun drafting legal descriptions for project right of way not included in the conversations with the Corps.

### **Cornell Township Drainage Improvement District No. 80**

Mr. Lysne reported he remains in contact with the petitioners for Cornell Township Drainage Improvement District No. 80. Manager Miller reported on continued discussions amongst the petitioners.

### **Davenport Flood Risk Reduction Project**

Ms. Ducioame updated the Board on the Davenport Flood Risk Reduction Project. Moore Engineering, Inc. continues to work with Burlington Northern Santa Fe Railway Company and Red River Valley & Western Railroad Company regarding an agreement related to operation and maintenance of the project. A brief discussion was held on cost-share funding for the project.

A motion was made by Manager Miller and seconded by Manager Hoffmann to authorize the Secretary to submit comments of support for the project to the North Dakota Department of Water Resources regarding a solicitation of views for *Application to Construct No. 2725* regarding the Davenport Flood Risk Reduction Project. Upon roll call vote, the motion carried unanimously.

### **Maple River low head dam hazard mitigation project**

Discussion was held regarding the Maple River low head dam hazard mitigation project. Mr. Lysne stated that a cost-share request for the project was approved by the State Water Commission and a cost-share request has been submitted to the Cass County Flood Sales Tax Committee. Additional work will not be done on the project until cost-share requests to the State Water Commission and to the Cass County Flood Sales Tax Committee have been approved, and the Board decides whether to proceed with the project.

### **Complaint for Water-Related Issues from Rick Kensok against Aaron Larson for construction of an unpermitted dike in the S ½ of Section 31 in Casselton Township**

Mr. Woodard updated the Board on discussions with the parties regarding the *Complaint for Water-Related Issues* from Rick Kensok against Aaron Larson for construction of an unpermitted dike in the S ½ of Section 31 in Casselton Township. Moore Engineering, Inc. will conduct a brief site visit and bring information regarding the Complaint to the next meeting for further discussion.

### **Utility Permit for Otter Tail Power Company to install an underground primary cable electric line along and under Drain #62 in the SW ¼ of Section 33 in Casselton Township**

Manager Miller motioned and Manager Hoffmann seconded a motion to approve a *Utility Permit* for Otter Tail Power Company to install an underground primary cable electric line along and under Drain #62 in the SW ¼ of Section 33 in Casselton Township with conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

### **Notifications to Install Subsurface Water Management Systems**

The Board received and filed the following *Notifications to Install Subsurface Water Management Systems*:

- From Aim Ag Drainage in the E ½ of Section 5 in Eldred Township
- From Aim Ag Drainage in the N ½ of Section 11 and the NW ¼ of Section 12 in Wheatland Twp
- From Aim Ag Drainage in the NE ¼ of Section 17 in Clifton Township
- From Aim Ag Drainage in the NW ¼ of Section 17 in Clifton Township

### **Cass County Planning**

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

### **Bills**

It was moved by Manager Miller and seconded by Manager Hoffmann to approve the payment of Checks #6196 through #6200, the wire transfers, and electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

### **Adjournment**

There being no further business to be considered by the Board, it was moved by Manager Miller and seconded by Manager Hoffmann to adjourn the meeting. The meeting adjourned without objection.

APPROVED:

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Gerald Melvin  
Chairman

ATTEST:

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Melissa Hinkemeyer  
Secretary