

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
DECEMBER 16, 2011

The Southeast Cass Water Resource District met on December 16, 2011, at 9:30 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; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Jeff Volk, Chad Engels, Kyle Volk, Mike Opat, Brett Bailly and Matt Walsvik, Engineers for the Board; Brady Woodard, Moore Engineering, Inc.; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; George Grossman, City of West Fargo; Rob Fetherson, Veit and Company, Inc.; Roger Haberman, Industrial Builders, Inc.; Mike Staber, American Enterprises, Inc.; and Jamey Zenzen, Master Construction Co., Inc.

Minutes

It was moved by Manager Jacobson, seconded by Manager Brodshaug and unanimously carried to approve the minutes of the November 17, 18 and 23, 2011, meetings.

Approval of agenda

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

Drain #27 Drainage and Flood Control Improvements

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve Change Order No. 3 for North Pine Aggregate, Inc. in the amount of \$39,068.19 regarding the Drain #27 Drainage and Flood Control Improvements Project. Upon roll call vote, the motion carried unanimously. A copy of the Change Order is attached hereto.

Kyle Volk informed the Board that cleanup is complete and seeding will be finished in the spring.

The offer to John and Elsiné Leseth for right-of-way regarding the project has been accepted.

Sheyenne-Maple Flood Control Projects – construction update

Brady Woodard reviewed the construction schedule for Veit and Company, Inc. Mr. Woodard said the contractor is approximately one week behind schedule, but he expects the contractor to catch up as they currently have 30 pieces of equipment working on the project. The contractor is currently seeking permission to travel with off road trucks under the railroad bridge north of I-94 to shorten the distance they need to haul material. Rob Fetherson, Veit and Company, Inc. said they will have spotters in place if necessary for safety.

Industrial Builders, Inc. has completed Phase V. Seeding will be finished in the spring.

The construction schedule for Tom's Backhoe Service, Inc. was reviewed, Phase II is currently ahead of schedule.

Wild Rice River Estates bank stabilization

Sean Fredricks reported that he is working on the preliminary draft of an agreement with Stanley Township regarding the Wild Rice River Estates bank stabilization project.

Round Hill Sanitary Sewer Improvement District No. 2010-1

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve Change Order No. 1 for Master Construction Co., Inc. in the amount of \$3,900 regarding Round Hill Sanitary Sewer Improvement District No. 2010-1. Upon roll call vote, the motion carried unanimously. A copy of the Change Order is attached hereto.

Brett Bailly reported on the status of the project. Two tests were conducted to make sure the system was operating correctly, but they could not get the telemetry to communicate properly. Another test is scheduled to be conducted at 2:00 p.m. today. If everything works correctly, the system will be operational. Seeding will be completed in the spring.

Mr. Bailly informed the Board that the road damage discussed at a previous meeting was not entirely caused by Master Construction Co., Inc. According to pictures on file, the damage is listed prior to the project; however, the contractors did make the conditions worse. Damage to drain tile in the area will not be known until spring.

The work to-date as well as payments made to Master Construction Co., Inc. were reviewed by Mr. Bailly. He recommended the Board consider accessing liquidated damages. Jamey Zenzen believes they have the issues figured out and the project should pass the test schedule this afternoon. He said no one has lost the chance to hook up to the project this year.

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve partial payment No. 3 for Round Hill Sanitary Sewer Improvement District No. 2010-1 in the amount of \$154,417.82, upon notification from Brett Bailly that the project is operational. Upon roll call vote, the motion carried unanimously.

Orchard Glen Sanitary Sewer Improvement District No. 2011-1

Matt Walsvik reported that the Orchard Glen Sanitary Sewer Project is complete, except for seeding. He said the residents seem satisfied with the project.

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve Change Order No. 1 for Geo. Haggart, Inc. regarding Orchard Glen Sanitary Sewer Improvement District No. 2011-1. Upon roll call vote, the motion carried unanimously. A copy of the Change Order is attached hereto.

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve payment in the amount of \$120,597.75 to Geo. Haggart, Inc. for partial payment No. 1 on Orchard Glen Sanitary Sewer Improvement District No. 2011-1. Upon roll call vote, the motion carried unanimously.

Snagging and Clearing Projects on the Sheyenne and Wild Rice Rivers

After review of contractor rates, it was moved by Manager Jacobson and seconded by Manager Brodshaug to award the following contracts:

- Wild Rice River Project I and Project II – Industrial Builders, Inc.
- Sheyenne River Reach I Project I – American Enterprises, Inc.
- Sheyenne River Reach II Project I – American Enterprises, Inc.
- Sheyenne River Reach III Project I – Industrial Builders, Inc.

Upon roll call vote, the motion carried unanimously.

Red River Retention Study

The Board discussed conducting a retention study from south of Wahpeton, North Dakota, north to Halstad, Minnesota, looking for retention for both the Minnesota and North Dakota sides of the Red River. Mr. Engels will contact Charley Anderson about discussing the matter with the Minnesota Watershed Management Board and together they can develop a scope of work and a proposal for the project. Mr. Engels will also discuss the project with City of Fargo officials.

Southside Rural Sewer Project – transfers to capital funds

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the transfer of \$25,000 to the City of Fargo from the obligated Southside Rural Sewer Project Fund #1226 to be deposited in the capital repair fund to cover the deficit in the operating fund. Upon roll call vote, the motion carried unanimously.

Notice of Application on petition for appropriation of water from the Red River of the North (Hickson Dam) in the NW 1/4 of Section 19 in Pleasant Township

The Board received and filed a Notice of Application on petition for appropriation of water from the Red River of the North (Hickson Dam) in the NW 1/4 of Section 19 in Pleasant Township.

Letter from the Cass County Highway Department soliciting views and comments for a proposed roadway and structure improvement on 57th Street North at Lake Shure

It was moved by Manager Brodshaug and seconded by Manager Jacobson to instruct Moore Engineering, Inc. to review and submit comments on the proposed roadway and structure improvement project on 57th Street North at Lake Shure, as set out in the letter from the Cass County Highway Department dated December 7, 2011. Upon roll call vote, the motion carried unanimously.

Motion authorizing the Secretary-Treasurer to make minor year-end transfers

It was moved by Manager Brodshaug and seconded by Manager Jacobson to authorize the Secretary-Treasurer to make any minor year-end transfers to balance the Southeast Cass Water Resource District 2011 budget. Upon roll call vote, the motion carried unanimously.

Motion authorizing the Secretary-Treasurer to make transfers to / from obligated funds

It was moved by Manager Jacobson and seconded by Manager Brodshaug to authorize the Secretary-Treasurer to make transfers to/from the obligated funds, if necessary. Upon roll call vote, the motion carried unanimously.

Amend the 2011 Southeast Cass Water Resource District budget

It was moved by Manager Brodshaug and seconded by Manager Jacobson to amend the 2011 Southeast Cass Water Resource District budget. 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 #10072, #10073, #10088 through #10123, and #10125, and the electronic funds transfers, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug and Jacobson. Vice Chairman Brodshaug declared the motion passed.

Resolution of Policy regarding Drainage Permit Fees

It was moved by Manager Jacobson and seconded by Manager Brodshaug to adopt the *Resolution of Policy regarding Drainage Permit Fees*. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached to these minutes.

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