

MINUTES OF SPECIAL MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 19, 2016

The Southeast Cass Water Resource District met on September 19, 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, Kurt Lysne and Lyndon Pease, Engineers for the Board; Brady Woodard, Moore Engineering, 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 August 24, 2016, meeting. Upon roll call vote, the motion carried unanimously.

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

Sean Fredricks reported that Southeast Cass Water Resource District has been served with a Summons and Complaint from Wanzek Construction, Inc. regarding the 2015 Drain #3 and Drain #10 Channel Improvements Project. North Dakota Insurance Reserve Fund has assigned Howard Johnson to represent the Water Resource District.

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

Chad Engels provided options for the Drain #3 slide and wingwall repair at old Highway 81. A motion was made by Manager Jacobson and seconded by Manager Yohe to advertise for bids as soon as possible on the Drain #3 slide and wingwall repair at old Highway 81 and set a completion date of July 1, 2017. Upon a roll call vote, the motion carried unanimously.

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

Brady Woodard and Mr. Engels reported they are continuing to reach out to officials at Burlington Northern Santa Fe Railroad (BNSF) concerning the Drain #10 culvert repair north of 19th Avenue North. While making inquiries, they learned about a possible old agreement between BNSF and the City of Fargo for this section of the drain. The Board

asked Mr. Engels to continue to try and coordinate a meeting between the entities before next month's meeting. If headway has not been made, they will authorize Mr. Fredricks to send a letter.

### **Drain #21 Improvement Project No. 2015-01**

Kurt Lysne reported the sheet pile structure is in and the channel liner is reaching completion north of Main Avenue on Drain #21 Improvement Project No. 2015-01. There has been an unexpected 300' slide area northwest of the intersection of Main Avenue and 9th Street NW. A motion was made by Manager Yohe and seconded by Manager Jacobson to hire Braun Intertec to conduct a geotechnical investigation of the slide area on Drain #21 northwest of the intersection of Main Avenue and 9th Street NW. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Jacobson and seconded by Manager Yohe directing Mr. Fredricks to file a *Claim* on behalf of Southeast Cass Water Resource District to preserve its right to assess liquidated damages against Riley Bros. Construction, Inc. for its failure to meet the substantial completion date of September 2, 2016, and the final project completion date of September 16, 2016, regarding Drain #21 Improvement Project No. 2015-01. Upon roll call vote, the motion carried unanimously. 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.

### **Raymond-Mapleton Township Improvement District No. 76**

Mr. Lysne reviewed the *Engineer's Statement of Cost* on Raymond-Mapleton Township Improvement District No. 76. A motion was made by Manager Yohe and seconded by Manager Jacobson regarding Raymond-Mapleton Township Improvement District No. 76, as follows:

- To hire H & S Contracting, Inc. to construct the Water Resource District portion of the project;
- To cap the assessment district share of the project cost at \$6,000;
- To request 50% cost-share on the increased project cost from the City of West Fargo;
- To request additional cost-share on the increased project cost from the State Water Commission; and
- That Southeast Cass Water Resource District will pay any balance of the local cost over \$6,000.

Upon roll call vote, the motion carried unanimously.

Mr. Woodard reported working with George Grossman on resolving drainage issues in the NE 1/4 of Section 2 in Raymond Township.

### **Sheyenne-Maple Flood Control Districts – inspection by Corps of Engineers**

Mr. Woodard reported that the Corps of Engineers inspection of the Sheyenne-Maple Flood Control Projects has been rescheduled for the end of September. He continues to

televise pipe, cleanout pipe, and address / resolve all encroachment issues on the projects.

**Sheyenne-Maple Flood Control District #1 – Water Quality Mitigation Improvements**

Mr. Lysne continues to wait for approval from the Corps of Engineers concerning the Water Quality Mitigation Improvements. He has made multiple attempts to contact the Corps of Engineers to discuss timelines and other issues.

**Sheyenne-Maple Flood Control District #1 – sediment build-up between the Sheyenne River and the inlet weir**

Chad Engels recommended the Board look into the amount of sediment build-up between the Sheyenne River and the Sheyenne-Maple Flood Control District #1 inlet weir. A motion was made by Manager Jacobson and seconded by Manager Yohe authorizing Moore Engineering, Inc. to take cross-sections to determine if the sediment build-up between the Sheyenne River and the Sheyenne-Maple Flood Control District #1 inlet weir is causing a hydraulic impact, not to exceed a cost of \$5,000, and to remove trees from the Sheyenne River at 17th Avenue South. Upon roll call vote, motion carried unanimously.

**Sheyenne-Maple Flood Control District #2 – channel improvements between 52nd Avenue South and 64th Avenue South**

Mr. Engels reported potential problems with erosion on Sheyenne-Maple Flood Control District #2 between 52nd Avenue South and 64th Avenue South. A motion was made by Manager Yohe and seconded by Manager Jacobson authorizing Moore Engineering, Inc. to take cross-sections to determine the extent of erosion on Sheyenne-Maple Flood Control District #2 between 52nd Avenue South and 64th Avenue South, at a cost not to exceed \$7,000. 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:

- Correspondence from the Office of the State Engineer soliciting views and comments on *Application No. S-2032* for the Fargo Park District to install an ADA accessible kayak launch on the left bank of the Red River in the SE 1/4 of Section 18 in Stanley Township.
- Correspondence from the North Dakota Army National Guard soliciting views and comments regarding construction of a Readiness Center west of Drain #10 on the south side of Cass County Highway 20.
- *Utility Permit* for CenturyLink to install conduit and fiber optic cable under Drain #3, north of 19th Avenue North in Fargo.
- Correspondence from Fargo Department of Planning and Development regarding:
  - October preliminary packet
  - Golden Valley Second Addition

- Correspondence from West Fargo Planning regarding:
  - Geller's 2nd Planned Unit Development Amendment
  - Nitschke Addition
  - West Fargo 6th Addition
  - West Fargo 7th Addition

Upon roll call vote, the motion carried unanimously.

### **Bills**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #12890, #12892 through #12906, 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.

### **North Dakota One Call**

Mr. Lysne continues to make contact with *North Dakota One Call* to list Cass County Water Resource Districts' information on the system.

### **Water Topics Overview Committee**

Mr. Fredricks updated the Board on the ongoing study of Water Resource District quick-take eminent domain authority by the Water Topics Overview Committee. He and Mike Dwyer, North Dakota Water Resource Districts Association Executive Director, met with legislative staff to discuss the proposed language for a draft bill that would preserve quick-take authority, while imposing more stringent notice requirements on Water Resource Districts, which seems to be reasonable. The Water Topics Overview Committee will address the draft bill amendment at its next meeting on September 22, 2016.

### **Meeting schedule**

The Board agreed to move the next meeting from October 26, 2016, to October 19, 2016.

### **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:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer