

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 18, 2015

The Southeast Cass Water Resource District met on November 18, 2015, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman (by phone); 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; Brady Woodard, Moore Engineering, Inc.; and Jacob Gust, Raymond Township resident.

Chairman Brodshaug asked Manager Jacobson to run the meeting.

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 Brodshaug, seconded by Manager Yohe and unanimously carried to approve the minutes of the October 21 and November 5, 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. The contractor did not meet the substantial completion date of November 1, 2015. The project is estimated to be 80% complete. Sean Fredricks filed a Claim on behalf of the Southeast Cass Water Resource District to preserve its right to assess liquidated damages against Wanzek Construction, Inc. for failure to meet the substantial completion date.

It was moved by Manager Yohe and seconded by Manger Brodshaug to approve *Contractor's Application for Payment No. 4* for Wanzek Construction, Inc. in the amount of \$310,860.80, which includes withholding 60 days liquidated damages, regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

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. The project is on schedule and under budget. BNSF

Railway Company has provided a detailed design to lower the channel grade under the railroad bridge. A water line was relocated to accommodate the new concrete box culvert.

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve *Change Order No. 3* for Riley Bros. Construction, Inc. for a contract increase in the amount of \$13,928.10 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

Mr. Lysne updated the Board regarding the Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee. Midwest Contracting LLC has met the substantial completion date. The channel work is complete and seeded. An unmarked sanitary sewer line was detected that needed to be lowered to put in the box culvert. The contractor shut off valves servicing the sanitary sewer force main where Drain #45 crosses 12th Avenue North and left the site. The closed valves caused sewage to back up into the lift station pump, ultimately burning out the pump station. Mr. Lysne informed the Board that the contractor has since paid the cost of the repair work need in the amount of \$4,439.88.

Brady Woodard said a cleanout was done on Drain #45 in Section 21 of Reed Township. He was approached by a property owner in the area about cleaning the drain further north, to Drain #40. A cleanout of the drain by Lake Shure was done approximately five years ago.

It was moved by Manager Brodshaug and seconded by Manager Yohe to authorize Moore Engineering, Inc. to conduct a survey, stake, proceed with property owner negotiations and hire a contractor to clean Drain #45 from Section 21 in Reed Township, north to Drain #40, at a cost not to exceed \$10,000. Upon roll call vote, the motion carried unanimously.

Drain #40 channel bottom

Chad Engels reviewed the survey of the Drain #40 channel bottom with the Board. Mr. Engels suggested the recommended repairs to the channel bottom be completed soon to eliminate erosion.

It was moved by Manager Yohe and seconded by Manger Brodshaug to authorize Moore Engineering, Inc. to further explore repairs needed and to develop a cost estimate regarding cleanout of the Drain #40 channel bottom, from upstream of I-29 to the outlet. Upon roll call vote, the motion carried unanimously.

Reed Township Improvement District No. 76 Project

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve and authorize Vice-Chairman Jacobson to sign the *Consent Letter* regarding legal representation of the Southeast Cass Water Resource District and the City of West Fargo by Ohnstad Twichell, P.C. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve the *Joint Powers Agreement* between the Southeast Cass Water Resource District, Cass County, and the City of West Fargo regarding the Reed Township Improvement District No. 76 Project, as amended. Upon roll call vote, the motion carried unanimously.

Southside Rural Sewer Project – sewer utility fund deficit

The City of Fargo contacted the Secretary-Treasurer regarding the Southside Rural Sewer Project utility fund deficit. The Board discussed turning over the balance of funds on hand for the project, provided the City of Fargo take over the entire project. Sean Fredricks will contact the City of Fargo and convey the preference of the Board regarding the matter and will invite them to attend a meeting in the future to discuss the matter

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

The Board directed the Secretary-Treasurer to respond to the following, with input from the Water Resource District Engineer:

- Correspondence from West Fargo Planning regarding Sandhills 3rd Addition; and
- Correspondence from Fargo Department of Planning and Development regarding Southside 1st Addition.

Bills

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #12372 through #12394, Check #12409, the electronic funds transfers, and the debit card transactions, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson, and Yohe. The Chairman declared the motion passed.

Drain #3 – proposed construction project

Mr. Engels spoke with Jim Roers and Larry Nygard regarding a proposed project adjacent to Drain #3, east of University Drive, south of the Riviera Mobile Home Park. April Walker, Fargo City Engineer, indicated they would need to dedicate right of way along the drain and the land would need to be raised 3' prior to building any structures on it.

It was moved by Manager Yohe and seconded by Manager Brodshaug to authorize Moore Engineering, Inc. to work with Roers Construction to study the concepts of a proposed development adjacent to Drain #3, east of University Drive, south of the Riviera Mobile Home Park. Upon roll call vote, the motion carried unanimously.

Red River Joint Water Resource District – Cost-Share Agreements

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve the Red River Joint Water Resource District *First Amendments to Cost-Share Agreements* regarding the following projects:

- Wild Rice-Bois de Sioux-Antelope Creek Retention Site Study
- Wild Rice River Watershed Retention Plan

- Wild Rice River Dam Study; and
- Red River Watershed Comprehensive Detention Plan.

Upon roll call vote, the motion carried unanimously.

Drain #27 – slide repairs

Mr. Lysne explained the process for slide repairs on legal drains. Excess geogrid fabric is available from work on Drain #10. There is a \$40,000 restocking fee for returning the geogrid, so Mr. Lysne suggested the Board purchase the excess material for future slide repair projects on other legal drains. Slide areas on Drain #27 were reviewed.

It was moved by Manager Yohe and seconded by Manager Brodshaug to purchase excess geogrid fabric from Drain #10, using general funds, not to exceed \$34,000, and to store the geogrid fabric indoors at the Cass County Highway Department until needed for slide repair work on other legal drains, at which time the cost will be reimbursed to the general fund from the legal drain where the geogrid fabric is used. Upon roll call vote, the motion carried unanimously.

2015-2016 Wild Rice River Snagging and Clearing Project – State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manager Yohe and seconded by Manager Brodshaug to approve and authorize the Vice-Chairman to sign the State Water Commission *Agreement for Cost-Share Reimbursement* regarding the 2015-2016 Wild Rice River Snagging and Clearing Project. 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