

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 11, 2022

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on January 11, 2022, at 8:30 a.m.

Present were Dan Jacobson, Chairman; Keith Weston, Manager; Dave Branson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Maertens, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Chad Engels and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jim Hausauer, Roger Kluck and Donald Kress, City of Fargo; Tim Solberg, City of West Fargo; Brenton Holper, City of Horace; Tom Soucy, Cass County Highway Department; Jim Dahlman and Paul Bervik, Interstate Engineering; Tony Eukel, MBN Engineering, Inc.; and Eric Larson, Fargo.

Approval of agenda

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

Minutes

It was moved by Manager Branson, seconded by Manager Weston and unanimously carried to approve the minutes of the December 14, 2021, meeting.

Reorganization of the Board for 2022

It was moved by Manager Weston and seconded by Manager Branson to appoint the following individuals to serve in the designated capacities for calendar year 2022:

Dan Jacobson	Chairman
Keith Weston	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Dan Jacobson	Cass County Joint Water Resource District Representative
Keith Weston	Cass County Joint Water Resource District Representative

Dave Branson	Cass County Joint Water Resource District Alternate Representative
Dan Jacobson	Red River Joint Water Resource District Representative
Dave Branson	Red River Joint Water Resource District Alternate Representative
Keith Weston	Sheyenne River Joint Water Resource District Representative
Dave Branson	Sheyenne River Joint Water Resource District Alternate Representative

Upon roll call vote, the motion carried unanimously.

Designate depositories of Southeast Cass Water Resource District public funds

Approve the *Pledge of Assets*

It was moved by Manager Branson and seconded by Manager Weston to do the following:

- Designate the following as depositories of Southeast Cass Water Resource District public funds:
 - Alerus Financial
 - Bell Bank
 - US Bank
 - Bank of the West
 - First International Bank and Trust
 - Bremer Bank
 - BankNorth (Casselton)
- Approve the following *Pledge of Assets*
 - Alerus Financial (as set out in the agreement dated March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Review of contract for legal services

A motion was made by Manager Weston and seconded by Manager Branson to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the 2022 billing rates presented for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Review of contract for engineering services

A motion was made by Manager Branson and seconded by Manager Weston to reaffirm the agreement with Moore Engineering, Inc. for engineering services and approve the 2022 billing rates presented for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Branson and seconded by Manager Weston to reaffirm the agreement with Houston Engineering, Inc. for engineering services and approve the 2022 billing rates presented for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #2 – proposed special assessment on parcel 02-3000-01240-012 for West Fargo Improvement District 2250 / 02-2250

The Secretary-Treasurer stated the City of West Fargo has confirmed receipt of the appeal submitted regarding the proposed special assessment on parcel 02-3000-01240-012 for West Fargo Improvement District 2250 / 02-2250 regarding Sheyenne-Maple Flood Control District #2. The City of West Fargo has paused the proposed special assessments for West Fargo Improvement District 2250 / 02-2250 while the City considers changes to its special assessments policy.

Sheyenne-Maple Flood Control District #2 – correspondence relating to proposed projects and assessments for SSt. ID No. 2022-3 and SSt. ID No. 2022-4 (Wall Avenue) on Parcels 64-0000-01881-000 and 64-0000-01750-010

Brenton Holper briefly updated the Board on proposed special assessment projects in the City of Horace. Mr. Holper noted the City of Horace is amenable to meeting with the Water Resource District this spring after the City has filled the Community Development Director position.

Sheyenne-Maple Flood Control District #2 – Lost River 7th Addition

Kurt Lysne reviewed the proposed modifications to Sheyenne-Maple Flood Control District #2 for Lost River 7th Addition.

Sheyenne-Maple Flood Control District #2 – Notice of Hearing for Jackson Alley Addition

Mr. Lysne stated he has discussed the location of the Jackson Alley Addition with the developer as it is located between Sheyenne-Maple Flood Control District #2 and the Metro Flood Diversion Project. The project will require a Section 408 Permit from the Corps of Engineers.

Proposed sanitary sewer for Commerce on I-29 – City of Fargo

Sean Fredricks updated the Board on the proposed sanitary sewer project for the Commerce on I-29 development in the SE 1/4 of Section 22 in Stanley Township. Agreements are currently being drafted with the City of Fargo and the property owners' association regarding the project and the Agreements will need to be in place before the voting process for the project commences. Jim Hausauer indicated the City of Fargo is considering taking ownership of the project infrastructure following completion of the project as the City of Fargo will be maintaining the system. Mr. Lysne stated he is continuing to gather information needed to help form the assessment district for the project. There is no change in the cost estimate for the project at this time.

Drain #10 – slide near 12th Avenue North

Mr. Lysne indicated discussions will be held with the City of Fargo on potentially replacing the Drain #10 concrete channel liner south of 7th Avenue North to north of 12th Avenue North. The channel liner is over 50 years old and is failing. Channel liner repair is more economical if it is completed in a larger project versus completing spot repairs. Mr. Lysne will bring more information on the matter to a future meeting for further discussion.

Drain #10 Improvement Project No. 2021-01 – from approximately 45th Avenue North to just west of 25th Street North

Mr. Lysne discussed Drain #10 Improvement Project No. 2021-01 from approximately 45th Avenue North to just west of 25th Street North. The project design is complete and they are working on acquisition of the right of way needed for the project.

Drain #21C – damage to culverts and control structure in the NE 1/4 of Section 23 in Warren Township

Mr. Lysne reported a vehicle crash damaged culverts and the control structure on Drain #21C in the NE 1/4 of Section 23 in Warren Township. The sluice gate will need to be replaced prior to the spring melt to avoid a back up of water from Sheyenne-Maple Flood Control District #2. Other damages are unknown due to the amount of snow in the area.

A motion was made by Manager Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to hire a contractor to remove snow and assess damages to Drain #21C in the NE 1/4 of Section 23 in Warren Township and report back to the Board on the matter. Upon roll call vote, the motion carried unanimously.

Drain #27 – stormwater design for Southdale Farms Addition located south of 64th Avenue South on the east side of Cass County Highway 17

Paul Bervik discussed the stormwater design for Southdale Farms Addition located south of 64th Avenue South on the east side of Cass County Highway 17 regarding Drain #27. Mr. Bervik stated they are proposing to drain a portion of the Drain #27 watershed to the Sheyenne River to decrease the number of control structures needed for the development. Mr. Lysne stated he is meeting with Mr. Bervik this week to further discuss the proposal. Brief discussion was held on potential impacts of the proposal on the Sheyenne River as well as the operation of Sheyenne-Maple Flood Control District #2. More information on the matter will be brought to a future meeting for discussion.

Drain #40 – Access Agreement for MPE, LLP to conduct soil borings for a geotechnical slope stability analysis regarding proposed improvements at 1424 44th Street North

Tony Eukel discussed a project to construct a concrete laydown yard at 1424 44th Street North. The project will also include construction of a stormwater pond and the City of Fargo has asked the property owner to provide a geotechnical slope stability analysis of

Drain #40 before the project proceeds. Mr. Fredricks stated an *Access Agreement* has been drafted to allow MPE, LLP to conduct soil borings to complete the geotechnical slope stability analysis for the project.

A motion was made by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Access Agreement* for MPE, LLP to conduct soil borings for a geotechnical slope stability analysis regarding proposed improvements at 1424 44th Street North regarding Drain #40. Upon roll call vote, the motion carried unanimously.

Drain #40 Channel Improvements Project No. 2019-01 Phase II

Manager Weston inquired about gravel piled near Drain #40 at 52nd Avenue North. Mr. Woodard stated the contractor for Drain #40 Channel Improvements Project No. 2019-01 Phase II is piling gravel in the project area to complete the slide repairs.

Drain #27 – Visto Industrial 3rd Addition – culvert sizing

Mr. Lysne reported the developer of the Visto Industrial 3rd Addition has requested a culvert sizing for a crossing on Drain #27 north of Cass County Highway 14. The culvert will need to be sized to adhere to the Drain #27 Master Plan. After discussion, the Board directed the Secretary-Treasurer to invite the developer to a future meeting to discuss the request.

Drain #45 – Gravender property and drain right of way

Mike Opat indicated the Gravender family contacted the Water Resource District regarding a potential project to restore native grasses along Drain #45 in the NW 1/4 of Section 21 in Reed Township. In discussions with the property owner, it was determined the Water Resource District does not own permanent right of way along Drain #45 in that area. Mr. Opat inquired if the Board is interested in pursuing permanent right of way along Drain #45 in Sections 9, 16, 17, 20 and 21 of Reed Township. Discussion was held on right of way acquisition regarding a previous Drain #45 project.

A motion was made by Manager Weston and seconded by Manager Branson to authorize Houston Engineering, Inc. to discuss permanent right of way acquisition with property owners along Drain #45 in Sections 9, 16, 17, 20 and 21 of Reed Township. Upon roll call vote, the motion carried unanimously.

Sheyenne River and Wild Rice River Snagging and Clearing 2021-2022

Brady Woodard reported Industrial Builders, Inc. has begun snagging and clearing in Reach II of the Sheyenne River; however, poor ice conditions slowed progress for a short period of time. Mr. Woodard said annual LiDAR contracted by the City of West Fargo to monitor the Sheyenne River was utilized to identify areas in need of snagging and clearing. They are also working with property owners to secure access for the work. Mr. Woodard inquired if the Board was interested in completing additional snagging and clearing work on the Sheyenne River if weather conditions allow.

A motion was made by Manager Weston and seconded by Manager Branson to hire Industrial Builders, Inc. to complete additional snagging and clearing work on Sheyenne River Reaches I and II, not to exceed \$100,000, depending on ice conditions and contractor availability. Upon roll call vote, the motion carried unanimously.

Tim Solberg indicated the West Fargo City Commission had questions regarding the process and purpose of snagging and clearing. The Board indicated snagging and clearing helps clear the river channel of debris so that the river can function properly. Snagging and clearing also helps prevent damage from debris to critical infrastructure such as bridges.

Review of *Application to Construct No. 2674* for the City of Fargo for the River Drive Component of the River Drive Flood Risk Management Project in the SE 1/4 of Section 25, T139N, R49W and *Application to Construct No. 2675* for the City of Fargo for the Woodcrest Flood Risk Management Project in the S 1/2 of Section 29, T140N, R48W

Mr. Lysne indicated he did not see any issues regarding *Application to Construct No. 2674* and *Application to Construction No. 2675* for the City of Fargo, as presented.

A motion was made by Manager Branson and seconded by Manager Weston to authorize the Secretary-Treasurer to submit comment to the North Dakota Department of Water Resources regarding *Application to Construct No. 2674* for the City of Fargo for the River Drive Component of the River Drive Flood Risk Management Project in the SE 1/4 of Section 25, T139N, R49W and *Application to Construction No. 2675* for the City of Fargo for the Woodcrest Flood Risk Management Project in the S 1/2 of Section 29, T140N, R48W, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

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

Brief discussion was held on Laverne's Second Addition regarding Drain #40. Donald Kress noted there is a future Drain #40 crossing being planned at 32nd Avenue NW. Mr. Kress will continue to keep the Board updated on future development that impacts Water Resource District facilities.

The Board directed the Secretary-Treasurer to submit comment on the following, with input from the Water Resource District Engineer:

- Fargo Department of Planning and Development
 - February Preliminary Packet

Bills

It was moved by Manager Weston and seconded by Manager Branson to approve payment of the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Jacobson, Weston and Branson. The motion carried unanimously.

Federal Energy Regulatory Commission (FERC) Notice of Scoping Period for the planned WBI Energy Transmission, Inc. Wahpeton Expansion Project

The Board received and filed a Notice of Scoping Period from the FERC regarding the planned WBI Energy Transmission, Inc. Wahpeton Expansion Project.

Metro COG Red River Greenway Study meeting

Mr. Lysne stated he will be attending a Metro COG Red River Greenway Study meeting and will bring back any information from the meeting related to water resource districts. Mr. Lysne noted a future crossing is being planned for Drain #27 west of 25th Street South.

Legislative updates

Mr. Fredricks briefly updated the Board on legislative items regarding water resource districts.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Branson, seconded by Manager Weston and unanimously carried to adjourn the meeting.

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer