

MINUTES

CASS RURAL WATER USERS DISTRICT

July 27, 2023

The Cass Rural Water Users District Board of Directors met on Thursday, July 27, 2023, at 6:00 p.m. at Cass Rural Water Users Office in Kindred, North Dakota.

The following Directors were present:

Brad Koetz	Todd Ellison
Barry Bowman	Mark Johnson
Jon Zuther	Jeff Dahl

The following Directors participated by phone:

Keith Finger

The following Directors were absent:

Toby McPherson
Alan Idso

Also present was Manager Jerry Blomeke, Assistant Manager Brent Brinkman, Kellen Grubb of AE2S and Sean Fredricks of Ohnstad Twichell via Teams.

The minutes of the June 22, 2023 regular meeting were approved as presented.

Manager Blomeke presented the summary of cash and investments for June 2023.

Director Johnson moved and Director Ellison seconded a motion to approve the consent agenda. Motion Carried.

A. NDSP PROJECT RIGHT OF WAY ACQUISITION – RESOLUTIONS OF OFFER TO PURCHASE – RESOLUTIONS OF NECESSITY

Director Dahl moved and Director Ellison seconded a motion to approve the following:

1. A Resolution of Necessity for the following landowners: Kathleen, Brenton, and Preston Nesemeier; Dallas and Jacqueline Nesemeier; and Elizabeth Richards;
2. A Resolution of Offer to Purchase for each landowner;

3. A deadline of August 21, 2023, for each landowner to sign and return a pipeline easement;
4. To authorize legal counsel to file eminent domain actions on August 22, 2023, against any of the landowners who do not sign and return easements; and
5. Approve payment to the Clerk of District Court for each action and landowner in the following amounts:
 - a. Kathleen, Brenton, and Preston Nesemeier: \$1,744.72
 - b. Dallas and Jacqueline Nesemeier: \$9,292.93
 - c. Elizabeth Richards: \$10,545.76

A roll call vote was taken, the directors voting aye were Barry Bowman, Jon Zuther, Mark Johnson, Brad Koetz, Keith Finger, Todd Ellison and Jeff Dahl. The directors voting nay were none. Motion Carried

B. PAY CERTIFICATE #6 – NDSP ERF PRE-CONSTRUCTION – PKG CONTRACTING

Director Ellison moved and Director Johnson seconded a motion to approve Pay Certificate #6 for NDSP ERF Pre-Construction to PKG Contracting in the amount of \$35,000.00. Motion Carried.

C. PAY CERTIFICATE #1 – NDSP ERF – PKG CONTRACTING

Director Koetz moved and Director Dahl seconded a motion to approve Pay Certificate #1 for NDSP ERF Project from PKG Contracting in the amount of \$1,427,180.90. Motion Carried.

D. PAY CERTIFICATE #5 & 6 – 2022 SYSTEM IMPROVEMENTS – ELLINGSON DRAINAGE

Director Ellison moved and Director Dahl seconded a motion to approve Pay Certificate #5 & #6 for the 2022 System Improvements from Ellingson Drainage in the amount of \$292,980.06. Motion Carried.

E. PAY CERTIFICATE #2 &3 – SOUTH REGIONAL CONNECTION –
ABBOT ARNE SCHWINDT

Director Johnson moved and Director Koetz seconded a motion to approve Pay Certificate #2 & #3 for the South Regional Connection from Abbott Arne Schwindt in the amount of \$401,299.62. Motion Carried.

F. PAY CERTIFICATE #2 & 3 – NDSP PIPELINE PROJECT –
ABBOTT ARNE SCHWINDT

Director Dahl moved and Director Ellison seconded a motion to approve Pay Certificate #2 & #3 on NDSP Pipeline Improvements from Abbott Arne Schwindt in the amount of \$1,700,375.77. Motion Carried.

G. PAY CERTIFICATE #2 – DA RURAL IMPROVEMENTS –
ABBOTT ARNE SCHWINDT

Director Dahl moved and Director Ellison seconded a motion that Pay Certificate #1 for NDSP Pipeline Improvements from Abbott Arne Schwindt in the amount of \$195,049.08. Motion Carried.

H. CHANGE ORDER #1 – 2021 DA PIPELINE IMPROVEMENTS –
BREIDENBACH CONSTRUCTION

Director Koetz moved and Director Johnson seconded a motion to approve Change Order #1 – 2021 DA Pipeline Improvements for a deduct of \$21,789.76. Motion Carried.

I. PAY CERTIFICATE #2 – DA PIPELINE IMPROVEMENTS –
BREIDENBACH CONSTRUCTION

Director Dahl moved and Director Ellison seconded a motion to approve Pay Certificate #2 to Breidenbach Construction in the amount of \$32,750.47. Motion Carried.

J. PROCUREMENT POLICY

Director Dahl moved and Director Johnson seconded a motion to approve the Uniform Grant Guidance Policy Regarding Federal Revenue Sources. Motion Carried.

K. AMENDMENT TO DA MOU

Director Ellison moved and Director Johnson seconded a motion to approve the Amendment to the 2021 Memorandum of Understanding as presented. Motion Carried.

L. DEVELOPER AGREEMENT – NEW HAVEN OF REILE’S ACRES 1ST ADDITION

Director Koetz moved and Director Bowman seconded a motion to approve the Developer Agreement for New Haven of Reile’s Acres 1st Addition. Motion Carried.

Manager Blomeke reported on the District’s operations for the month of June 2023.

The next regular Meeting was set for Thursday, August 24, 2023 at 6:00 p.m. in Kindred, North Dakota.

There being no further business brought to the Board, the meeting was adjourned.

Barry Bowman, Secretary