

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JULY 28, 2015

The North Cass Water Resource District met on July 28, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Wes Ecker, Chairman; Robert Thompson, Manager; Ken Lougheed, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Kurt Lysne, Engineer for the Board; and Adam Grothmann, Northern States Excavating, Inc.

**Minutes**

It was moved by Manager Thompson and seconded by Manager Lougheed to approve the minutes of the June 23, 2015, meeting, as presented. Upon roll call vote, the motion carried unanimously.

**Drain #55 Channel Improvements**

Kurt Lysne sent a letter on July 20, 2015, to Northern States Excavating, Inc. regarding the upcoming substantial completion date for the Drain #55 Channel Improvements. A letter was received from the contractor dated July 23, 2015, citing issues relating to rain events and outlining a plan to complete the project. The letter from Northern States Excavating, Inc. also requested a delay in assessment of liquidated damages until the end of August. Mr. Grothmann requested understanding of the weather conditions and indicated they will stay on site until the project is completed.

It was moved by Manager Thompson and seconded by Manager Lougheed to issue a Claim against Northern States Excavating, Inc. for liquidated damages for its failure to meet the substantial completion deadline regarding Drain #55 Channel Improvements, and the North Cass Water Resource District will, at its discretion, refrain from seeking liquidated damages if Northern States Excavating, Inc. proceeds in good faith and completes the project in accordance with the remaining contractual deadlines. Upon roll call vote, the motion carried unanimously.

**Drain #23 Channel Improvements**

It was moved by Manager Lougheed and seconded by Manager Thompson to approve Task Order No. 2 for engineering services with Moore Engineering, Inc. and the *Proposal for Preliminary Engineering* in the amount of \$16,490 regarding the Drain #23 Channel Improvements Project in Section 12 of Gardner Township and to authorize the Secretary-Treasurer to submit a request to the State Water Commission for cost-share. Upon roll call vote, the motion carried unanimously.

**Legal drain crossings at I-29**

Mr. Lysne reviewed hydraulic reports from the North Dakota Department of Transportation (NDDOT) for crossings at I-29 on Drains #19, #24C and #32. Mr. Lysne said the work done by the NDDOT on the three crossings looks good. A hydrology report for Drains #25 is still pending.

Mr. Lysne will also contact the NDDOT regarding plans for repairs to Drain #18 and report back to the Board.

**Approve the Pledges of Assets**

It was moved by Manager Thompson and seconded by Manager Lougheed to approve the following Pledge of Assets:

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

Upon roll call vote, the motion carried unanimously.

**2016 budget and 2015 maintenance levy assessments**

It was moved by Manager Lougheed and seconded by Manager Thompson to approve the 2016 budget and 2015 maintenance levy assessments. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Thompson and seconded by Manager Lougheed to approve payment of Checks #4010 through #4017 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Ecker, Thompson, and Lougheed. The Chairman declared the motion passed.

**Drain #22 and Drain #31 culvert repair**

It was moved by Manager Thompson and seconded by Manager Lougheed to authorize Moore Engineering, Inc. to hire a contractor to repair the culvert on Drain #22 in Section 33 of Noble Township and the culvert on Drain #31 in the NE 1/4 of Section 18 in Noble Township, not to exceed \$5,000 per project. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

\_\_\_\_\_  
Wes Ecker  
Chairman

ATTEST:

\_\_\_\_\_  
Carol Harbeke Lewis  
Secretary-Treasurer