

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 3, 2013

The Southeast Cass Water Resource District met on July 3, 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; Brittany C. Moen, Administrative Assistant; Lucas Andrud, Attorney for the Board; Chad Engels and Kyle Volk, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Leroy Johnson, property owner in Reed Township; George Grossman, City of West Fargo; and Randy Schaley, Case New Holland.

Minutes

It was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to approve the minutes of the June 19, 2013, meeting, as amended.

Approval of agenda

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

Sheyenne-Maple Flood Control projects – haying

The Board discussed a request to set the start day for haying on the Sheyenne-Maple Flood Control Projects to July 1st. The Board agreed to leave July 1st as the start date, as per the original contract.

Sheyenne-Maple Flood Control Project – pumping damage repairs

Chad Engels informed the Board that Brady Woodard will monitor the pumping damage repair to the outside levee of Sheyenne-Maple Flood Control District #2.

Sheyenne-Maple Flood Control Project – recreational use / safety issues

Jacob Gust expressed concern about recent recreational use on the Sheyenne-Maple Flood Control Projects. Chairman Brodshaug requested that the Water Resource District Attorney investigate this further, including liability concerns.

Mr. Engels will look into state cost-share possibilities. West Fargo Park District will be invited to a future Southeast Cass Water Resource District meeting to discuss the matter.

Sheyenne-Maple Flood Control Project #1 operation

George Grossman informed the Board the City of West Fargo hopes to open one of the gates at the south control structure next week.

Drain #10 - Case New Holland project

Randy Schaley met with the Board to discuss the construction of a new building on their property that would require using a portion of the right-of-way along the east side of Drain #10. The Board requested that Case New Holland conduct a geotechnical survey prior to construction.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve using the east 10' of right-of-way along the east side of Drain #10 for construction of a new building on Case New Holland property and that the Water Resource District Attorney draft a *License Agreement* for the same, with the condition the project will not cause any geotechnical failure. Upon roll call vote, the motion carried unanimously. Mr. Engels will continue working with Mr. Schaley on the matter.

Drain #53 – Trees along the west side of Silverleaf Addition

Kyle Volk met with the Board to discuss the trees along the west side of the Silverleaf Addition near Drain #53. Mr. Volk investigated the future right-of-way needs if the levee height needed to be increased in the future in the event FEMA increases the 100-year floodplain to the Corps of Engineers' 100-year level. It was found that a buffer would still remain, which would allow homeowners to maintain the trees. Mr. Volk suggested that the Board amend current agreements with homeowners in that area to accommodate the possibility of a potential raise in the levee.

The Water Resource District Attorney will update deeds and easements with property owners to be reviewed by the Board at the next Southeast Cass Water Resource District meeting.

Drain #53 – drainage issue along residential lots south of 52nd Avenue South

Brady Woodard looked into a drainage issue on lots south of 52nd Avenue along Drain #53. In 2009, the developer constructed a temporary levee across the lots, which was not removed. The excess dirt was used to fill a ditch across some of the lots, but the ditch is not yet filled on other lots. The developer indicated to Mr. Woodard that he would be willing to bring in the dirt needed to correct the situation and work with the property owners to resolve the matter. Mr. Woodard received an estimate of \$2,300 to do the work needed.

It was moved by Manager Yohe and seconded by Manager Jacobson to fund up to \$2,300 for grading and seeding lots south of 52nd Avenue South, along the east side of Drain #53, to send a letter to property owners advising them that no structures, plantings or gardens are allowed on drain right-of-way, and to send a letter to Jordahl Custom Homes requesting they coordinate the work, provide the material required, and follow up with property owners on any concerns in the future relating to the matter. Upon roll call vote, the motion passed.

Drain #40 slide repairs

Mr. Engels presented a map and information about slide areas on Drain #40. Options and cost estimates for the repairs of the slides were also presented to the Board. The Board directed Mr. Engels to look into other alternatives, along with the estimated cost.

Drain #40 – ruts on the berm at 12th Avenue North

A Fargo Police Officer called the Water Resource District office about trucks driving on the Drain #40 berm at 12th Avenue North to access a cell tower. Mr. Woodard inspected the area and found the trucks were leaving ruts on the berm. The company working on the tower admitted to causing the damage. The Board agreed the damage needs to be repaired and asked that someone follow-up with the police on the matter.

Old Drain #3 right-of-way

It was moved by Manager Yohe and seconded by Manager Jacobson that the Water Resource District Engineer provide information and maps to the Secretary-Treasurer for inclusion in a letter to the current property owner regarding old Drain #3 right-of-way east of University Drive along the south side of Riviera Mobile Home Park. Upon roll call vote, the motion carried unanimously.

Correspondence from West Fargo Planning

It was moved by Manager Brodshaug and seconded by Manager Yohe to authorize the Water Resource District Engineer to review and submit comments on the Fargo Department of Planning and Development August packet and Golden Valley Addition, as well as the following correspondence from West Fargo Planning:

- The Wild's 3rd Addition;
- The Wild's 4th Addition;
- Butler's 8th Addition;
- Charleswood 31st Addition; and
- Proposed Planned Unit Development Amendment in Hayden Heights Addition.

Upon roll call vote, the motion carried unanimously.

2014 Budget and 2013 Maintenance Levy Assessments

The Board worked on the 2014 Budget and 2013 Maintenance Levy Assessments.

Bills

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the payments of Checks #10860 through #10871 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.

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.

Adjournment

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

APPROVED:

Mark D. Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer