

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 23, 2011

The Southeast Cass Water Resource District met on September 23, 2011, at 9:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Thomas L. Fischer, Chairman; Mark Brodshaug, Manager; Dan Jacobson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels, Kyle Volk and Brett Bailly, Engineers for the Board; Dean Hornbacher and Neil Gaugler Wild Rice River Estates; Jacob Gust, Sheyenne-Maple Food Control District #1 Superintendent; Melvin Anderson, property owner in Normanna Township; Paul Diederich, Industrial Builders, Inc.; and Craig Hakanson, City of Horace.

Minutes

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the minutes of the September 9 (as amended), 14 and 16, 2011, meetings. 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. Upon roll call vote, the motion carried unanimously.

Dike Permit request for Section 14 of Normanna Township

Melvin Anderson met with the Board to ask about obtaining a dike permit to add dirt to a pre-existing dike on the Sheyenne River in Section 14 of Normanna Township. Sean Fredricks reviewed dike standards. The Board recommended Mr. Anderson get a permit before any construction begins.

Drain #45 – Industrial Builders, Inc.

Paul Diederich informed the Board of their intent to build a retention pond on the east end of their property by Drain #45. Chad Engels pointed out that the work would widen Drain #45 and would not be a retention pond. He requested a plan of the project prior to construction, stating concerns for the stability of the Sheyenne-Maple Flood Control District #1 north tieback levee. Mr. Fredricks suggested the Board enter into a license agreement if any work is done on Drain #45 right-of-way. The following was moved by Manager Brodshaug and seconded by Manager Jacobson:

- To authorize Industrial Builders, Inc. to proceed with construction in Drain #45 right-of-way, contingent on review/approval of the project plans by the Water Resource District Engineer; and
- To authorize the Water Resource District Attorney to draft a license agreement with Industrial Builders, Inc. for the project; and
- To authorize Chairman Fischer to sign the license agreement.

Upon roll call vote, the motion carried unanimously.

Wild Rice River Estates bank stabilization

Funding options were discussed regarding the Wild Rice River Estates Bank Stabilization Project. Dean Hornbacher said the project was submitted to the State Water Commission (SWC) for cost share and hopes it will be on the October 2011, agenda. Mr. Hornbacher informed the Board that the Natural Resources Conservation Service did not approve funding for the project. Due to the imminent danger of losing utilities because of the erosion, funding may be allocated for the project from the Southside Rural Sewer Project obligated fund. Mr. Fredricks will also contact Cass Rural Water Users about the situation.

The property owners will be assessed for the remaining cost of the project. Mr. Hornbacher expressed concern the amount not exceed the current estimated project cost. Mr. Fredricks assured Mr. Hornbacher that there is a way to stop the project if costs get too high. He will prepare an agreement setting out that the Water Resource District will not award a contract if it is 20% higher than the engineer's cost estimate. Mr. Fredricks also stated the cost to the property owners could decrease if additional cost share is received.

Due to the urgency of the situation, the Board will consider a Resolution of Emergency at a special meeting on September 30, 2011.

Round Hill Sanitary Sewer Improvement District No. 2010-1

Brett Bailly updated the Board on the Round Hill Sanitary Sewer Improvement District No. 2010-1 project. Work will continue well past the project completion date of September 15, 2011. Mr. Bailly informed the Board that he has not been receiving the Monday updates requested from Master Construction, Co., Inc.

Sheyenne-Maple Flood Control Projects

Mr. Engels reviewed the Engineer's Statement of Cost and bid tabulation for the Sheyenne River Diversion Channel Improvements project.

The following was moved by Manager Brodshaug and seconded by Manager Jacobson:

- To award the Sheyenne River Diversion Channel Improvements Phase III Project to Veit & Company, Inc. for the low bid price of \$764,440;
- To award the Sheyenne River Diversion Channel Improvements Phase IV Project to Veit & Company, Inc. for the low bid price of \$1,860,900; and
- To award the West Fargo Sheyenne Diversion Exterior Pump Station Project to Sellin Brothers, Inc. for the low bid price of \$188,190.

Upon roll call vote, the motion carried unanimously.

Utility Permit for CenturyLink to install innerduct and fiber optic cable under the Sheyenne River at Cass County Highway 17 in Section 7 of Reed Township and at Cass County Highway 22 in Section 6 of Reed Township

Manager Brodshaug moved and Manager Jacobson seconded to approve the *Utility Permit* for CenturyLink to install innerduct and fiber optic cable under the Sheyenne River at Cass County Highway 17 in Section 7 of Reed Township and at Cass County Highway 22 in Section 6 of Reed Township, upon review of the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Correspondence from the West Fargo Planning Department

The Board had no comments to submit with regard to the following correspondence from the West Fargo Planning Department:

- Shadow Wood Sixth Addition
- Eagle Run 21st Addition

Bills

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve payment of Checks #9975 through #9996 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Jacobson and Brodshaug. The Chairman declared the motion passed.

Drain #53 Drainage and Flood Control Improvements – Change Order No. 2

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve Change Order No. 2 for R.L. Larson Excavating, Inc. in the amount of \$558,340 on the Drain #53 Drainage and Flood Control Improvements Project. Upon roll call vote, the motion carried unanimously. A copy of the Change Order is hereto attached.

Adjournment

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

APPROVED:

Thomas L. Fischer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer