

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 25, 2010

The Southeast Cass Water Resource District met on June 25, 2010, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Thomas L. Fischer, Chairman; Mark Thelen, Manager; Mark Brodshaug, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Jeff Volk and Chad Engels, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; William A. Hejl, Rush River Water Resource District; Brady Woodard, Moore Engineering, Inc.; Richard Lewis, West Fargo resident; Dennis Nipstad, property owner in Normanna Township; Tom Beaton and William Lisbrug, property owners in Mapleton Township and Troy Tooze, Lightowler Johnson Associates.

Minutes

It was moved by Manager Brodshaug and seconded by Manager Thelen to approve the minutes of the June 11, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Approval of agenda order

It was moved by Manager Brodshaug and seconded by Manager Thelen to approve the order of the agenda, as amended. Upon roll call vote, the motion carried unanimously.

St. Benedict Ring Dike

The Board discussed funding alternatives for the St. Benedict Ring Dike Project. The Board directed Sean Fredricks to send an agreement, which adheres to the State Water Commission ring dike criteria, to Roger Haberman. Mr. Haberman will contact the church as to whether they would prefer the Water Resource District to have an easement or own right-of-way. The Board will wait to hear from Mr. Haberman before taking any further action.

Dike Application #2132, #2133 and #2134 for Dwight Smedshammer, Scott and Cindy Sobolik and Thomas D. McInnis in the NE 1/4 of Section 2 in Reed Township

The purchase of property from UND was finalized to allow for construction of a ring dike for Dwight Smedshammer, Scott and Cindy Sobolik and Thomas D. McInnis in the NE 1/4 of Section 2 in Reed Township. Thomas McInnis has since completed construction of a ring dike on his property, so the project will now only include the Smedshammer and Sobolik properties. The status of State Water Commission cost share will be investigated due to the change in the project.

Oxbow Flood Control Project – Joint Powers Agreement

The Joint Powers Agreement between the Water Resource District and the City of Oxbow was discussed. Sean Fredricks said the Joint Powers Statutes allow the Board to have specific statutory authority to contribute money to a project that they will not own.

The Board will contribute 50% of the local, non-State Water Commission cost share, up to a maximum of \$87,500 and loan the City of Oxbow up to a maximum of \$87,500 to finance their local, non-State Water Commission, non-Water Resource District share of the Project. The City of Oxbow will pay back any amount loaned over seven years, payable on or before July 1 of each of those seven years.

Sheyenne River bank slide at 617 19th Avenue NW

Brady Woodard gave an update on the snagging and clearing issues on the Sheyenne River at 617 19th Avenue NW. American Enterprises, Inc. will do the work.

Notice of Decision on Application to Drain #3457 to upgrade the pumping capacity of the existing Devils Lake outlet from 100 cfs to 250 cfs

The Board received and filed a *Notice of Decision* on Application to Drain #3457 to upgrade the pumping capacity of the existing Devils Lake outlet from 100 cfs to 250 cfs. Manager Fischer said a Resolution to draft a bill in the legislature is in progress to construct a 1,000 cfs control structure to take water out of the east end of Devils Lake. The Board asked Jeff Volk to do a quick study on the effects of the water from Devils Lake on the Sheyenne-Maple Flood Control Projects.

Funding commitment to Fargo-Moorhead Metropolitan Council of Governments for the Christine and Hickson Dams retrofit project

It was moved by Manager Thelen and seconded by Manager Brodshaug to reaffirm the commitment to the Fargo-Moorhead Metropolitan Council of Governments for the Christine and Hickson Dams retrofit project, not to exceed \$50,000. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve payment of Checks #9496 through #9510 as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Thelen and Brodshaug. The Chairman declared the motion carried.

Sheyenne-Maple Flood Control Projects - exterior pump station and use of canal gates

The Board discussed possible solutions to leaking flap gates on the Sheyenne-Maple Flood Control Projects, as well as the possibility of installing a pump station on the outside of the project in the northeast corner of Section 13 in Mapleton Township. The pump project would also include construction of a drainage system to bring the water to the pump.

Recent heavy rains upstream caused the water level to rise in the Sheyenne-Maple Flood Control Projects, which resulted in water leaking from various flap gates. Tom Beaton constructed dikes around the leaking flap gates to prevent water from flowing out into the fields. Property owners would like a more permanent solution to the problem.

Manager Thelen believes this could be more of a problem with increased flows from Devils Lake. He would like to direct Moore Engineering, Inc. to prepare plans and specifications and submit a request for cost share to the State Water Commission for the pump station and canal gates. Manager Brodshaug suggested the Board start by installing canal gates on the culverts that leak most often to experiment with what issues they run into before they spend money on the entire system.

Tom Beaton would like a culvert installed through 21st Avenue West on the east side of Sheyenne-Maple Flood Control District #2 in Section 18 of Mapleton Township to get water to the existing pump station. Manager Brodshaug said he sees this as more of a West Fargo issue as it is within city limits. Moore Engineering, Inc. will work with the City of West Fargo to resolve the matter.

Mr. Beaton said the flap gates on the outside of Sheyenne-Maple Flood Control District #1 at 13th Avenue West and the next one to the north cause the most problem. Jeff Volk said they may not need the canal gates if the pump station is constructed. When the pump station no longer works because there is too much water, the gates are not the problem. He said it may be better to invest funds in the pump station rather than the canal gates. If they do not proceed with the pump station, installing canal gates would be the right thing to do. Chairman Fischer asked Moore Engineering, Inc. to make a recommendation at the next meeting as to which method is most effective.

Dike Complaints from Dennis Nipstad against Kelly Perhus and Mark Ottis in the SW 1/4 NE 1/4 and the SE 1/4 NE 1/4 of Section 34 in Normanna Township

It was moved by Manager Thelen and seconded by Manager Fischer to authorize Moore Engineering, Inc. to investigate the dike complaints from Dennis Nipstad against Kelly Perhus and Mark Ottis in the SW 1/4 NE 1/4 and the SE 1/4 NE 1/4 of Section 34 in Normanna Township. Upon roll call vote the following Managers voted in favor: Fischer and Thelen. Manager Brodshaug abstained from voting. The Chairman declared the motion carried. The parties involved will be invited to a future meeting. Manager Brodshaug will discuss whether he has a conflict on the matter with the Water Resource District Attorney. He said the water from the area involved in the complaints eventually gets to land he farms.

Agreement with Fargo Rentall to expand its parking lot over a Drain #3 easement area

Troy Tooz met with the Board to request use of the Drain #3 easement area to expand the Fargo Rentall parking lot at 1002 25th Street South. The Board pointed out that Fargo Rentall would be responsible for any repairs to its parking lot if the Water Resource District needs to access the drain. Mr. Tooz said they realized that. It was moved by Manager Thelen and seconded by Manager Brodshaug to direct the Water Resource District Attorney to forward an agreement to Lightowler Johnson Associates, allowing expansion of the Fargo Rentall parking lot over the Drain #3 easement area at 1002 25th Street South in Fargo, upon review of the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Budget

It was moved by Manager Thelen and seconded by Manager Brodshaug to affirm dedicating one mill of the four mills levied for the Southeast Cass Water Resource District general budget to flood control, mitigation and flood retention. Upon roll call vote, the motion carried unanimously.

Joint Funding Agreement with the USGS

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the *Joint Funding Agreement* with the USGS for five water level gages in Richland County. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Brodshaug, seconded by Manager Thelen and unanimously carried to adjourn the meeting.

APPROVED:

Thomas L. Fischer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer