

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 15, 2013

The Southeast Cass Water Resource District met on May 15, 2013, at 8:30 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; Sean M. Fredricks and Lucas Andrud, Attorneys for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Nathan Boerboom, Division Engineer for the City of Fargo; George Grossman, City of West Fargo; Brady Woodard, Moore Engineering, Inc.; Pat Downs, Red River Retention Authority; Jason Benson, Cass County Engineer; Tim Solberg, Cass County Planner; and Mike Staber, American Enterprises, Inc.

Minutes

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to approve the minutes of the May 1, 2013, meeting, as presented.

Approval of agenda order

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

Levee construction in Chrisan and Maple Prairie Subdivisions

The *Joint Powers Agreement* between the Water Resource District and Cass County was reviewed regarding the construction of flood protection levees in Chrisan and Maple Prairie Subdivisions. Sean Fredricks will make revisions to the agreement for review at the next meeting. Moore Engineering, Inc. will work with the County on the project design. Construction will take place in 2014.

Load set-backs on legal drains

Load set-backs on legal drains were discussed. Cities and the County could handle the matter through the platting process. The matter would be up to the townships in the rural area. Chairman Brodshaug suggested discussing the matter at a future Cass County Township Officers' Association meeting. Chad Engels will discuss the matter with the City of Fargo.

Quiet Title action regarding property east of Cass County Highway 19, south of 12th Avenue NW

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to offer \$10,000 to MJB Development Ltd. for "Parcel C" in the NW 1/4 of Section 6 in Barnes Township and to direct the Water Resource District Attorney to draw up a *Purchase Agreement* if the offer is accepted. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize the Water Resource District Attorney to sign the *Stipulation* and the *Consent and Waiver* to exclude "Parcel B" in the NW 1/4 of Section 6 in Barnes Township from the Quiet Title Action brought by MJB Development Ltd. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #1 - MJB / Federal Beef road

Discussion was held about future responsibilities relating to the gravel road on top of the inside Sheyenne-Maple Flood Control District #1 levee near the West Fargo lagoons. The Water Resource District could grant an easement to the City of West Fargo to turn over maintenance of the road. Mr. Engels will contact the Corps of Engineers for concurrence on the matter. Flood protection would continue to be the priority.

At the last meeting, Jacob Gust expressed concern about the weight of fill being hauled in south of the inside levee causing a slide. Brady Woodard reported that Mike Staber assured him the level of the spoil would be maintained and not go any higher.

Sheyenne-Maple Flood Control District #1 – purchase of property adjoining the south tieback levee on the west side of the Preserve at West Fargo

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the *Purchase Agreement* with Rusty Goose Development, LLLP for "Tract C" in the NE 1/4 NW 1/4 of Section 20 in Barnes Township. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to offer \$10,000 to Rusty Goose Development, LLLP to purchase "Tract B" in the NE 1/4 NW 1/4 of Section 20 in Barnes Township. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #1 – extension of rip-rap on the downstream side of the weir

The Board directed the Water Resource District to develop a cost estimate to extend the rip-rap 30' on the downstream side of the weir on Sheyenne-Maple Flood Control District #1.

Tom Beaton contacted Mr. Woodard about pumping water off of property he farms in Section 24 of Mapleton Township into Sheyenne-Maple Flood Control District #2. Mr.

Woodard informed Mr. Beaton that he could use one of the Water Resource District's Crisafulli pumps, but he would need to furnish the tractor and operator, Mr. Beaton said he did not have a tractor or an operator available due to spring planting. Mr. Beaton would like to see a permanent pump station installed at this location, similar to what was installed in Section 13 of Mapleton Township. Chairman Brodshaug said the Board could consider that in the future.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Water Pump Agreement* for Tom Beaton. Upon roll call vote, the motion carried unanimously. Mr. Beaton would need to contact the City of West Fargo about use of the tractor. The Board agreed to pay for the time George Grossman spends setting things up for Mr. Beaton.

Drain #10 – tree removal from 19th Avenue North, south to the Burlington Northern Santa Fe Railway Company tracks

It was moved by Manager Yohe and seconded by Manager Jacobson to hire Cass County Weed Control to spray trees in Drain #10 from 19th Avenue North, south to the Burlington Northern Santa Fe Railway Company tracks, and to hire American Enterprises, Inc. to remove the dead trees. Upon roll call vote, the motion carried unanimously.

Bank stabilization on a lot along the Sheyenne River in the City of Horace

Mr. Woodard said a property owner expressed concerns to him during the recent snagging and clearing project about a property owner across the river adding concrete debris to stabilize the river bank. Mr. Fredricks will check into who is responsible to remedy this type of situation. Mr. Woodard will speak to the other property owner about the concerns expressed.

Flood monitoring

The Water Resource District Engineer will become engaged with a committee formed by the Red River Basin Commission to work on flood monitoring.

Application #2399 for the City of Fargo Mickelson Field Area Flood Management Project 5902-02 in the SW 1/4 NW 1/4 of Section 5 in Barnes Township

The Board reviewed Application #2399 for the City of Fargo Mickelson Field Area Flood Management Project 5902-02 in the SW 1/4 NW 1/4 of Section 5 in Barnes Township and had no comment to submit to the Office of the State Engineer.

Utility Permit for CenturyLink to install 2" armoured duct across Drain #10, just south of 12th Avenue North

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the *Utility Permit* for CenturyLink to install 2" armoured duct across Drain #10, just south of 12th Avenue North, subject to review by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Jacobson and seconded by Manager Yohe to approve payment of Checks #10801 through #10815 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.

Western Cass Flood Insurance Study

Tim Solberg met with the Board about the Western Cass Flood Insurance Study. Some administration work for floodplain regulation work with townships is needed and he would like to see the Water Resource Districts involved. Chairman Brodshaug said the Water Resource Districts could offer services and help with administration. The matter will be discussed further at the next Cass County Joint Water Resource District meeting.

Meadow Creek Second Addition

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Chairman Brodshaug to sign the plat of Meadow Creek Second Addition. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer