

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 15, 2015

The Southeast Cass Water Resource District met on July 15, 2015, 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; Brenda Lovgren, Administrative Assistant; Sean Fredricks, Attorney for the Board; Chad Engels, Kurt Lysne and Lyndon Pease, Engineers for the Board; and Andrew Fraase, Control Drainage.

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.

Minutes

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to approve the minutes of the June 17 and July 9, 2015, meetings.

Drainage complaint from Truman Kingsley against Bruce Brand in the NE 1/4 of Section 28 in Stanley Township

A drainage complaint was submitted to the Board from Truman Kingsley against Bruce Brand in the NE 1/4 of Section 28 in Stanley Township. The *Application to Install a Subsurface Drain No. 20146* was approved by the Southeast Cass Water Resource District on July 16, 2014, subject to conditions.

Mr. Brand has not updated the Board regarding the progress of fulfilling the conditions of the permit application. The Board has 120-days to act on a drainage complaint if not resolved by the landowners. Manager Brodshaug will talk to Mr. Brand about possible action taken, unless the conditions are met or the complaint is withdrawn. Kurt Lysne will talk to Truman Kingsley and Bruce Brand regarding progress. Mr. Brand must comply with the conditions of the permit.

The Board extensively discussed the permitting process and policies.

Application to Install a Subsurface Drain #20153 for E. Lynn Overboe in the E 1/2 NE 1/4 of Section 35, the SE 1/4 of Section 35 and the SW 1/4 of Section 36 in Normanna Township

The Board reviewed *Application to Install a Subsurface Drain #20153* dated June 11, 2015, for E. Lynn Overboe. Mr. Overboe's contractor was present to discuss the project with the Board. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota

Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the Office of the State Engineer to consider and approve). Under the application, Applicant seeks to install a drain tile system in the SE 1/4 of Section 35, the E 1/2 NE 1/4 of Section 35, and the SW 1/4 of Section 36, all in Normanna Township, Cass County, North Dakota. The application indicated the project will include two pump outlets and one gravity outlet; however, Mr. Overboe’s contractor indicated the project will only include one gravity outlet and one pump outlet. The pump outlet will be located in the southeast corner of the SW 1/4 of Section 36; the pump will discharge into the north highway road ditch of Highway 46; the tile discharge will then flow east in the north road ditch. The gravity outlet in Section 35 will discharge directly into the Sheyenne River.

Kurt Lysne reviewed the application and recommended to the Board that the Board require Applicant to install and maintain erosion protection regarding the gravity outlet into the Sheyenne River to avoid erosion and to protect downstream landowners. The Board previously provided a *Thirty-Day Notice* to the North Dakota Department of Transportation (NDDOT) in accordance with N.D. Cent. Code Section 61-32-03.1 regarding the pump outlet into Highway 46 right of way. The Board explained to Mr. Overboe’s contractor that Mr. Overboe will also have to obtain a permit from NDDOT, a document the Board will have to “approve.” Mr. Overboe’s contractor left the meeting to meet with Troy Gilbertson of NDDOT; he returned shortly thereafter with a completed Application for an NDDOT permit.

According to records on file with the Cass County Recorder’s Office, Lynn Overboe owns those portions of the SE 1/4 of Section 35 and the E 1/2 NE 1/4 of Section 35 Applicant intends to tile, as well as the SW 1/4 of Section 36.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve *Application to Install a Subsurface Drain #20153* dated June 11, 2015, for E. Lynn Overboe in the SE 1/4 of Section 35, the E 1/2 NE 1/4 of Section 35, and the SW 1/4 of Section 36 of Normanna Township, effective on July 17, 2015, contingent upon the expiration of the *Thirty-Day Notice* period without receipt of any comments, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into the Sheyenne River;
- 3) That Applicant obtain written permission from the NDDOT to discharge into, or otherwise utilize, any of NDDOT’s Highway 46 right of way;
- 4) That Applicant notify the Southeast Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 5) That Applicant notify the Southeast Cass Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;

6) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Southeast Cass Water Resource District; and

7) That Applicant 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.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Request for Drainage on Highway Right of Way*, NDDOT's form for permission regarding Applicant's proposed use of Highway 46 right of way for tile discharge. Upon roll call vote, the motion carried unanimously.

2015 Drain #3 and #10 Channel Improvements Project

Lyndon Pease updated the Board regarding the 2015 Drain #3 and #10 Channel Improvements Project.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the *Statement of Work Requested* by Xcel Energy regarding the 2015 Drain #3 and #10 Channel Improvements Project and payment in the amount of \$31,751.83 for the same. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve and authorize the Chairman and Secretary-Treasurer to sign the *Exchange Agreement* with the Municipal Airport Authority of the City of Fargo regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

Wanzek Construction, Inc. will begin construction on the 2015 Drain #3 and #10 Channel Improvements Project in early August. A preconstruction meeting will be held the end of July.

Drain #21 Improvements Project from Main Avenue to 12th Avenue North

Kurt Lysne reviewed the Drain #21 Improvements Project from Main Avenue to 12th Avenue North with the Board. There are limited areas for stockpile of excess spoil. The City of Fargo may use some of the excess spoil for road construction.

It was moved by Manager Yohe and seconded by Manager Jacobson to advertise the Drain #21 Improvements Project from Main Avenue to 12th Avenue North for bids. Upon roll call vote, the motion carried unanimously. The bid opening will be scheduled on August 11, 2015.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Resolution of Necessity* regarding railroad crossing improvements to accommodate the Drain #21 Improvements Project from Main Avenue to 12th Avenue North. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached to these minutes.

Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee

Mr. Lysne reviewed the Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee. The Board discussed swapping land for access to the project location and to stockpile excess spoil from the project. Mr. Lysne will continue working on right of way for the project.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Resolution of Necessity* regarding railroad crossing improvements to accommodate the Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached to these minutes.

It was moved by Manager Yohe and seconded by Manager Jacobson to advertise the Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee for bids. Upon roll call vote, the motion carried unanimously. The bid opening will be scheduled on August 11, 2015.

Drainage through Cass County Highway 10, south to the Sheyenne-Maple Flood Control District #1 intercept culvert

Drainage through Cass County Highway 10, south to the Sheyenne-Maple Flood Control District #1 intercept culvert was discussed. The proposed project would be located in Sections 1 and 2 of Mapleton Township and Section 36 in Raymond Township. Moore Engineering, Inc. will prepare a proposal and cost estimate for review at the next meeting. Discussion will also continue on the matter with property owners, the City of West Fargo and Cass County.

Manager Yohe left the meeting at this time.

Utility Permit for Midcontinent Communications to install ducts and fiber optic under Drain #27 south of 52nd Avenue South

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the *Utility Permit* for Midcontinent Communications to install ducts and fiber optic under Drain #27 south of 52nd Avenue South, subject to conditions provided by the Water Resource District Engineer, and to authorize the Secretary-Treasurer to send a letter to the Corps of Engineers requesting a letter stating they have no objections to the proposed project. Upon roll call vote, the motion carried unanimously.

Approve the Pledges of Assets

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)	
Bank of the West	\$1,300,000

Upon roll call vote, the motion carried unanimously.

2016 budget and 2015 maintenance levy assessments

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the 2016 budget and 2015 maintenance levy assessments. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve payment of Checks #12038 through #12057, the electronic funds transfers and the debit card transaction, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug and Jacobson. The Chairman declared the motion passed.

Drain #10 Slide Repairs at NDSU

Mr. Lysne reviewed the *Final Cost Summary* regarding the 2014 Drain #10 Slide Repairs at NDSU.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer