

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 21, 2015

The Southeast Cass Water Resource District met on October 21, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Lance Yohe, Manager; Brenda Lovgren, Administrative Assistant; Sean Fredricks, Attorney for the Board; Chad Engels, Kurt Lysne and Lyndon Pease, Engineers for the Board; and Brady Woodard, Moore Engineering, Inc. Absent were Dan Jacobson, Manager; and Carol Harbeke Lewis, Secretary-Treasurer.

Approval of agenda

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

Minutes

It was moved by Manager Yohe, seconded by Manager Brodshaug and unanimously carried to approve the minutes of the September 16, 18, and 25, 2015, meetings.

2015 Drain #3 and #10 Channel Improvements Project

Lyndon Pease updated the Board regarding the 2015 Drain #3 and #10 Channel Improvements Project. He said the contractor began construction in July and will not meet the project deadline. Moore Engineering, Inc. has requested a construction schedule from the contractor, but has not received one. The weather has not been a concern or the cause for delay in construction. Brady Woodard estimates the project is 25% complete on the north side and 25% complete on the south side. Kurt Lysne informed the Board of additional engineering costs applied to the project for increased inspections and surveying. Sean Fredricks will file a Claim for Southeast Cass Water Resource District to preserve its right to assess liquidated damages against Wanzek Construction, Inc. for its failure to meet the substantial completion date of November 1, 2015, regarding the 2015 Drain #3 and #10 Channel Improvements Project. If the contractor proceeds in good faith and completes the project within a reasonable amount of time and otherwise meets the remaining contractual deadlines, the Southeast Cass Water Resource District may, in its discretion, refrain from seeking liquidated damages.

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

Mr. Lysne updated the Board regarding the Drain #21 Improvements Project from Main Avenue to 12th Avenue North. Moore Engineering, Inc. surveyed the area and submitted

the results to BNSF Railway Company. BNSF Railway Company is working on the design to lower the channel grade under the railroad bridge.

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve *Change Order No. 2* for Riley Bros. Construction, Inc. for a contract increase in the amount of \$900 regarding the Drain #21 Improvements Project from Main Avenue to 12th Avenue North. Upon roll call vote, the motion carried unanimously.

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

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve *Change Order No. 1* for Midwest Contracting, LLC for a contract increase in the amount of \$1,485 regarding 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.

Drain #40 channel bottom

Chad Engels reported to the Board that the survey of the Drain #40 channel bottom to assess erosion is complete and drawings will be available next month. No further updates were reported.

Drain #53 - Prairie Grove 4th Addition

It was moved by Manager Yohe and seconded by Manager Brodshaug to authorize the Chairman and the Acting Secretary to sign the plat accepting dedication of property from the City of Fargo, adjacent to Drain #53, in Prairie Grove 4th Addition. Upon roll call vote, the motion carried unanimously.

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

Mr. Lysne reviewed the updated *Engineer's Opinion of Probable Cost* to construct a proposed legal drain through Cass County Highway 10, south to the Sheyenne-Maple Flood Control District #1 intercept culvert.

Manager Brodshaug spoke with adjacent landowners and they are in favor of the creation of the drain and the assessment district. The Board directed Moore Engineering, Inc. to speak with the renters of adjacent land to get input for the need of the project.

Mr. Fredricks will draft a *Joint Powers Agreement* between the Southeast Cass Water Resource District, Cass County, and the City of West Fargo. An *Easement* will be obtained from Cass County. Mr. Lysne recommended naming the drainage project as Drain #76. The Board unanimously agreed.

Lower Sheyenne River Watershed Retention Plan – First Amendment to Cost-Share Agreement with the Red River Joint Water Resource District

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve the *First Amendment to Cost-Share Agreement* with the Red River Joint Water Resource

District regarding the Rush River Watershed Retention Plan. Upon roll call vote, the motion carried unanimous

Application for Surface Drain #4390 for Helendale Private Drain, LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County – update

Mr. Engels will review information that he received from Richland County Water Resource District regarding *Application for Surface Drain #4390* for Helendale Private Drain, LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County and report back to the Board.

Items for review and comment, with input provided by the Water Resource District Engineer

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve the following, with input from the Water Resource District Engineer:

- *Utility Permit* for the City of West Fargo to install a connecting ditch for a storm sewer lift station outfall into Drain #45, north of the BNSF Railway Company track; and
- *Utility Permit* for Cable One, Inc. to install 2” duct with fiber optic cable under Drain #40 on the north side of 15th Avenue North

Upon roll call vote, the motion carried unanimously.

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

- Correspondence from West Fargo Planning
 - Brooks Harbor 5th Addition
 - Brooks Harbor 6th Addition
 - Knutson’s 3rd Addition
 - North Pond at the Preserve 8th Addition
 - Oak Ridge 9th Addition

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve payment of Checks #12287 through #12317, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug and Yohe. Manager Jacobson was absent. The Chairman declared the motion passed.

Project Dashboard

Mr. Lysne reviewed the Southeast Cass Water Resource District Project Dashboard with the Board. There was a brief update given regarding the previously completed projects.

Drain #60 - cleanout

Mr. Lysne reported that the cleanout of Drain #60 in Section 28 of Normanna Township is complete.

Sheyenne-Maple Flood Control District #2 - cleanout

It was moved by Manager Yohe and seconded by Manager Brodshaug to authorize Moore Engineering, Inc. to hire a contractor to begin cleanout of Sheyenne-Maple Flood Control District #2, from Drain #21C in Section 6 of Stanley Township, downstream 2,000', stopping in Section 31 of Barnes Township, at a cost not to exceed \$20,000. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer