

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT WEST FARGO PUBLIC WORKS
810 12TH AVENUE NW, WEST FARGO, NORTH DAKOTA
MARCH 12, 2024
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on March 12, 2024, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Melissa Hinkemeyer, Secretary-Treasurer; Leilei Bao, Accountant; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brandon Smith, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, and Brian Pattengale, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jody Bertrand, Alayna Espeseth, Jim Hausauer, and Donald Kress, City of Fargo; Kellen Grubb, AE2S; Roger Haberman, Industrial Builders, Inc.; Jodi Smith, Metro Flood Diversion Authority; and Jodi Kallias, West Fargo property owner.

Approval of agenda

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

Minutes

It was moved by Manager Steen and seconded by Manager Branson to approve the minutes of the February 13, 2024, meeting, as presented. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Project #2 – assessment on parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250

Brady Woodard provided an update to the Board regarding the assessment on parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250 regarding Sheyenne-Maple Flood Control Project #2.

Mr. Woodard reported a private buyer is interested in purchasing parcels 02-3000-01240-012 and 02-3000-01212-000 from the Water Resource District. The interested buyer owns a parcel adjacent to the properties. Mr. Woodard stated the City of West Fargo has agreed to hold off on continuing the property transaction regarding parcel 02-3000-01240-012 at this time.

Jodi Kallias addressed the Board and shared her interest in purchasing parcels 02-3000-01240-012 and 02-3000-01212-000 from the Water Resource District. Ms. Kallias explained her plans for developing the properties. The Board asked Ms. Kallias if she was aware of and understood the current special assessments associated with the properties

and she acknowledged that she is aware of and understands the special assessments involved with the parcels.

Following discussion, the Board directed Mr. Woodard and the Water Resource District Attorney to continue communication with Ms. Kallias regarding the potential purchase of parcel 02-3000-01240-012 and a portion of parcel 02-3000-01212-000 regarding Sheyenne-Maple Flood Control Project #2 and bring a formal Purchase Agreement to a future meeting for the Board's consideration.

Jodi Smith reported that the Metro Flood Diversion Authority sent a notice of intent to sell excess lands owned for the Metro Flood Diversion Project to the member entities. The notice includes OINs 726Y and 730Y that the Southeast Cass Water Resource District is interested in as replacement sediment disposal properties for Sheyenne-Maple Flood Control Projects #1 and #2. The Cass County Joint Water Resource District has indicated they are willing to assist in the acquisition of OINs 726Y and 730Y for Southeast Cass Water Resource District. Ms. Smith noted the Metro Flood Diversion Authority will need to approve the transfer of the properties from Cass County Joint Water Resource District to the Southeast Cass Water Resource District. The Cass County Joint Water Resource District can consider a Purchase Agreement with Southeast Cass Water Resource District regarding OINs 726Y and 730Y at their meeting on April 11, 2024.

Sheyenne-Maple Flood Control Projects #1 and #2 – 2024 pipe televising

Mr. Woodard reported the 2024 pipe televising project regarding Sheyenne-Maple Flood Control Projects #1 and #2 is progressing well and will be completed in the next few weeks.

Sheyenne-Maple Flood Control Project #2 – Cass Rural Water Users District Pipeline Easement for Reservoir D Supply Pipeline Project

Kellen Grubb discussed a proposed *Pipeline Easement* for Cass Rural Water Users District west of 81st Street S regarding Sheyenne-Maple Flood Control Project #2. The *Easement* is for the Cass Rural Water Users District Reservoir D Supply Pipeline Project. The project will include approximately 9.5 miles of new watermain installation, which will significantly enhance the capacity to convey more water from Reservoir B to Reservoir D and improve system pressures throughout the Reservoir D service area. The Corps of Engineers has confirmed a Section 408 permit is not required for this portion of the project. Mr. Lysne and Mr. Fredricks noted they have reviewed the *Easement* and project on behalf of the Water Resource District.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Pipeline Easement* with Cass Rural Water Users District for the Reservoir D Supply Pipeline Project regarding Sheyenne-Maple Flood Control Project #2. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Project #2 – control structure operation to accommodate the 52nd Avenue S and Cass County Highway 17 projects

Roger Haberman appeared before the Board and expressed gratitude for the Board's assistance in allowing a needle dam to be constructed on the Sheyenne River to control flows in the river for construction purposes. The needle dam greatly aided in the construction of the 52nd Avenue S and Cass County Highway 17 projects and the needle dam has now been removed.

Proposed sanitary sewer for Commerce on I-29

Jim Hausauer updated the Board on the proposed sanitary sewer project for Commerce on I-29. The project and three-party agreement between the Water Resource District, the City of Fargo and the Commerce on I-29 property owner's association is on hold until the property owners submit a Petition and Bond for the project.

Drain #3 – Harvest Church Addition encroachment south of Main Avenue

Alayna Espeseth reported on a parking lot encroachment involving the Harvest Church Addition south of Main Avenue regarding Drain #3. The applicant of the Harvest Church Addition is interested in keeping the pavement and pursuing an Encroachment Agreement with the Water Resource District.

Following discussion, Manager Steen moved to authorize the Water Resource District Attorney to draft an Encroachment Agreement regarding a parking lot encroachment for the Harvest Church Addition regarding Drain #3. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

Drain #10 – Slide repairs north of Cass County Highway 20

Mr. Woodard stated there are interested contractors for the Drain #10 slide repairs project north of Cass County Highway 20, but the contractors were unable to submit quotes for the project before the meeting. The project is estimated to take approximately four weeks and to be completed by mid-November.

Drain #10 – Sysco North Dakota, Inc. encroachment north of 12th Avenue N and concrete channel liner repair project between approximately 4th Avenue N to north of 12th Avenue N

Mr. Fredricks provided an update regarding the Sysco North Dakota, Inc. encroachment north of 12th Avenue N and Drain #10 concrete channel liner repair project between approximately 4th Avenue N to north of 12th Avenue N. Mr. Fredricks stated the agreements with Sysco North Dakota, Inc. and the City of Fargo are executed and will be recorded shortly.

Drain #10 Channel Improvements 2024 project – Application for Surface Drain No. 6290

Mr. Fredricks noted the North Dakota Department of Water Resources (NDDWR) recently sent a solicitation of views regarding *Application for Surface Drain No. 6290* for the Drain #10 Channel Improvements 2024 project. The Board had no comments on the matter as they are the Applicant.

It was moved by Manager Branson and seconded by Manager Steen to authorize the Secretary to submit comment to the NDDWR regarding *Application for Surface Drain No. 6290* for the Drain #10 Channel Improvements 2024 project. Upon roll call vote, the motion carried unanimously.

Drain #21 – Slides between 12th and 19th Avenues NW

Alexa Ducioame updated the Board on the Drain #21 slide repairs between 12th and 19th Avenues NW and reported the soil stability is the biggest obstacle for the drain. Braun Intertec Corporation is working on the geotechnical study for the project. Moore Engineering, Inc. continues to work with Braun Intertec Corporation on investigating project design alternatives and will provide further information at the next meeting.

Drain #21 – City of West Fargo tree planting along 12th Avenue N

Secretary Hinkemeyer shared a notice from the City of West Fargo regarding tree planting along 12th Avenue N regarding Water Resource District property for Drain #21. The Board had no comments or concerns regarding the matter.

Drain #27 – Slides west of I-29 and west of 45th Street S

Ms. Ducioame updated the Board on Drain #27 slide repairs west of I-29 and west of 45th Street S and stated Moore Engineering, Inc. is doing a final review of the project plans with the City of Fargo. Once the review is complete, the project can be advertised for bids.

Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S)

Ms. Ducioame updated the Board on the status of right of way acquisition for the Drain #27 Improvement Project No. 2023-01. Once the right of way for the project is obtained, the next step is to advertise the project for bids.

Drain #27 – City of Fargo shared use path crossing

Secretary Hinkemeyer shared with the Board a letter from the City of Fargo inviting the Board to a public open house meeting regarding a proposed shared use path crossing over Drain #27. Mr. Lysne briefly discussed the proposed project.

Drain #40 – Interstate Business District Addition

Donald Kress discussed Interstate Business District Addition regarding Drain #40. Mr. Kress stated easements are in the process of being signed by the developer and once completed, the Board can consider approval of the easements and the plat.

Drain #45 – North Pointe Industrial Addition

Mr. Kress then discussed the North Pointe Industrial Addition regarding Drain #45. Discussion was held on a potential proposal from the developer of the North Pointe Industrial Addition to construct a levee on Water Resource District property included in the Addition. The developer would potentially improve Drain #45 and utilize the material to construct the levee. The Board indicated they are willing to consider the proposed idea and directed Moore Engineering, Inc. to remain in communication with the developer for the North Pointe Industrial Addition regarding Drain #45. Mr. Fredricks noted an

easement for 23rd Avenue N needs to be recorded and included on the North Pointe Industrial Addition plat prior to the Board considering approval of the plat.

Legal drain reassessments

Ms. Ducioame reported Moore Engineering, Inc. is preparing the preliminary assessment lists and associated information regarding the reassessment of the Sheyenne-Maple Flood Control District #1, Sheyenne-Maple Flood Control District #2, and Drain SC-2 districts.

Discussion was held on minor updates to the boundaries of the assessment districts for Sheyenne-Maple Flood Control District #1, Sheyenne-Maple Flood Control District #2, and Drain SC-2. Mr. Fredricks stated the hearings for the reassessments of the Sheyenne-Maple Flood Control District #1, Sheyenne-Maple Flood Control District #2, and Drain SC-2 districts are scheduled for May 29, 2024.

Additional minutes relating to the reassessment of Sheyenne-Maple Flood Control District #1, Sheyenne-Maple Flood Control District #2, and Drain SC-2 are attached hereto.

Sheyenne River and Wild Rice River Snagging and Clearing

Mr. Woodard stated the Sheyenne River and Wild Rice River Snagging and Clearing projects for 2023-2024 are complete.

Cass County Weed Control Work Order

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the Cass County Weed Control *Work Order* for spraying services regarding weed, cattail, tree and brush control for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Utility Permit for the City of Kindred to install a crossing and two inlet culverts on and into Drain #60 east of Prairie Parkway

Following discussion, a motion was made by Manager Branson and seconded by Manager Steen to approve the *Utility Permit* for the City of Kindred to install a crossing and two inlet culverts on and into Drain #60 east of Prairie Parkway with the special conditions recommended by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Utility Permit for Cass Rural Water Users District to install a water supply pipeline through or under Drain #21C west of 81st Street S

Mr. Fredricks clarified that since the *Pipeline Easement* has been approved, the *Utility Permit* for Cass Rural Water Users District to install a water supply pipeline through or under Drain #21C west of 81st Street S is no longer needed.

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

Discussion was held on the Fargo Department of Planning and Development April Preliminary Packet. Mr. Kress discussed Arneson's Addition, Harvest Church Addition,

Bentley Place Fourth Addition, Laverne's Fifth Addition, Erskine's Addition, and The Edge Addition.

Mr. Lysne discussed Jackson Alley 1st Addition, Jackson Alley 2nd Addition, Lost River West Addition, and Sunset Valley Addition in the City of Horace in regard to adjacent Water Resource District facilities.

Manager Branson moved and Manager Steen seconded to authorize the Secretary to submit comment on the following, with input from the Water Resource District Engineer:

- Fargo Department of Planning and Development April Preliminary Packet
- City of Horace
 - Jackson Alley 1st Addition
 - Jackson Alley 2nd Addition
 - Lost River West Addition
 - Sunset Valley Addition

Upon roll call vote, the motion carried unanimously.

NDDWR 2025-2027 Water Development Plan

Mr. Lysne briefly discussed a draft list of potential water development projects for the 2025-2027 NDDWR Water Development Plan. A final list of potential Water Resource District projects to submit to the NDDWR for the 2025-2027 Water Development Plan will be brought to the next meeting for consideration.

Bills

It was moved by Manager Steen and seconded by Manager Branson to approve payment of the wire transfers, and electronic funds transfers, excluding the property tax payment for parcel 02-3000-01240-012 in the amount of \$17,671.62. Upon roll call vote, the following Managers voted in favor: Weston, Steen, and Branson. The Chairman declared the motion passed.

Drains #21C and #50 – Metro Flood Diversion Project transitions

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to proceed with the following regarding the Drain #21C and Drain #50 transitions for the Metro Flood Diversion Project:

- Final design, including coordination with the P3 developer
- Surveying for right of way necessary for the project
- Drafting of legal descriptions for right of way necessary for the project

Upon roll call vote, the motion carried unanimously.

Drain #27 – slide near confluence with Drain #53

Mr. Lysne reported the City of Fargo recently identified a slide on Drain #27 near the confluence with Drain #53. The slide is nearing the adjacent sidewalk. The City of Fargo armored the slide, however the slide continues to move. The City has begun discussions with Braun Intertec Corporation regarding a potential repair method and is requesting the Water Resource District assist with the slide repair.

A motion was made by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to engage Braun Intertec Corporation to obtain a proposal for a geotechnical study or a recommended repair method for repair of the Drain #27 slide near the confluence of Drain #53. Upon roll call vote, the motion carried unanimously.

Master facility list

Ms. Ducioame provided a draft list of all Southeast Cass Water Resource District facilities, when they were constructed, and the dates of major maintenance and reconstruction of the facilities. Ms. Ducioame will present the final list at a future meeting.

Adjournment

There being no further business to be considered by the Board, Manager Steen moved, and Manager Branson seconded to adjourn the meeting. The meeting adjourned without objection.

APPROVED:

Keith Weston
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary-Treasurer