

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 15, 2016

The Southeast Cass Water Resource District met on January 15, 2016, 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; Brady Woodard, Moore Engineering, Inc.; Dean Wills, Bryce Peterson, and Jeremy Stigen, Wanzek Construction, Inc.; Larry Nygard, Roers Construction; and Dane Larsen, Raymond Township.

Approval of agenda

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

Minutes

It was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to approve the minutes of the December 16, 2015, meeting.

Reorganization of the Board for 2016

Upon motion duly made by Manager Yohe, seconded by Manager Jacobson and unanimously carried, the following officers were appointed for the year 2016:

Mark Brodshaug	Chairman
Dan Jacobson	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Mark Brodshaug	Cass County Joint Water Resource District representative
Dan Jacobson	Cass County Joint Water Resource District representative
Lance Yohe	Cass County Joint Water Resource District alternate representative

Lance Yohe	Red River Joint Water Resource District representative
Dan Jacobson	Red River Joint Water Resource District alternate representative
Dan Jacobson	Sheyenne River Joint Water Resource District representative
Mark Brodshaug	Sheyenne River Joint Water Resource District alternate representative

Upon roll call vote, the motion carried unanimously.

2016 meeting dates

The Board discussed its regular meeting dates for the year 2016. It was moved by Manager Jacobson and seconded by Manager Yohe to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Southeast Cass Water Resource District does hereby set the Wednesday before the fourth Thursday of February through October, November 16 and December 14, at 8:30 a.m., in the Cass County Highway Department building, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, time and place for the year 2016.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

 Mark Brodshaug
 Chairman

ATTEST:

 Carol Harbeke Lewis
 Secretary-Treasurer

Designation of depositories of Southeast Cass Water Resource District public funds

It was moved by Manager Yohe and seconded by Manager Jacobson to designate the following as depositories of Southeast Cass Water Resource District public funds:

- Alerus Financial
- Bell State Bank and Trust
- US Bank
- Bank of the West
- First International Bank
- Bremer Bank
- First State Bank of North Dakota (Casselton)

Upon roll call vote, the motion carried unanimously.

Pledge of Assets

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the following Pledges 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.

Review of contracts for legal and engineering services

It was moved by Manager Jacobson and seconded by Manager Yohe to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the billing rates, as presented, for the Southeast Cass Water Resource District for calendar years 2016 and 2017. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve Appendix 1 (Reimbursable Expenses Schedule) and Appendix 2 (Standard Hourly Rates Schedule) to Exhibit C regarding the *Agreement between Owner and Engineer for Professional Services – Task Order Edition* with Moore Engineering, Inc., as presented. Upon roll call vote, the motion carried unanimously.

2015 Drain #3 and #10 Channel Improvements Project

Representatives present from Wanzek Construction, Inc. said they believe they have done substantially more work than the contract states regarding the 2015 Drain #3 and #10 Channel Improvements Project. Lyndon Pease reviewed typical details of excavating a cross-section of channel. Brady Woodard explained that the volume of spoil is measured by the starting condition of the project, not by the size of a spoil pile. Mr. Pease also explained contract pay limits. Dean Wills said Wanzek Construction, Inc. sent an email to the Water Resource District Secretary-Treasurer on January 8, 2016, to inform the Water Resource District of their concerns. They indicated they were not attempting to file a “Claim” under the contract documents.

Wanzek Construction, Inc. did not meet the substantial completion date of November 1, 2015, and has hired subcontractors to assist with the project, which is still not to the point of substantial completion. A punch list of specific items to be completed was issued to Wanzek Construction, Inc.

Moore Engineering, Inc. will conduct additional survey work to analyze the situation. They offered to submit the survey to Wanzek Construction, Inc. so that they could do their own analysis. In some cases, contractors will conduct their own survey, but Wanzek Construction, Inc. has not done that.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve *Contractor's Application for Payment No. 5* for Wanzek Construction, Inc. in the amount of \$357,100.10, which includes withholding \$120,000.00 for liquidated damages, regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

Drain #3 – proposed Roers Construction Project east of University Drive

Kurt Lysne discussed the review of the proposed Roers Construction project adjacent to Drain #3, east of University Drive, south of the Riviera Mobile Home Park. Recreation trails will be added to the plans and will be the responsibility of the Fargo Park District for maintenance. Ohnstad Twichell, P.C. will draft a *Joint Powers Agreement* between the Southeast Cass Water Resource District, Roers Construction, and the City of Fargo. Larry Nygard, Roers Construction, was present to answer questions and concerns by the Board.

Raymond Township Improvement District No. 76 Project

Mr. Lysne reviewed preliminary plans and the *Engineer's Opinion of Probable Cost* regarding the Raymond Township Improvement District No. 76 Project.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to prepare an *Application for Surface Drain* and preliminary cost-share request to submit to the State Water Commission and to prepare a preliminary assessment list regarding the Raymond Township Improvement District No. 76 Project. Upon roll call vote, the motion carried unanimously.

Sheyenne Diversion Low Flow Improvements

Mr. Lysne reviewed preliminary plans and the *Engineer's Opinion of Probable Cost* regarding Sheyenne Diversion Low Flow Improvements with the Board. It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to prepare a the necessary permits and a cost-share request to submit to the State Water Commission regarding the Sheyenne Diversion Low Flow Improvements Project. Upon roll call vote, the motion carried unanimously.

Research / photocopying policy

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

POLICY RELATING TO RESEARCH/PHOTOCOPYING

Requests for photocopies of Water Resource District files/materials shall be provided in a prompt manner at the rate of \$.25 per copy, with the first hour of research being free and each additional hour at the rate of \$25 per hour. Upon request, electronic media will be provided at cost. Prepayment, as estimated by the Secretary-Treasurer, will be required for the above services.

Upon roll call vote, the motion carried unanimously.

Drain #45 cleanout investigation

A survey has been done on Drain #45, but it cannot be determined if there is a need for a cleanout south of Lake Shure, due to right of way restrictions. Moore Engineering, Inc. will monitor the area for changes.

Sheyenne River and Wild Rice River Snagging and Clearing Projects

It was moved by Manager Yohe and seconded by Manager Jacobson to approve and authorize the Chairman to sign the State Water Commission *Agreement for Cost-Share Reimbursement* regarding the following:

- 2015-2016 Sheyenne River Snagging and Clearing Reach I;
- 2015-2016 Sheyenne River Snagging and Clearing Reach II; and
- 2015-2016 Sheyenne River Snagging and Clearing Reach III.

Upon roll call vote, the motion carried unanimously.

Administration

As recommended by the Cass County Joint Water Resource District, it was moved by Manager Yohe and seconded by Manager Jacobson to match the current Red River Joint Water Resource District Per Diem rate of \$135, retroactive to January 1, 2016. Upon roll call vote, the motion carried unanimously.

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

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

- *Utility Permit* for the City of West Fargo to install sanitary sewer pipe and water main pipe under Drain #21 at Main Avenue; and
- Correspondence from West Fargo Planning
 - Midway 4th Addition
 - Brooks Harbor 7th Addition
 - Oak Ridge 10th
 - Highland Meadows Addition

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Jacobson and seconded by Manager Yohe to approve payment of Checks #12495 through #12516, and the debit card transaction, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson and Yohe. The Chairman declared the motion passed.

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