

MINUTES OF MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JUNE 29, 2016

The Southeast Cass Water Resource District met on June 29, 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; Kathy Grueneich, Administrative Assistant; Sean Fredricks, Attorney for the Board; Chad Engels, Lyndon Pease and Kurt Lysne, Engineers for the Board; Brady Woodard, Moore Engineering, Inc.; Larry Nygard, Roers Development, Inc.; Bryce Peterson and Dean Wills, Wanzek Construction, Inc.; and George Grossman, City of West Fargo.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the minutes of the May 25, June 6, June 15 and June 21, 2016, meetings. Upon roll call vote, the motion carried unanimously.

**Drain #3 – Bison Village**

Larry Nygard, Roers Development, Inc., reported that the agreements have been finalized and they continue working through the platting process with the City of Fargo. The process has progressed through the first hearing with the Fargo City Commission. Sean Fredricks explained that an easement or deed cannot be recorded until the platting process is completed and that all work completed prior to that time is at the risk of Roers Development, Inc. Chad Engels said if the plan is followed, it would not cause any problem to Drain #3.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Drain Improvement Agreement* with Roers Development, Inc. regarding the Bison Village Addition Project along Drain #3. Upon roll call vote, the motion carried unanimously.

**Drain #3 – slide and wingwall repair at old Highway 81**

Lyndon Pease handed out pictures and reported that Braun Intertec conducted soil borings and looked into options to repair slides on Drain #3 at old Highway 81. The slide is growing longer but is not getting closer to old Highway 81. Mr. Pease will bring options for repairs to the next meeting.

**Drain #3 – slides along Air National Guard property**

Brady Woodard reported that the project on Drain #3 along Air National Guard property has been completed. Mr. Lysne said the culverts have been surveyed and the updated information has been submitted to the state, establishing the proper grade for future maintenance.

**2015 Drain #3 and #10 Channel Improvements Project**

Mr. Pease noted the completion date for the 2015 Drain #3 and #10 Channel Improvements Project is Friday, July 1, 2016. Dean Wills reported that punch list items should be completed today.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Contractor's Application for Payment No. 9* for Wanzek Construction, Inc. in the amount of \$23,430 regarding the 2015 Drain #3 and #10 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

Mr. Pease reported that Wanzek Construction, Inc. has provided the information requested at the June 15, 2016, meeting. He is in the process of reviewing the information and will respond in the near future.

**Drain #10 - culvert repair north of 19th Avenue North**

Mr. Pease reported that sometime between 2009 and 2011, Burlington Northern Santa Fe Railway Company (BNSF) installed a pipe outside of their right of way on Drain #10 property, north of 19th Avenue North. Mr. Lysne said there is also a slide area about 35' from the railroad. A meeting will be scheduled with a BNSF engineer and representative as soon as possible to discuss options to resolve the matter, as well as responsibility for the cost to do so. Options include removing the pipe and realigning the drain to move it away from the railroad.

**Sheyenne-Maple Flood Control District #1 – installation of electric service under the south tieback levee, north of 32nd Avenue South**

The City of West Fargo notified Mr. Engels about electric utility work completed without permission under the Sheyenne-Maple Flood Control District #1 south tieback levee, north of 32nd Avenue South. Mr. Engels will contact the contractor and set up a meeting to discuss the matter and guide them through the proper process for obtaining a *Utility Permit* for the work.

**Sheyenne-Maple Flood Control District #1 – Sheyenne Diversion Low Flow Improvements**

Mr. Lysne said public comment is being solicited as part of the Section 404 Permit process for the Sheyenne-Maple Flood Control District #1 – Sheyenne Diversion Low Flow Improvements Project.

### **Sheyenne-Maple Flood Control Projects – annual inspection with the Corps of Engineers**

Items of concern on the Sheyenne-Maple Flood Control Projects that were noted in inspection reports from the Corps of Engineers have been mapped. Repairs are required by the end of August. The City of West Fargo could take care of the work needed.

### **Sheyenne-Maple Flood Control District #1 – Lease Agreement with William Lisburg**

It was moved by Manager Yohe and seconded by Manager Jacobson to enter into a *Lease Agreement* with William Lisburg at the current rate of \$40 per acre for 2016 and negotiate a 3-year *Lease Agreement* for 2017-2019 at \$100 per acre on 29 acres. Upon roll call vote, the motion carried unanimously.

### **Drain SC-2 District reassessment hearing**

The Drain SC-2 District reassessment hearing will be on July 20, 2016, at 5:30 p.m. at Discovery Middle School.

### **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 Northern States Power Company to install a 6” gas distribution line and related appurtenances under Drain #45, north of 12th Avenue NE in West Fargo
- Temporary Water Permits
  - For Central Specialties, Inc. to divert water from Lake Shure in the SW 1/4 SW 1/4 of Section 9 in Reed Township for road construction
  - For Hebron Brick & Block to divert water from the Sheyenne River in the SE 1/4 NE 1/4 of Section 19 and in the NE 1/4 of Section 30 in Barnes Township for irrigation
- Correspondence from Fargo Department of Planning and Development regarding the July preliminary packet.

Upon roll call vote, the motion carried unanimously.

### **2015 Audit**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the 2015 Audit of the Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

### **2017 budget and 2016 maintenance levy assessments**

The Board will work on its 2017 budget and 2016 maintenance levy assessments at the next meeting.

**Bills**

It was moved by Manager Jacobson and seconded by Manager Yohe to approve payment of Checks #12754 through #12778, debit card transactions and 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.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment to the Cass County Treasurer in the amount of \$542.17 for property taxes relating to the conveyance of land adjacent to Drain #53 from Ryland Development Corporation to Southeast Cass Water Resource District and to include the payment with the bills approved earlier today. Upon roll call vote, the motion carried unanimously.

**Water Topics Overview Committee meetings update**

Sean Fredricks reported on the Water Topics Overview Committee meetings held on June 14 and 15, 2016, in Minot concerning the use of quick-take eminent domain. Mr. Fredricks explained to the committee what a quick-take involved and the importance of the continued use of quick-take for water development projects in the state. A subcommittee was formed, but a meeting has not yet been scheduled. A number of legislators voiced opposition to the use of quick-take for drainage projects, unless a large number of residents benefit from the project.

**Metro Flood Diversion Project update**

The Board was updated on the Metro Flood Diversion Project. The Diversion Authority is working on the Request for Qualifications (RFQ) to advertise to prospective Public-Private Partnership (P3) Developers. The Board will review the RFQ and provide comments. The RFQ is the next step in the procurement process after the *Project Partnership Agreement* is signed.

The Minnesota Department of Natural Resources is scheduled to issue the Determination of Adequacy in July for the final *Environmental Impact Statement*.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Yohe, seconded by Manager Jacobson 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