

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 14, 2011

The Southeast Cass Water Resource District met on January 14, 2011, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Manager; Dan Jacobson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; 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; Brady Woodard, Moore Engineering, Inc.; Craig Hakanson, City of Horace and Mike Staber, American Enterprises, Inc. Manager Thomas L. Fischer was absent.

Reorganization of the Board for 2011

Manager Brodshaug moved to appoint the following individuals to serve in the designated capacities for calendar year 2011:

Thomas L. Fischer	Chairman
Mark Brodshaug	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Thomas L. Fischer Mark Brodshaug	Cass County Joint Water Resource District Board Representatives
Dan Jacobson	Cass County Joint Water Resource District Board Alternate Representative
Mark Brodshaug	Red River Joint Water Resource District Board Representative
Dan Jacobson	Red River Joint Water Resource District Board Alternate Representative
Dan Jacobson	Sheyenne River Joint Water Resource District Board Representative

Thomas L. Fischer

Sheyenne River Joint Water Resource
District Board Alternate Representative

Dan Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

2011 meeting dates

The Board discussed its regular meeting dates for the year 2011. It was moved by Manager Jacobson and seconded by Manager Brodshaug to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Southeast Cass Water Resource District does hereby set the second Friday and fourth Friday of January through October, November 18 and December 16 at 8:00 a.m. in the Cass County Highway Department building, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, time and place for the year 2011.

BE IT FURTHER RESOLVED that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

Thomas L. Fischer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

Minutes

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve the minutes of the December 17, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Approval of agenda order

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

Designation of depositories of Southeast Cass Water Resource District public funds

It was moved by Manager Brodshaug to designate the following as depositories of Southeast Cass Water Resource District public funds:

- Alerus Financial
- State Bank & Trust
- US Bank
- Bank of the West
- First International Bank
- Bremer Bank
- First State Bank of North Dakota (Casselton)

Manager Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

Pledges of Assets

It was moved by Manager Brodshaug to approve the following Pledges of Assets:

- Alerus Financial (as per agreement of March 7, 1996)
- Bank of the West

Manager Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

Review of contracts for engineering, legal and Financial Consultant services

It was moved by Manager Jacobson and seconded by Manager Brodshaug to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services, Moore Engineering, Inc. for engineering services and Dougherty & company LLC for financial consultant services. Upon roll call vote, the motion carried unanimously.

Sheyenne and Wild Rice River Snagging and Clearing

The Board considered various options for proceeding with snagging and clearing operations regarding both the Sheyenne and Wild Rice Rivers.

Based on the Board's previous experiences regarding snagging and clearing projects, uncertain and unpredictable weather and ice conditions make it difficult to identify large and definable "projects." Rather, the Board has had better success identifying short reaches contractors can complete in relatively short periods of time. That way, the Board can complete a reach, then evaluate weather and ice conditions and outlooks, and determine if attempting an additional reach is prudent. For 2011, Chad Engels explained Moore Engineering, Inc. investigated both the Wild Rice and Sheyenne Rivers and identified the most critical areas for purposes of completing snagging and clearing in both rivers.

Mr. Engels recommended separating the Wild Rice and Sheyenne Rivers in terms of projects. The terrain for the rivers is drastically different, and snagging and clearing projects for the different rivers similarly differ significantly. With regard to the Sheyenne, in light of the differing conditions upstream of the diversion, within the boundaries of the diversion, and downstream of the diversion, Mr. Engels recommended separating the Sheyenne into three separate reaches. Separating the Sheyenne into three reaches will ensure the Board has ample opportunity to address the critical areas in each of the three reaches (upstream, within the boundaries, and downstream of the diversion).

Mr. Engels and Brady Woodard provided maps for the Board's review that identify the critical areas for each reach. Mr. Woodard explained that, based on previous snagging and clearing projects, and Moore Engineering, Inc.'s recent discussions with American Enterprises Inc. and Industrial Builders Inc. (contractors who have successfully completed snagging and clearing projects for the Board in the past), completing each "critical area" project within each reach will cost less than \$100,000.

For purposes of awarding contracts for these various projects, the Board attempted to bid these types of projects out in 2010, without success. In light of the relatively unpredictable nature of snagging and clearing projects and the unpredictability of weather associated with these projects, the Board found in 2010 that bidding snagging and clearing projects is not effective or efficient. Contractors submit high bids to cover their risk, and by the time the Board completes its bidding process the Board will have lost several weeks of acceptable weather and ice conditions.

Mr. Engels recommended awarding snagging and clearing projects this year into a single reach along the Wild Rice, and three reaches along the Sheyenne. The Board previously submitted four separate cost-share requests for these projects. Mr. Engels further suggested that, to the extent the contractors make acceptable progress on the original "critical areas," and both Moore Engineering, Inc. and the Board can envision at least reasonable ice and weather conditions that might permit additional work in 2011, Moore Engineering, Inc. could identify the next most critical areas along each reach. The Board can then consider potential estimates for additional projects based on costs and progress of the contractors on the "critical area" projects to evaluate potential estimates and potential contractors for the next most critical projects.

Sean Fredricks indicated he has prepared contracts for each project; the contracts require the contractors to provide proof of insurance with the Board named as an additional insured.

It was moved by Manager Brodshaug to award snagging and clearing projects and to enter into contracts with the contractors as follows:

1. Reach 1, Project 1, Sheyenne: American Enterprises Inc.
2. Reach 2, Project 1, Sheyenne: American Enterprises Inc.
3. Reach 3, Project 1, Sheyenne: Industrial Builders Inc.
4. Project 1, Wild Rice: Industrial Builders Inc.

Manager Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

Moore Engineering, Inc. will monitor each project. To the extent the contractors make sufficient progress, Moore Engineering, Inc. will report to the Board and the Board will consider whether or not additional work is possible within each reach, as weather and ice permits.

Sheyenne-Maple Flood Control Projects

The reassessment of the Sheyenne-Maple Flood Control Projects was discussed.

Mr. Engels reported that the weir changes need to be discussed with the City of West Fargo.

Jacob Gust said American Enterprises, Inc. was hired to clean the flap gates so they are ready for spring / flood event.

Cass County FEMA FIS mapping

FEMA has provided initial drafts of the new proposed flood maps for review. It was moved by Manager Brodshaug and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to study the modeling DFIRM regarding the FEMA FIS mapping, not to exceed \$25,000. Upon roll call vote, the motion carried unanimously.

Drain #27 Drainage and Flood Control Improvements

The State Water Commission has indicated it will not provide cost share for drainage expenses, but will cover flood control expenses in regard to the Drain #27 Drainage and Flood Control Improvements Project. Lee Beauvais, Mr. Fredricks and April Walker will review the appropriate split between flood control and drainage.

Mr. Beauvais updated the Board regarding the Drain #27 Drainage and Flood Control Improvements Project.

Mr. Fredricks said it looks like the Leseth eminent domain litigation will proceed to trial this summer.

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

The Board previously entered into an Encroachment Agreement with Fargo Rentall to permit Fargo Rentall to construct parking lot improvements on Drain #3 easement right-of-way. The parking lot is built over a Drain #3 easement area and the Board has not received the insurance required under the Encroachment Agreement. It was moved by Manager Jacobson and seconded by Manager Brodshaug to authorize the Water Resource District attorney to send a letter to Fargo Rentall, Inc. regarding a default under the Encroachment Agreement. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve payment of Checks #9678, #9719 through #9734 and the electronic funds transfers. Upon roll call vote, the following Managers voted in favor: Brodshaug and Jacobson. Manager Brodshaug declared the motion carried.

Adjournment

There being no further business for the Board to consider, the meeting adjourned without objection.

APPROVED:

Mark Brodshaug
Vice Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer