

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 27, 2012
9:30 A.M.

The Southeast Cass Water Resource District met on September 27, 2012, at 9:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly A. Chaput, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; George Grossman, City of West Fargo; and Brady Woodard, Moore Engineering, Inc.

Minutes

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the minutes of the September 14, 2012, meeting, as amended. Upon roll call vote, the motion carried unanimously.

Approval of agenda order

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

Drain #21 - settling of dirt on adjacent property

Brady Woodard met with a property owner along Drain #21 regarding concerns that the settling of dirt around his property is due to ground movement associated with the drain. Mr. Woodard asked Braun Intertec to look into the matter and reviewed a letter setting out their observations. The letter states the probability of ground movement associated with the drain causing distress at the house is low. Mr. Woodard will share the information from Braun Intertec with the property owner.

Drain #27 - shed located on Water Resource District property

Mr. Woodard presented pictures of a shed located on Drain #27 right of way. It was moved by Manger Jacobson and seconded by Manger Yohe to have the Water Resource District attorney send a letter requesting the property owner at 4704 51st Street South in Fargo remove the shed from Drain #27 right of way. Upon roll call vote, the motion carried unanimously.

Sheyenne and Wild Rice River Snagging and Clearing – aerial survey

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to hire a contractor to remove the beaver dam and clean the Texas crossing on the Wild Rice River south of Cass County Highway 16. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize Jacob Gust and Brady Woodard to conduct an aerial survey and prepare a cost estimate for snagging and clearing on the Sheyenne and Wild Rice Rivers. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #2 – pump station maintenance

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to look at what is causing the void at the Sheyenne-Maple Flood Control District #2 pump stations at 21st Avenue West and 52nd Avenue West. Upon roll call vote, the motion carried unanimously.

Natural Resources Conservation Service Critical Area Treatment Sites 31A and 31B between Sections 23 and 26 in Harwood Township - future operation and maintenance

The Cass County Highway Department will take over future operation and maintenance of Critical Area Treatment Sites 31A and 31B between Sections 23 and 26 in Harwood Township. The Water Resource District will continue to leave the sites on its inspection list. Chairman Brodshaug asked the Water Resource District Engineer and Secretary-Treasurer to look into whether the Water Resource District has any easements at the two sites.

Preliminary FEMA Flood Insurance Rate Map for eastern Cass County

Kurt Lysne informed the Board that he does not disagree with the preliminary FEMA Flood Insurance Rate Map for the area south of Cass County Highway 20, west of 45th Street. It does not appear there will be a technical appeal. The information has been relayed to Tim Solberg, Cass County Planner.

Drain #10 – slide at 4101 32nd Street North, adjacent to Border States Paving, Inc.

The Board discussed alternatives to repair the slide on Drain #10 at 4101 32nd Street North, adjacent to Border States Paving, Inc.

Drain #40 geotechnical proposal

It was moved by Manager Yohe and seconded by Manager Jacobson to hire Braun Intertec to do a geotechnical study on Drain #40, as per the proposal. Upon roll call vote, the motion carried unanimously.

Application for Surface Drain #4102 for George Scilley, Paul Schulz, and Harlan Isensee in the SE 1/4 of Section 16, the NW 1/4 of Section 16, and the N 1/2 SW 1/4 of Section 16 of Warren Township

The Board reviewed information from the State Engineer regarding *Application for Surface Drain #4102* for Applicants George Scilley, Paul Schulz, and Harlan Isensee. Under the application, Applicants seek a permit for a previously constructed channel through the SE 1/4 of Section 16, the NW 1/4 of Section 16, and the N 1/2 SW 1/4 of Section 16 in Warren Township. The permitted drain will include a surface drain 6,270 feet in length; a bottom width of 10 feet; 10:1 side slopes; and a maximum cut of 2.3 feet, with an outlet in the NE 1/4 SE 1/4 of Section 16 into the west township road ditch along the 16/15 section line road.

According to records on file with the Cass County Recorder's office, George and Dorothy Scilley own the SE 1/4 of Section 16; Paul and Denise Schulz own that portion of the NW 1/4 of Section 16 where the drain will be located; and the Harlan Isensee Trust owns the N 1/2 SW 1/4 of Section 16.

The Board approved the recommended responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code as recommended by engineer Chad Engels. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code; the project has been in place for a number of years, and the Board concluded the water added to the township road ditch is minimal as a result of the project.

It was moved by Manager Jacobson and seconded by Manger Yohe to approve *Application for Surface Drain #4102*, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) That Applicants will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application, including a drain length of 6,275 feet; a 10-foot bottom width; 10:1 side slopes; and a maximum cut of 2.3 feet;
- 2) That Applicants obtain an easement from the owner of any land, besides land owned by Applicants, on which Applicants will construct the drain;
- 3) That Applicants notify the Southeast Cass Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application; and
- 4) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Sheyenne Diversion Exterior Pump Station - Amendment I to the State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manger Yohe and seconded by Manager Jacobson to approve Amendment I to the *State Water Commission Agreement for Cost-Share Reimbursement* on the Sheyenne Diversion Exterior Pump Station Project. Upon roll call vote, the motion carried unanimously.

Wild Rice Bank Stabilization and Improvement Project No. 2011-1 - Amendment I to the State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manger Jacobson and seconded by Manager Yohe to approve Amendment I to the *State Water Commission Agreement for Cost-Share Reimbursement* on the Wild Rice Bank Stabilization and Improvement Project No. 2011-1. Upon roll call vote, the motion carried unanimously.

Utility Permit for Xcel Energy to install 6" PE gas main under Drain #27 on the south side of Cass County Highway 14 and Utility Permit for Xcel Energy to install a 4" natural gas main through the Sheyenne-Maple Flood Control District #1 south tieback levee, south of 26th Avenue South

It was moved by Manger Jacobson and seconded by Manger Yohe to approve the following *Utility Permits*:

- For Xcel Energy to install 6" PE gas main under Drain #27 on the south side of Cass County Highway 14, upon review of the Water Resource District Engineer; and
- For Xcel Energy to install a 4" natural gas main through the Sheyenne-Maple Flood Control District #1 south tieback levee, south of 26th Avenue South, upon review of the Water Resource District Engineer

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #10483 through #10498, and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson and Yohe. The Chairman declared the motion passed

Dike Application #2378 for the City of Fargo in the NE 1/4 NE 1/4 of Section 1 in Stanley Township

It was moved by Manger Yohe and seconded by Manger Jacobson to authorize the Water Resource District Engineer to review and submit comments, if necessary, on *Dike Application #2378* for the City of Fargo in the NE 1/4 NE 1/4 of Section 1 in Stanley Township. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer