

MINUTES OF SPECIAL MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
DECEMBER 10, 2014

The Southeast Cass Water Resource District met on December 10, 2014, at 1:30 p.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 Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; Ken Pawluk, Cass County Commissioner; Jacob Gust, Sheyenne Flood Control District #1 Superintendent; George Grossman, City of West Fargo; 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 November 10, 2014, meeting.

**Approval of Agenda**

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

**Sheyenne River and Wild Rice River Snagging and Clearing**

A request for cost share on the 2014-2015 Sheyenne River and Wild Rice River Snagging and Clearing projects has been submitted to the Office of the State Engineer. Cost share for the Sheyenne River was approved at the last State Water Commission meeting. Due to the lower total amount of cost share requested on the Wild Rice River, the State Engineer can approve it without approval by the State Water Commission.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the following contracts for Snagging and Clearing Projects:

- Project 1 Reach 1 on the Sheyenne River - American Enterprises, Inc.
- Project 1 Reach 2 on the Sheyenne River - Industrial Builders, Inc.
- Project 1 Reach 3 on the Sheyenne River - Industrial Builders, Inc.
- Wild Rice River - Industrial Builders, Inc.

Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control Projects – closeout with the Corps of Engineers**

Letters from the Corps of Engineers were reviewed regarding closeout of the Sheyenne-Maple Flood Control Projects.

It was moved by Manager Jacobson and seconded by Manager Yohe to pay the closeout costs on the Sheyenne-Maple Flood Control District #1 and #2 Projects, as outlined in the letters from the Corps of Engineers, dated October 31, 2014. Upon roll call vote, the motion carried unanimously.

### **Sheyenne-Maple Flood Control Projects –roadway improvements on 12th Avenue North at the north tieback levee**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the *Utility Permits* for the City of Fargo and the City of West Fargo for roadway improvements on 12th Avenue North at the Sheyenne-Maple Flood Control Project #1 tieback levee, subject to conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

### **Utility Permit language**

The Board discussed adding inspection language to the *Utility Permit* form used by the Water Resource District. Sean Fredricks will draft the language necessary.

### **Sheyenne-Maple Flood Control Projects – Superintendent position**

Appreciation was extended to Jacob Gust for his years of service to the Southeast Cass Water Resource District. He has decided to step down from the Sheyenne-Maple Flood District #1 Superintendent position. The Board asked Mr. Fredricks to draft an agreement with Mr. Gust for services on an hourly basis, as needed. Mr. Fredricks will also review the *Maintenance Agreement* with the City of West Fargo to determine what is required regarding the position.

### **St. Benedict Sewer Project**

Non-payment of fees by a property that is connected to the St. Benedict Sewer System was discussed. The City of Horace has the ability to stop service to the property. Mr. Fredricks will contact the Attorney for the City of Horace about the matter.

### **Reiles Acres 9th Addition**

Kurt Lysne reviewed plans for Reiles Acres 9th Addition. Modeling results were provided for storm water detention and it was determined the releases into Drain #40 were acceptable. *Utility Permits* for the individual outlets into the drain will be submitted and reviewed at the next meeting.

### **Weather stations update**

There have been 5 locations identified for weather station installation. Brady Woodard has been coordinating agreements with landowners that will allow the placement of weather stations on their property. There was a delay with delivery of the equipment, but it came in yesterday and installation is expected to begin next week.

### **Southside Rural Sewer Project – sewer utility fund deficit**

The Board reviewed a request from the City of Fargo for a transfer of funds from the Southside Rural Sewer Project Obligated Fund to cover the deficit in the utility fund. There are not sufficient funds remaining in the fund to cover the amount requested. The

Board directed the Secretary-Treasurer to contact the City of Fargo about the possibility of taking over the entire project. If they are interested in doing so, the Water Resource District would be willing to transfer the balance of funds on hand and close the project out. If the City of Fargo does not want to take over the project, the Water Resource District will need to retain some of the funds on hand to maintain the portions of the project for which it remains responsible. City officials will be asked to attend a future meeting to discuss the matter.

**Application for Surface Drain No. 4390 for Helendale Private Drain, LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County - update**

A response from the applicants is still pending on *Application for Surface Drain No. 4390* for Helendale Private Drain, LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County. Blocks were ordered by the Richland County Water Resource District Board, as part of a temporary restoration plan of the area. Chairman Brodshaug will contact a Richland County Water Resource District Manager to confirm the blocks have been placed in the unauthorized drains.

**Application No. 2059 for Oxbow Country Club to divert and appropriate water / Fargo Department of Planning and Development correspondence / West Fargo Planning correspondence**

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Secretary-Treasurer to submit comments on the following, with input from the Water Resource District Engineer:

- *Application No. 2059* for Oxbow County Club to divert and appropriate water from the Red River in the NW 1/4 of Section 19 in Pleasant Township for the purpose of irrigation.
- Correspondence from the Fargo Department of Planning and Development as follows:
  - January preliminary packet;
  - Conditional Use Permit to allow Residential land use within a General Commercial zoning district on part of Lot 2, Block 1, Ulteig Addition; and
  - Proposed shared use path on 40th Avenue South, between Drain #27 and 18th Street South.
- Correspondence from West Fargo Planning as follows:
  - Doll's 7th Addition;
  - Nitschke Addition;
  - Oak Ridge 7th Addition; and
  - Brooks Harbor 4th Addition.

Upon roll call vote, the motion carried unanimously.

**Transfers of principal and interest received to the construction fund and the general fund**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the transfers of principal and interest received to the construction fund and the general fund regarding the following:

- Harwood Township Improvement District No. 65;
- Kensington Riverbank Stabilization Project #2005-1; and
- Wild Rice Bank Stabilization and Improvement Project No. 2011-1

Upon roll call vote, the motion carried unanimously.

**Year-end issues**

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the following:

- The Secretary-Treasurer to make any minor year-end transfers to balance the Southeast Cass Water Resource District 2014 Budget;
- The Secretary-Treasurer to make transfers to and from obligated funds, if necessary; and
- The Secretary-Treasurer to amend the Southeast Cass Water Resource District 2014 budget.

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 #11492, #11504 through #11523, #11536 through #11538, the debit card transactions, 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.

**Sheyenne-Maple Flood Control District #1 – property acquisition near the control structure**

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize the Water Resource District Engineer to investigate the acquisition of property near the Sheyenne-Maple Flood Control District #1 control structure. 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:

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 Mark Brodshaug  
 Chairman

ATTEST:

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 Carol Harbeke Lewis  
 Secretary-Treasurer