

MINUTES OF MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JANUARY 13, 2012

The Southeast Cass Water Resource District met on January 13, 2012, at 9:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Manager; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Diane Pochardt, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels, Brett Bailly and Mike Opat, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; George Grossman, City of West Fargo; Craig Hakanson, City of Horace; and Jon Lowry, Fargo resident.

**Minutes**

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the minutes of the December 16, 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.

**Reorganization of the Board for 2012**

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to nominate and appoint Mark Brodshaug to serve in the capacity of Chairman of the Southeast Cass Water Resource District for calendar year 2012.

It was moved by Manager Yohe, seconded by Manager Brodshaug and unanimously carried to nominate and appoint Dan Jacobson to serve in the capacity of Vice Chairman of the Southeast Cass Water Resource District for calendar year 2012.

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to nominate and appoint Carol Harbeke Lewis to serve in the capacity of Secretary-Treasurer of the Southeast Cass Water Resource District for calendar year 2012.

It was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to nominate and appoint Mark Brodshaug and Dan Jacobson to serve as representatives and Lance Yohe to serve as alternate representative of the Southeast Cass Water Resource District on the Cass County Joint Water Resource District for calendar year 2012.

It was moved by Manager Jacobson, seconded by Manager Brodshaug and unanimously carried to nominate and appoint Mark Brodshaug to serve as representative and Lance Yohe to serve as alternate representative of the Southeast Cass Water Resource District on the Red River Joint Water Resource District Board for calendar year 2012.

It was moved by Manager Brodshaug, seconded by Manager Yohe and unanimously carried to nominate and appoint Dan Jacobson to serve as representative and Lance Yohe to serve as alternate representative of the Southeast Cass Water Resource District on the Sheyenne River Joint Water Resource District for calendar year 2012.

**2012 meeting dates**

The Board discussed its regular meeting dates for the year 2012. It was moved by Manager Yohe and seconded by Manager Jacobson 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 Thursday and fourth Thursday of January through October, November 15 and December 13 at 9:30 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 2012.

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:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer

**Designation of depositories of Southeast Cass Water Resource District public funds**

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

- Alerus Financial (as per agreement of March 7, 1996)
- Bank of the West \$1,300,000

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

**Review of contract for legal services**

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the agreement with Ohnstad Twichell, P.C. for legal services for 2012. Upon roll call vote, the motion carried unanimously.

**Review of contract for engineering services**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the agreement with Moore Engineering, Inc. for engineering services for 2012. Upon roll call vote, the motion carried unanimously.

**Review of contract for financial consultant services**

It was moved by Manager Jacobson and seconded by Manager Yohe to reaffirm the agreement with Dougherty & Company LLC for financial consultant services for 2012. Upon roll call vote, the motion carried unanimously.

**Round Hill Sanitary Sewer Improvement District No. 2010-1**

Brett Bailly updated the Board on Round Hill Sanitary Sewer Improvement District No. 2010-1. The project is now operational and will be maintained by the City of Fargo.

Mr. Bailly reviewed partial payment No. 4 on the project, along with proposed liquidated damages. After further discussion, it was moved by Manager Brodshaug and seconded by Manager Jacobson to pay \$50,000 on partial payment No. 4 for the Round Hill Sanitary Sewer Improvement District No. 2010-1 Project and to authorize the Water Resource District Attorney to send a claim for liquidated damages to the project engineer. Upon roll call vote, the motion carried unanimously. Chairman Brodshaug suggested the Board discuss liquidated damages upon completion of the project and at such time that any damages can be determined in the spring.

### **Sheyenne-Maple Flood Control Projects – construction updates**

Tom's Backhoe Service, Inc. has completed Phase I and II, except for fine grading and seeding. Veit and Company, Inc. is expected to complete Phase III in two weeks.

Improvements to the Sheyenne-Maple Flood Control District #1 weir were discussed. The weir will be raised two feet higher than its current elevation to prevent the project from operating so frequently. The project also takes into consideration water that has been anticipated due to releases from Devils Lake. Chad Engels reviewed quotes from contractors for the work. It was moved by Manager Jacobson and seconded by Manager Yohe to award the sheet pile work at the Sheyenne-Maple Flood Control District #1 weir to Industrial Builders, Inc. in the amount of \$5,000 and to award rip-rap work at the site to Tom's Backhoe Service, Inc. in the amount of \$92,574, contingent on the receipt of a signed contract. Upon roll call vote, the motion carried unanimously.

Mr. Engels reviewed the Engineer's Estimate of Final Project Cost, along with various funding sources.

Jacob Gust complimented George Grossman on the fine work he has provided on the Sheyenne-Maple Flood Control Projects. The Board thanked Mr. Grossman for a job well done.

### **Bills**

It was moved by Manager Jacobson and seconded by Manager Yohe to approve payment of Checks #10124, #10133 through #10153 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson and Yohe. The Chairman declared the motion passed.

**Adjournment**

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

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer