

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MARCH 25, 2011

The Southeast Cass Water Resource District met on March 25, 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; Chad Engels and Kyle Volk, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; George Grossman, City of West Fargo and those names who appear on the attached roster. Manager Thomas L. Fischer was absent.

Minutes

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the minutes of the March 11, 2011, meeting. Upon roll call vote, the motion carried unanimously.

Approval of agenda order

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

Sheyenne-Maple Flood Control Projects – letters from FEMA regarding the Provisionally Accredited Levee (PAL) process

Chad Engels reviewed a cost proposal and scope of work for the PAL process regarding the Sheyenne-Maple Flood Control Projects. It was moved by Manager Brodshaug and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to proceed with the preliminary assessment – development of scope and cost regarding the levee accreditation process for the Sheyenne-Maple Flood Control Projects. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Brodshaug and seconded by Manager Jacobson to authorize the Chairman to sign the *Letter Of Agreement and Request for PAL Designation and Agreement to Provide Adequate Compliance with the Code of Federal Regulations, Title 44, Section 65.10* regarding the Sheyenne-Maple Flood Control Projects. 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

Sean Fredricks reviewed the hearing process regarding the 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. The property owners were contacted and have agreed to schedule the hearing in conjunction with the Board's regular meeting on April 8, 2011, at 8:00 a.m.

Application #2288 for work on Sheyenne-Maple Flood Control District #2 in Section 7 of Stanley Township

It was moved by Manager Brodshaug and seconded by Manager Jacobson to send a letter to the Office of the State Engineer recommending approval of *Application #2288* for work on Sheyenne-Maple Flood Control District #2 in Section 7 of Stanley Township. Upon roll call vote, the motion carried unanimously.

Letter from Kadrmas, Lee & Jackson, Inc. soliciting views and comments regarding preliminary design of an earthen flood protection levee and pump station relocation for the Rose Creek development adjacent to Rose Coulee, along 25th Street South in Fargo

It was moved by Manager Jacobson and seconded by Manager Brodshaug to send a letter to Kadrmas, Lee & Jackson, Inc. stating the Board has no comment on the preliminary design of an earthen flood protection levee and pump station relocation for the Rose Creek development adjacent to Rose Coulee, along 25th Street South in Fargo. 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 #9804 through #9815 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug and Jacobson. Manager Fischer was absent. Motion carried.

2011 Spring Flood

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the *Short form of Agreement between Owner and Engineer for Professional Services* regarding the potential 2011 Spring Flood. Upon roll call vote, the motion carried unanimously.

Hearing for the Reassessment of Benefits on Drain #21C and Drain #35

Manager Brodshaug opened the hearing for the reassessment of benefits on Drain #21C and Drain #35. Discussion was first directed toward Drain #21C. Manager Brodshaug informed those present that the boundaries would be redefined with the reassessment and there would be a uniform maintenance levy assessment across the district.

Mr. Engels said the proposed boundaries more accurately reflect the drainage area. He pointed out that the property owners are responsible for getting water to the drain. The area along the east side of the district drains east to Sheyenne-Maple Flood Control District #2, so those properties are not assessed.

The following comments were heard from those present:

- To correct the assessment for the SE 1/4 of Section 24 of Warren Township.
- That there is a split flow in Sections 2, 3 and 4 of Warren Township.

There was a question with regard to overlapping assessment districts in the SW 1/4 of Section 28 in Warren Township. Mr. Engels said the district will not overlap with the Maple River Water Resource District assessment to the west.

The proposed boundaries of the Drain #35 assessment district were reviewed. Manager Brodshaug said the Board will consider comments made in two letters received from property owners, as well as comments heard at the meeting today. The proposed east boundary line includes properties that were not previously included in the assessment district. Property owners said that area should not be included because the natural coulee that starts in Section 26 of Normanna Township and continues north to the drain has always been there and that the coulee was improved due to additional water from Drain #35. Mr. Engels said the Board could use the watershed line along the east side of the district, use a different percentage of benefit east of the watershed line or treat all the properties the same. A property owner pointed out that the property owners east of the watershed line did not get to vote on Drain #35 because it was determined there was no benefit to that area. The owner of the N 1/2 of Section 26 in Normanna Township said the Drain #35 and Drain #60 assessments districts overlap on the property. The Board agreed it made more sense for the property to be assessed in Drain #35.

Mr. Engels told the property owners they are welcome to contact him or the Board if they had any further questions. The Board will make any revisions they believe are necessary before approving the proposed assessment lists. Manager Brodshaug closed the reassessment hearing and thanked everyone for attending.

Sheyenne-Maple Flood Control District #1 and #2 – reassessment of benefits

The Board reviewed the method of assessment for the Sheyenne-Maple Flood Control Projects. The Board directed the Water Resource District Engineer to lock in the factors previously used to prepare the proposed assessment district.

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