

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 16, 2013

The Southeast Cass Water Resource District met on October 16, 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; Sean M. Fredricks, Attorney for the Board; Chad Engels, Engineer for the Board; Bob Hoy, Ohnstad Twichell, P.C.; Brett Bailey, Moore Engineering, Inc.; Tom Soucy, Cass County Highway Department; and those whose names appear on the attached roster.

Minutes

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to approve the minutes of the September 18, 2013, meeting.

Approval of agenda

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

Executive Meeting – Attorney/client consultation

It was moved by Manager Jacobson and seconded by Manager Yohe to close the meeting at 8:35 a.m. to discuss pending and anticipated civil litigation, based on North Dakota Century Code §44-04-19(2), the exception allowed for attorney consultation, with the following topic to be discussed: potential litigation with Border States Paving, Inc. Upon roll call vote, the motion carried unanimously.

The doors to the conference room were closed at this time. Those present in the room were Managers Brodshaug, Jacobson and Yohe, Secretary-Treasurer Carol Harbeke Lewis, Administrative Assistant Brittany C. Moen, Attorneys Sean M. Fredricks and Bob Hoy, and Engineer Chad Engels.

Executive session adjourned

It was moved by Manager Yohe and seconded by Manager Jacobson to adjourn the executive meeting at 9:07 a.m. and reconvene the regular meeting. Upon roll call vote, the motion carried unanimously.

Attorney Fredricks noted that the door to the conference room was opened at this time and the public was invited to return to the open meeting.

It was moved by Manager Yohe and seconded by Manager Jacobson to commence action against Border States Paving, Inc. regarding the slide on Drain #10 at 4101 32nd Street North. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Projects – West Fargo Improvement District No. 4050

Kevin Bucholz and Brett Bailey reviewed West Fargo Improvement District No. 4050.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer to sign the Utility Permit for West Fargo Improvement District No. 4050 which was previously approved at the June 10, 2013, Southeast Cass Water Resource District meeting. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Projects – West Fargo Improvement District No. 1253 in the NW 1/4 of Section 1 in Mapleton Township – Lagoon Cell No. 10

Several property owners discussed concerns regarding the proposed West Fargo lagoon expansion project with the Board. Mr. Engels reviewed the hydraulic modeling for a 100-year event completed by the City of West Fargo on the project, and discussed the area impacts that were found. The model showed a .001 foot decrease in depth to the north of the lagoons, and a .006 foot increase to the west. Mr. Bucholz said the City of West Fargo has offered to haul dirt to increase the property owners' dikes 3 inches.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize the Water Resource District Engineer to submit comments and additional impact information discovered through the study of a 100-year event to the State Water Commission regarding the permit for West Fargo Improvement District No. 1253 in the NW 1/4 of Section 1 in Mapleton Township – Lagoon Cell No. 10. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Projects – request from Jeff Fuchs to install an approach and culvert to access farmland in the NE 1/4 of Section 13 in Warren Township

Sean Fredricks will draft a License Agreement for the Board's review regarding the request from Jeff Fuchs to install an approach and culvert to access farmland in the NE 1/4 of Section 13 in Warren Township.

Drain #3 right-of-way east of University Drive along the south side of Riviera Heights Mobile Home Park

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize the Chairman to sign the Permanent Right-of-Way Easement with R.H. Associates, Inc. for property east of University Drive along the south side of Riviera Heights Mobile Home Park. Upon roll call vote, the motion carried unanimously.

Precision Weather Presentation

Guy Ash met with the Board to present the capabilities of Precision Weather, which uses site-specific, real-time weather stations.

Drain #40 – 2013 Slide Repairs Project

Brady Woodard updated the Board on the Drain #40 – 2013 Slide Repairs Project, and will be meeting with the Mayor of Reiles Acres to visit the project site.

Drain #53 – Quit Claim Deed to Fargo Park District

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the Quit Claim Deed to the Park District of the City of Fargo to convey a .006 acre tract (246 square feet) in Lot 49, Block 1, Meadow Creek Addition to the City of Fargo and to authorize the Chairman to sign the same. Upon roll call vote, the motion carried unanimously.

Sheyenne River and Wild Rice River Snagging and Clearing

It was moved by Manager Jacobson and seconded by Manager Yohe to submit a request for cost-share to the State Water Commission for Reaches 1 and 3 of the Sheyenne River Snagging and Clearing Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to submit a request for cost-share for Project #1 of the Wild Rice River Snagging and Clearing Project. Upon roll call vote, the motion carried unanimously.

Country Acres drainage improvements

Mr. Engels and Mr. Woodard met with homeowners in Country Acres to discuss potential drainage improvements and present an *Opinion of Probable Cost*. The Board will not pursue a project until a petition is submitted by the homeowners.

Reed Township 57th Street Flood Study

The Reed Township 57th Street Flood Study was discussed.

Correspondence from the Fargo Department of Planning and Development – October and November preliminary packets

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to review and comment on the Fargo Department of Planning and Development correspondence regarding the October and November preliminary packets. 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 #10972 through #10995 and the debit card transactions, as presented. 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