

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
AUGUST 27, 2010

The Southeast Cass Water Resource District met on August 27, 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; Sean M. Fredricks, Attorney for the Board; Jeff Volk, Lee Beauvais and Chad Engels, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Barry Johnson, West Fargo Director of Public Works; George Grossman, Sheyenne-Maple Flood Control Projects Crew Chief, Craig Hakanson, City of Horace; Jonathan Garaas, Attorney and Richard Lewis, West Fargo resident.

Minutes

It was moved by Manager Brodshaug and seconded by Manager Fischer to approve the minutes of the August 13, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Approval of agenda order

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

Round Hill Sewer Improvement District No. 2010-1

Minutes relating to Round Hill Sewer Improvement District No. 2010-1 are attached hereto.

Manager Thelen was now present.

St. Benedict's Church of Wild Rice ring dike – Project Cooperation Agreement

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the *Project Cooperation Agreement* with St. Benedict's Church of Wild Rice. Upon roll call vote, the motion carried unanimously.

The Board directed the Secretary-Treasurer to submit a request for funding to Cass County under *Commission Policy 13.72 for County Sales Tax for Flood Risk Reduction and Recovery Projects* for the St. Benedict's Church of Wild Rice ring dike project. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Projects – Low Flow Channel Improvements

Chad Engels informed the Board that the Sheyenne-Maple Flood Control Projects Low Flow Channel Improvements Project is on the State Water Commission September 1, 2010, agenda with a recommendation of approval.

Barry Johnson introduced George Grossman, Crew Chief for maintenance on the Sheyenne-Maple Flood Control Projects. Mr. Grossman took over the position on August 15, 2010.

Drain #27 Drainage and Flood Control Improvements – revise completion date on the *Utility Relocation Agreement* with Minnkota Power Cooperative, Inc.

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve revising the completion date on the *Utility Relocation Agreement* with Minnkota Power Cooperative, Inc. to October 15, 2010, regarding the Drain #27 Drainage and Flood Control Improvements Project. Upon roll call vote, the motion carried unanimously.

The contractor still intends to complete the project this fall.

Drain #27 Drainage and Flood Control Improvements – crop damage

Crop was planted in two areas that are under temporary construction easements for the Drain #27 Drainage and Flood Control Improvements Project. The Board decided to wait and see if the crop can be harvested before taking any action on the matter. The Board also directed Moore Engineering, Inc. to discuss the matter with the tenants.

Manager Brodshaug asked about notifying renters to prevent this situation in the future. Sean Fredricks said language could be added in future agreements setting out that the property owner is responsible for notifying tenants with regard to any changes in use of the property. Manager Brodshaug suggested staking easement areas in the future.

Drain #53 Drainage and Flood Control Improvements – extension of project to 65th Avenue South

Lee Beauvais reviewed alternatives for extending the Drain #53 Drainage and Flood Control Improvements Project one block to 65th Avenue South. The cost to extend the project would be split the same way as the rest of the project. The Board agreed with the recommendation to proceed with Alternate #4.

It was moved by Manager Thelen and seconded by Manager Brodshaug to direct Moore Engineering, Inc. to contact property owners directly for land acquisition needed to extend the Drain #53 Drainage and Flood Control Improvements Project to 65th Avenue South and to offer the same amount paid for property that was needed for the project to the north. Upon roll call vote, the motion carried unanimously.

Baldhill Dam non-federal sponsor

The Corps of Engineers requires a non-federal sponsor for the Baldhill Dam that has the ability to levy taxes. Manager Thelen said the Sheyenne River Joint Water Resource District cannot act as the sponsor because it does not have the authority to levy taxes. He said none of the other entities involved with the project have expressed an interest to act as the sponsor, so they are looking to Southeast Cass Water Resource District to do so. Mr. Fredricks said if Southeast Cass Water Resource District does so, he recommends they enter into a *Joint Powers Agreement* with the counties in which right-of-way for the project lies. Mr. Engels asked about the Red River Joint Water Resource District acting as the non-federal sponsor. Manager Thelen said he will get something in writing from Tom Novak, Corps of Engineers. The Sheyenne River Joint Water Resource District will meet September 15, 2010, to discuss the matter further.

Utility Permits on Drains #27 and #53

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the following *Utility Permits*, subject to the conditions recommended by the Water Resource District Engineer:

- For the City of Fargo to install two water transmission lines across Drain #27 north of 52nd Avenue South.
- For the City of Fargo to install sanitary sewer across Drain #53 at 64th Avenue South.

Upon roll call vote, the motion carried unanimously.

2009 Audit

Manager Thelen said he disagrees with the Management Letter included with the 2009 Audit of the Southeast Cass Water Resource District. He does not think it is necessary to have the Chairman or one of the Water Managers sign off on Per Diem sheets because the Board sees them prior to the meeting before approval. The Board directed the Secretary-Treasurer to contact the Cass County Auditor's Office about the matter.

Bills

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve payment of Checks #9579 through #9593, as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Thelen and Brodshaug. The Chairman declared the motion carried.

Adjournment

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

APPROVED:

Thomas L. Fischer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer