

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

The Southeast Cass Water Resource District met on November 23, 2011, at 1:30 p.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Manager; Dan Jacobson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Jeff Volk, Kyle Volk, Chris Gross and Mike Opat, Engineers for the Board; Brady Woodard, Moore Engineering, Inc.; Tom Thompson, Tom's Backhoe Service, Inc.; Joel Fremstad, Attorney for Tom's Backhoe Service, Inc. and George Grossman, City of West Fargo.

Sheyenne River Diversion Channel Improvements Phases I and II

The status of Sheyenne River Diversion Channel Improvements Phases I and II was discussed. All efforts have been focused on Phase I. Two dams have been constructed in Phase II and the water in the channel has been pumped down. Additional equipment has shown up on site, but it is not always running. A Change Order to extend the completion date on the projects to March 4, 2012, was discussed.

Tom Thompson provided a progress schedule showing that 600' of rip-rap would be installed per week. It needs to be clarified that the 600' would be ready for seeding, which would then make it acceptable. Joel Fremstad said they are focusing on the channel bottom and are trying to catch up with hauling out silt. Mr. Thompson said they are doing it this way because once the channel bottom is done, they can always haul out the silt later. It was pointed out that a large amount of dirt work needs to be completed before the rip-rap can be placed in the channel bottom. Mr. Thompson said they are working on Saturdays and Sundays to get the work done. Mr. Woodard said the work in the channel is being finished up to elevation 897.0, but not much more than that is being done.

Mike Opat pointed out that anything that is grounds for withholding payment to the contractor is grounds for termination. Mr. Thompson said he does not expect to be paid in full until the dirt is hauled away. Manager Brodshaug pointed out the area that curves at the north end of Phase II is a priority. Mr. Thompson said they will have another long reach trackhoe working on the project next week. He would like to be 100% complete on Phase I before starting Phase II. Jeff Volk said sediment needs to be removed in conjunction with placing 600' of rip-rap per week or the project will not be finished by March 4, 2012. They need a schedule in the form to measure progress.

Mr. Thompson asked for compensation on the additional excavation needed for the projects, the price increase in rock and increased fuel prices since the project was bid. It was pointed out that the rip-rap could have been brought in sooner and it is up to the contractor to manage the contract. Mr. Thompson said he only had a verbal contract on the rock and nothing in writing and the first supplier did not honor the verbal contract made. The Board indicated they could consider increases for the additional excavation, as well as the need for additional equipment and fuel to accomplish that work, but would only do so if both phases are completed by March 4, 2012, and the total amount would not exceed \$100,000 over both phases.

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve Change Order No. 1 on Sheyenne River Diversion Channel Improvements Phase I and Change Order No. 1 on Sheyenne River Diversion Channel Improvements Phase II to extend the completion dates to March 4, 2012, and that unit price increases will require execution of additional change orders. Upon roll call vote, the motion carried unanimously.

Ring Dike Cooperation Agreement with Frank and Mary Gokey to include modifications to the culvert into Sheyenne-Maple Flood Control District #2, north of 32nd Avenue South

It was moved by Manager Brodshaug and seconded by Manager Jacobson to authorize the Water Resource District Attorney to draft a new *Ring Dike Cooperation Agreement* with Frank and Mary Gokey to include modifications to the culvert into Sheyenne-Maple Flood Control District #2, north of 32nd Avenue South, and to authorize Vice Chairman

Utility Permit for Mark Ottis to install two 8" and one 10" tile outlets into Drain #60 from the W 1/2 of the SW 1/4 of Section 27 in Normanna Township

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the *Utility Permit* for Mark Ottis to install two 8" and one 10" tile outlets into Drain #60 from the W 1/2 of the SW 1/4 of Section 27 in Normanna Township, upon review of the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Utility Permit for Robert L. Nelson to install a storm sewer outlet pipe into Drain #10, just north of Cass County Highway 20

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve the *Utility Permit* for Robert L. Nelson to install a storm sewer outlet pipe into Drain #10, just north of Cass County Highway 20, upon review of the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Drain #27 Drainage and Flood Control Improvements Project – clean up items

Kyle Volk reviewed various clean up items relating to the Drain #27 Drainage and Flood Control Improvements Project.

It was moved by Manager Jacobson and seconded by Manager Brodshaug to authorize Moore Engineering, Inc. to coordinate the removal of debris that was buried along Drain #27 at 9th Street South, south of 52nd Avenue South. Upon roll call vote, the motion carried unanimously. Mr. Volk estimated the cost to be approximately \$24,000.

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