

MINUTES OF MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 10, 2010

The Southeast Cass Water Resource District met on September 10, 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; Mark Bittner, Fargo City Engineer; Craig Hakanson, City of Horace and Richard Lewis, West Fargo resident.

**Minutes**

It was moved by Manager Brodshaug and seconded by Manager Thelen to approve the minutes of the August 27, 2010, meeting. Upon roll call vote, the motion carried unanimously.

**Approval of agenda order**

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

**Drain #53 Drainage and Flood Control Improvements**

Lee Beauvais informed the Board that the contractor moved in equipment this week for the Drain #53 Drainage and Flood Control Improvements Project. Work continues on right-of-way acquisition for the extension to 65th Avenue South.

**Sheyenne-Maple Flood Control Projects – Low Flow Channel Improvements**

Chairman Fischer and Chad Engels attended the State Water Commission meeting where additional funding was considered and approved for items that were previously deemed ineligible for the Sheyenne-Maple Flood Control Projects Low Flow Channel Improvements. The area on Sheyenne-Maple Flood Control District #1 from the weir to the convergence with Sheyenne-Maple Flood Control District #2 can now be advertised for bids. Bids will be opened on September 28, 2010, for work on Sheyenne-Maple Flood Control District #1 from I-94 to the railroad tracks. Bonding for the project will proceed after the bids are opened and project costs are known.

It was moved by Manager Thelen and seconded by Manager Brodshaug to send a letter to the Office of the State Engineer recommending approval of *Applications #2253 and #2254* for the Sheyenne-Maple Flood Control Projects Low Flow Channel Improvements. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control District #2 – West Fargo Improvement District 1218**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the work proposed along the east side of Sheyenne-Maple Flood Control District #2, north of 32nd Avenue South, for West Fargo Improvement District 1218, contingent upon the Water Resource District having enough land for the utility corridor. Upon roll call vote, the motion carried unanimously.

**2010 Flood Damage Repair**

Mr. Engels reported that the 2010 Flood Damage Repairs were completed in early July. Manager Brodshaug said silt has not yet been removed from about 1/4 mile of Drain #21C, between Sections 26 and 35 of Warren Township.

**Oxbow Flood Control Project – Application #2240**

It was moved by Manager Thelen and seconded by Manager Brodshaug to send a letter to the Office of the State Engineer recommending approval of *Application #2240* for the Oxbow Flood Control Project. Upon roll call, the motion carried unanimously.

**Solicitation of views and comments on the Meadow Creek Area Flood Risk Management Project 5944**

The Board directed the Secretary-Treasurer to send a letter to Houston Engineering, Inc. stating that the Board would like to be apprised of discussions and decisions on the Meadow Creek Area Flood Risk Management Project 5944, so they can be involved with design decisions that need to be made.

**Solicitation of views and comments on the Timberline Area Flood Risk Management Project 5949**

The Board directed the Secretary-Treasurer to send a letter to Houston Engineering, Inc. stating the Board would like to be apprised of discussions and decisions on Timberline Area Flood Risk Management Project 5949, so they can be involved with design decisions that need to be made.

**Joint Funding Agreement with the USGS for fiscal year 2011 programs**

It was moved by Manager Thelen and seconded by Manager Brodshaug to authorize the Chairman to sign the Joint Funding Agreement with the USGS for fiscal year 2011 programs. Upon roll call vote, the motion carried unanimously.

**Legal drain reassessments**

The Board discussed reassessing various legal drains. The Secretary-Treasurer was directed to contact the Cass County Auditor's Office about the best time to schedule the work. The Board needs to meet with the Maple River Water Resource District to discuss the boundaries for various assessment districts.

**Correspondence from West Fargo Planning regarding Christianson's 1st Addition in the SE 1/4 of Section 18 and the NE 1/4 of Section 19 in Barnes Township and The Links at Westport 1st Addition in the S 1/2 of Section 31 in Barnes Township**

The Board reviewed correspondence from West Fargo Planning and had no comment with regard to Christianson's 1st Addition in the SE 1/4 of Section 18 and the NE 1/4 of Section 19 in Barnes Township and The Links at Westport 1st Addition in the S 1/2 of Section 31 in Barnes Township.

**Utility Permit for Qwest to install buried telephone cable under Rose Coulee west of University Drive in Section 36 of Barnes Township**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the *Utility Permit* for Qwest to install buried telephone cable under Rose Coulee west of University Drive in Section 36 of Barnes Township, subject to the conditions recommended by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

**Agreement with USDA Animal and Plant Health Inspection Service, Animal Damage Control, for control of animal damage on non-private property**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the Agreement with USDA Animal and Plant Health Inspection Service, Animal Damage Control, for control of animal damage on non-private property.

**Drain #40 Damage Repairs – Change Order No. 2**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve Change Order No. 2 for Excavating, Inc. in the amount of \$1,500 for the Drain #40 Damage Repairs Project. 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 #9597 through #9603 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Thelen and Brodshaug. The Chairman declared the motion passed.

**State Water Commission Farmstead Ring Dike Program**

Chairman Fischer will meet with Todd Sando, State Engineer, next week to discuss the Board's concerns relating to the State Water Commission Farmstead Ring Dike Program.

**Ring Dike Cooperation Agreement with Angela R. Cossette and Donald R. Cossette**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve and authorize the Chairman to sign the *Ring Dike Cooperation Agreement* with Angela R. Cossette and Donald R. Cossette. Upon roll call vote, the motion carried unanimously.

**Drain #21 – trees planted north of 13th Avenue South on the west berm**

The Board directed the Water Resource District Engineer and Secretary-Treasurer to look into the matter of trees that were planted on the west berm of Drain #21, north of 13th Avenue South.

**2009 Audit - letter to the Office of the State Auditor regarding the disagreement with their recommendation that all travel vouchers should be signed by the Chairman / Vice Chairman**

It was moved by Manager Thelen and seconded by Manager Brodshaug to authorize the Chairman to send a letter to the Office of the State Auditor stating the Southeast Cass Water Resource District Board disagrees with the recommendation in the 2009 Audit Management Letter which states that, after review, travel vouchers should be signed by the Chairman (or Vice Chairman when the Chairman is submitting a travel voucher) and that the Board believes it is well within governmental accounting standards and should not be held to a higher standard than Cass County and that invoices are emailed to the Board Members the day before each meeting for review, prior to taking formal action on them. Upon roll call vote, the motion carried unanimously.

**Dike complaints from Dennis Nipstad against Kelly Perhus and Mark Ottis in the NE 1/4 and the NW 1/4 of Section 34 in Normanna Township**

Manager Brodshaug said it was his understanding that Dennis Nipstad, Kelly Perhus and Mark Ottis came to some sort of an agreement with regard to the dike in the NE 1/4 and the NW 1/4 of Section 34 in Normanna Township. He suggested the parties be reminded that the hearing is scheduled for October 8, 2010, and that Mr. Nipstad needs to withdraw his complaint to stop the Water Resource District process.

**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:

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Thomas L. Fischer  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer