

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 27, 2016

The Southeast Cass Water Resource District met on July 27, 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 (by phone); Carol Harbeke Lewis, Secretary-Treasurer; Kathy Grueneich, Administrative Assistant; Sean Fredricks, Attorney for the Board; Kurt Lysne and Lyndon Pease, Engineers for the Board; Chuck Ames, Jodi Bullinger and Will Kronberg, Cass County Electric Cooperative; Jason Benson and Rich Sieg, Cass County Highway Department.

Approval of agenda

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

Minutes

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the minutes of the June 29 (as amended) and July 20, 2016, meetings. Upon roll call vote, the motion carried unanimously.

Utility Permits for Cass County Electric Cooperative (CCEC) to cross the Sheyenne-Maple Flood Control District #1 south tieback levee on the south side of 32nd Avenue South – one permit to install two runs of underground three phase power and one run of underground fiber optic cable and another permit to install three phase underground power

Utility work completed by CCEC under the Sheyenne-Maple Flood Control District #1 south tieback levee was brought to the attention of the Board last month. Cass County Electric Cooperative representatives attended the meeting and admitted they had installed utilities under Veterans Boulevard, but were unaware the street is part of the Sheyenne-Maple Flood Control District #1 south tieback levee on the south side of 32nd Avenue South. Mr. Lysne explained that approval by the Corps of Engineers is required for any work on the Sheyenne-Maple Flood Control Projects. He urged CCEC to submit a plan with detailed technical project information, along with a cover letter, to the Southeast Cass Water Resource District. The Water Resource District will then submit the information to the Corps of Engineers for consideration.

Utility Permit for CCEC to install electric primary cable on the Sheyenne-Maple Flood Control District #1 north tieback levee on the north side of 12th Avenue North

Mr. Lysne told CCEC the Corps of Engineers' preferred option to crossing the levees in this circumstance, is to go over them. There is a set public process that must be observed before approval can be given. Sean Fredricks asked about clarification on the responsibility of Southeast Cass Water Resource District in the process.

Before leaving the meeting, the CCEC representatives were given maps showing Water Resource District facilities to help in identifying those areas for future projects. Mr. Lysne will work with CCEC to send them a shape file to overlay with their plans and programs. CCEC representatives suggested getting the Water Resource Districts on *North Dakota One Call* tickets and notifying cities, planning departments and utility companies of the requirements relating to Water Resource District facilities. A possible update to the *Utility Permit* form was also discussed. Preliminary plans are being considered for the location of utilities in conjunction with the Metro Flood Diversion Project.

Raymond-Mapleton Township Improvement District No. 76 – assessment hearing

Chairman Brodshaug called the Raymond-Mapleton Township Improvement District No. 76 assessment hearing to order. Mr. Lysne provided a handout and reviewed the map and voting results. Additional minutes relating to the matter are attached hereto. The project schedule was discussed. Jason Benson said the project could move forward when they have a crew available to schedule.

2015 Drain #3 and Drain #10 Channel Improvements

Lyndon Pease updated the Board about the change proposal for additional work for common excavation and spoil overrun from Wanzek Construction, Inc. (Wanzek). Upon further review of the information provided, Mr. Pease sent a response letter denying Wanzek's change proposal in whole. Mr. Pease explained Wanzek did not follow contractual timelines and their opinion of quantity overruns is not technically accurate, due to LiDAR inaccuracy. Mr. Fredricks reviewed the claim process and indicated he would be in communication with the North Dakota Insurance Reserve Fund regarding the matter.

Chairman Brodshaug asked if the final punch list items have been completed. Mr. Pease said they have been. Construction is complete and seeding is established.

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

Mr. Pease explained the wingwall is beginning to tilt due to a slide above Drain #3 at old Highway 81. The box culvert could be extended further north and the slide removed. Geotech has been exploring options for repair. The matter is being coordinated with the City of Fargo.

Drain #10 culvert repair north of 19th Avenue North

Mr. Pease reported they have been in contact with the railroad and other entities but no one is taking responsibility for installing a culvert on Drain #10 north of 19th Avenue North. Chairman Brodshaug instructed the Secretary-Treasurer to research records in the time period of 2008-2011 to determine if Southeast Cass Water Resource District was involved

with the installation. Moore Engineering, Inc. has been in contact with True North Steel about the matter, but they have not come forth with a buyer's name.

Sheyenne-Maple Flood Control Projects – utility work under the south tieback levee

Utility work under the Sheyenne-Maple Flood Control District #1 south tieback levee was discussed. Ms. Lewis reported that MVM Contracting, Inc. had requested a permit application, but it had not been returned to-date. This could possibly be the same location and project as the CCEC utility permit requests discussed earlier. The Board will table this discussion until a permit application is received.

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

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Lease Agreement* with William Lisburg for a 32.13 acre tract in the NW 1/4 of Section 12 in Mapleton Township for 2016. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Projects inspection

The Corps is scheduled to inspect the Sheyenne-Maple Flood Control Projects in August.

Drain SC-2 District reassessment

The Drain SC-2 District reassessment hearing went well. Chad Engels did a good job in presenting and leading the question and answer portion of the hearing. Additional minutes relating to the matter are attached hereto.

Wild Rice River Snagging and Clearing 2013-2014 – State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Agreement for Cost-Share Reimbursement* with the State Water Commission on the Wild Rice River Snagging and Clearing 2013-2014 project. 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 the *Utility Permit* for CenturyLink to install fiber optic cable under the Wild Rice River on the south side of Cass County Highway 14 in Section 24 of Stanley Township, subject to conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

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

- Correspondence from Fargo Department of Planning and Development
 - August preliminary packet
 - 45th Street Park Fifth Addition
 - Golden Valley Second Addition

- Correspondence from West Fargo Planning
 - Nelson Acres 6th Addition
 - Oakwood Bend 2nd Addition

Upon roll call vote, the motion carried unanimously.

2017 budget and 2016 maintenance levy assessments

Discussion by the Board on projects, line items, expectations of State funding, revenue sharing and reduction in mill levy were held. It was moved by Manager Jacobson and seconded by Manager Yohe to approve the Southeast Cass Water Resource District 2017 budget and 2016 maintenance levy assessments. Upon roll call vote, the motion carried unanimously.

State Water Commission meeting report

Chairman Brodshaug reported on the State Water Commission meeting yesterday in West Fargo.

Approve Pledge of Assets – Alerus Financial (as per agreement of March 7, 1996)

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

Alerus Financial (as per agreement of March 7, 1996).

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 #12797 through #12813 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson and Yohe. The Chairman declared the motion passed.

Drain #21 Improvement Project No. 2015-01 - from Main Avenue to 12th Avenue North

Mike Opat reported the City of West Fargo has asked if the contractor would install traffic signs at the 7th Avenue NW crossing in conjunction with the work being done on Drain #21. It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Change Order No. 4* for Riley Bros. Construction, Inc. for a contract increase in the amount of \$4,565.00 regarding Drain #21 Improvement Project No. 2015-01. Upon roll call vote, the motion carried unanimously.

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