

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
DECEMBER 5, 2024
9:00 A.M.

A virtual / conference call special meeting of the Maple River Water Resource District was held on December 5, 2024, at 9:00 a.m.

Present were Gerald Melvin, Chairman; Chad Miller, Manager; Dallas Hoffmann, Manager; Melissa Hinkemeyer, Director, Secretary; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks and David C. Piper, 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; Alex Larson, Bolton & Menk, Inc; Adrienne Olson, City of Casselton; and Sidney Steinweg, Davenport Township property owner.

Approval of agenda

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

Minutes

It was moved by Manager Hoffmann, seconded by Manager Miller, and unanimously carried to approve the minutes of the November 7, 2024, meeting, as presented.

Swan Creek Diversion – Setback request for West Creek Cottages 9th Addition

Alex Larson discussed a setback request of 120 feet from the centerline of the Swan Creek Diversion for development of the West Creek Cottages 9th Addition. Ms. Larson has been working with Moore Engineering, Inc. regarding the future grade of the Swan Creek Diversion side slopes. Kurt Lysne indicated the future grade of the side slopes would likely not exceed 8:1. Ms. Larson stated no full basements will be constructed to minimize impacts. The City of Casselton currently does not have a policy regarding setbacks from watercourses. Brady Woodard noted there could be access issues in that area should reconstruction of the Swan Creek Diversion occur post-development.

A motion was made by Manager Melvin and seconded by Manager Miller to authorize the Secretary to send a letter of non-objection to the City of Casselton regarding a setback of 120 feet from the centerline of the Swan Creek Diversion for the West Creek Cottages 9th Addition. Upon roll call vote, the motion carried unanimously.

Drain #34 Channel Improvement Project No. 2022-01

Levi Hanson updated the Board on the status of the right of way acquisition regarding the Drain #34 Channel Improvement Project No. 2022-01. Sean Fredricks briefly discussed the upcoming North Dakota legislative session and indicated it is unlikely that significant changes to funding for water resource districts will occur. The Board may need to determine whether to take the project to a vote of the assessment district to approve funding of the project.

Drain #39 Improvement Project No. 2023-01

Alexa Ducioame reported discussions are ongoing with property owners regarding right of way and crossing designs for the Drain #39 Improvement Project No. 2023-01.

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 met with landowners regarding right of way needed for the project and will continue to communicate with them moving forward.

Cornell Township Drainage Improvement District No. 80

Ms. Ducioame briefly updated the Board on the discussions the petitioners for Cornell Township Drainage Improvement District No. 80 are having regarding the project design.

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. Ms. Ducioame noted the North Dakota Department of Water Resources has indicated they will not issue the construction permit for the Project until the agreement with the railroads is complete.

Sidney Steinweg inquired if the closing of the property transaction between him and the Water Resource District regarding right of way for the Davenport Flood Risk Reduction Project has been completed. David Piper noted the *Warranty Deed* has been recorded and Mr. Steinweg can proceed with his plans regarding his remaining property.

Maple River low head dam hazard mitigation project

Ms. Ducioame reported that the Cass County Flood Sales Tax Committee approved the cost share request for the Maple Rive low head dam hazard mitigation project. The State Water Commission also approved the cost share request for the Project.

A motion was made by Manager Miller and seconded by Manager Hoffmann to approve authorize the Chairman to sign the *Agreement for Cost-Share Reimbursement* with the State Water Commission regarding the Maple River low head dam hazard mitigation project. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Hoffmann and seconded by Manager Miller to authorize Moore Engineering, Inc. proceed with the final design, survey, right of way investigation, and permitting regarding the Maple River low head dam hazard mitigation project. Upon roll call vote, the motion carried unanimously.

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. Mr. Woodard indicated the parties may have come to a mutually agreeable solution. The Board directed the secretary to contact Mr. Kensok to inquire if he will withdraw his complaint against Mr. Larson.

Year-end items

It was moved by Manager Miller and seconded by Manager Hoffman to:

- Authorize the Treasurer to make any minor year-end transfers to balance the Maple River Water Resource District 2024 budget;
- Authorize the Treasurer to make transfers to and from obligated funds, if necessary; and
- Authorize the Treasurer to amend the Maple River Water Resource District 2024 budget.

Upon roll call vote, the motion carried unanimously.

2025 meeting dates

The Board discussed its regular meeting dates for the year 2025. It was moved by Manager Miller and seconded by Manager Hoffmann, 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., November 6 and December 4 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 2025.

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:

Gerald Melvin
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary

Bills

It was moved by Manager Hoffmann and seconded by Manager Miller to approve the payment of 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:

Gerald Melvin
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary