

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 8, 2010

The Southeast Cass Water Resource District met on October 8, 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; Carol Harbeke Lewis, Secretary-Treasurer; Sean M. Fredricks, Attorney for the Board; Lee Beauvais, Chad Engels, Kyle Volk and Jim Sepp, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; George Grossman, Sheyenne-Maple Flood Control Projects Crew Chief; April Walker, Senior Engineer for the City of Fargo; Jim Hausauer, Utility Manager for the City of Fargo; Chris Harris, Fargo resident in Silverleaf Addition, David Noah and Andy Noah, Silverleaf Development; Craig Hakanson, City of Horace and Richard Lewis, West Fargo resident. Manager Mark Brodshaug was absent.

Minutes

It was moved by Manager Thelen, seconded by Manager Fischer and unanimously carried to approve the minutes of the September 24, 2010, meeting.

Approval of agenda

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

Southside Rural Sewer Project – alternatives in Chrisan Glen

Jim Sepp reviewed two alternatives for sanitary sewer improvements in Chrisan Glen. The system is operational now, but with very limited capacity. Manager Thelen suggested contacting Keith Berndt, Cass County Engineer, with regard to any potential buyouts in the development before moving ahead with the project. He would also like them to review the proposed projects with the property owners to see if they would be interested in paying to improve the system.

Sheyenne-Maple Flood Control District #1 – damage to adjacent property

George Grossman has been in contact with the Cass County Sheriff's Department with regard to damages adjacent to Sheyenne-Maple Flood Control District #1. There have been 4 arrests made and the Sheriff's Department has been made aware of 20 to 30 other people involved with the damages. The Sheriff's Department will keep in touch with Mr. Grossman. They estimated it would be one month before the case would go to court.

Tree removal in conjunction with Water Resource District projects

Manager Thelen said he would like to know if trees need to be removed in conjunction with Water Resource District Projects. If so, he would like to identify what the Board could do to keep them and what the cost would be.

Drain #53 Drainage and Flood Control Improvements

The removal of trees from the Silverleaf Addition in conjunction with the Drain #53 Drainage and Flood Control Improvements Project was discussed. The design calls for the levee to be set back from the drain to provide a borrow area. Kyle Volk said the first row of trees would need to be removed, but they may be able to save part of the second row. The levee could be moved further west, but approximately 15,000 yards of dirt would need to be hauled, which would increase the cost of the project an estimated \$50,000. Manager Thelen suggested assessing the cost to the lots that would benefit from doing work.

Chairman Fischer suggested looking at the plans to see if the drain can be moved west and what the cost would be to do so. Lee Beauvais will also discuss the matter with the Fargo Park District. It was moved by Manager Fischer and seconded by Manager Fischer to authorize Moore Engineering, Inc. to work with the developers to resolve the tree issue in Silverleaf Addition regarding the Drain #53 Drainage and Flood Control Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Thelen and seconded by Manager Fischer to approve Change Order No. 1 to R. L. Larson Excavating, Inc. in the amount of \$5,630 regarding the Drain #53 Drainage and Flood Control Improvements Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Thelen and seconded by Manager Fischer to approve moving the Drain #53 levee out approximately 15', north of 52nd Avenue South, to accommodate construction of a bike path on a ledge inside the levee, provided the permanent easements can be obtained at no cost to the Water Resource District. Upon roll call vote, the motion carried unanimously.

Mr. Beauvais recommended, based on a geotechnical analysis, that the existing pond on Drain #53, south of 52nd Avenue South, be constructed as a dry pond. The developer was supposed to fill the pond, but the Water Resource District now owns the land. Sean Fredricks will look into the purchase documents to see if there is any language with regard to filling the existing pond.

Mr. Volk said the City of Fargo has asked them to look at installing a control structure in the middle of the levee in a couple locations to eliminate having multiple culverts with flap gates, so there is less of a maintenance issue. They will have more information on the matter at the next meeting.

Drain #53 - Meadow Creek Area Flood Risk Management Project

Mr. Beauvais said the right-of-way presented by Jerry Bents, Houston Engineering, Inc., for the Meadow Creek Area Flood Risk Management Project looks reasonable. The Board indicated they preferred to own the property rather than have an easement and directed the Water Resource District Attorney to proceed with drafting the deeds necessary.

Snagging and clearing work for 2010-2011

Snagging and clearing work for 2010-2011 was discussed. The Board directed the Water Resource District Engineer to develop projects for critical areas as follows:

- Inside the Sheyenne-Maple Flood Control Projects, which requires different equipment than outside the project area;
- On the Sheyenne River, north of the Sheyenne-Maple Flood Control Projects;
- On the Sheyenne River, south of the Sheyenne-Maple Flood Control Projects; and
- On the Wild Rice River.

Requests for cost share will be submitted to the State Water Commission.

Ring Dike Cooperation Agreement with Leo Richard, Shirley Richard, George Richard and Sharon Richard

It was moved by Manager Thelen and seconded by Manager Fischer to approve the *Ring Dike Cooperation Agreement* with Leo Richard, Shirley Richard, George Richard and Sharon Richard. Upon roll call vote, the motion carried unanimously.

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

The Cass County Soil Conservation District, at the direction of the Red River Valley Fair Association, planted trees on the west berm of Drain #21, north of 13th Avenue South. The Water Resource District needs to access the drain on the west side because there are homes built on the east side of the drain. Chad Engels said it appears that the trees are on either side of the property line. Mr. Fredricks will review the easements and send a letter to the Red River Valley Fair Association about the matter.

Application to Drain #3589 for Mark Brodshaug in the SW 1/4 of Section 1 in Warren Township

It was moved by Manager Thelen and seconded by Manager Fischer to approve *Application to Drain #3589* for Mark Brodshaug in the SW 1/4 of Section 1 in Warren Township, subject to the following conditions:

- That the applicant obtain written permission from the owner of any land, besides land he owns, on which he will construct the tile system;
- That the applicant provide and maintain adequate erosion protection at the outlet(s); and
- That the applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application to Drain #3590 for Mark Brodshaug in the W 1/2 NW 1/4 of Section 12 in Warren Township

It was moved by Manager Thelen and seconded by Manager Fischer to approve *Application to Drain #3590* for Mark Brodshaug in the W 1/2 NW 1/4 of Section 12 in Warren Township, subject to the following conditions:

- That the applicant obtain written permission from the owner of any land, besides land he owns, on which he will construct the tile system;
- That the applicant provide and maintain adequate erosion protection at the outlet(s); and
- That the applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Drain #27 Drainage and Flood Control Improvements

It was moved by Manager Thelen and seconded by Manager Fischer to approve Changer Order No. 1 to North Pine Aggregate, Inc. in the amount of \$11,774.20 regarding the Drain #27 Drainage and Flood Control Improvements. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Thelen and seconded by Manager Fischer to approve payment of Checks #9628 through #9642 and the electronic transfers, as presented. Upon roll call vote, the following Mangers voted in favor: Fischer and Thelen. Manager Brodshaug was absent. The Chairman declared the motion passed.

Adjournment

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

APPROVED:

Thomas L. Fischer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer