

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 8, 2022

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on February 8, 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 and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Nathan Boerboom, Jim Hausauer and Donald Kress, City of Fargo; Matt Andvik and George Grossman, City of West Fargo; Tom Soucy, Cass County Highway Department; Jim Dahlman, Interstate Engineering; Andrew Thill, Lowry Engineering; Dylan Brown and Paul Johnson, ASN Constructors; and Craig Griesbach, Jensen Brothers Construction, Inc.

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 Weston, seconded by Manager Branson and unanimously carried to approve the minutes of the January 11, 2022, meeting.

Metro Flood Diversion Project – P3 introduction

Dylan Brown and Paul Johnson introduced themselves as the designated points of contact for the P3 developer regarding the Metro Flood Diversion Project. Mr. Brown indicated he will begin attending Water Resource District meetings regularly as construction of the Metro Flood Diversion Project occurs on Water Resource District property. Brief discussion was held on their permanent office location in the area as well as conducting site visits as construction of the Metro Flood Diversion Project progresses.

Request from Jensen Brothers Construction, Inc. to install a temporary crossing on the Wild Rice River to facilitate a home and bridge demo project west of Cass County Highway 81 on 88th Avenue South

Tom Soucy discussed a home and bridge demo project west of Cass County Highway 81 on 88th Avenue South. Mr. Soucy stated the bridge is in very poor condition and is being removed indefinitely. The contractor for the project requested to install a temporary crossing on the Wild Rice River to facilitate the project. A culvert will be installed as part

of the temporary crossing to handle flows in the Wild Rice River channel while the project occurs. Mr. Soucy noted the contractor will also be removing trees and debris along the existing bridge in the Wild Rice River channel. The contractor is hoping to complete the project before the spring melt. Kurt Lysne indicated if there is a flood event, the temporary crossing should be removed until flooding conditions have ceased. Sean Fredricks noted any other permits the contractor may need to complete the project are the contractor's responsibility.

It was moved by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Access Agreement* with Jensen Brothers Construction, Inc. regarding the installation of a temporary crossing on the Wild Rice River to facilitate a home and bridge demo project west of Cass County Highway 81 on 88th Avenue South. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #1 – plat of North Pond at the Preserve 15th Addition involving a small tract of south tieback levee property

Discussion was held regarding a small portion of the Sheyenne-Maple Flood Control District #1 south tieback levee that is encumbered by the plat of North Pond at the Preserve 15th Addition. Mr. Lysne noted the City of West Fargo building control line will not be on the plat as it would impact existing structures. Mr. Lysne discussed negotiations with the developer regarding the property and indicated the developer has agreed to leave the small tract of south tieback levee property as is in exchange for a reimbursement of \$6,500.

It was moved by Manager Weston and seconded by Manager Branson to approve and authorize the Chairman to sign the *Agreement* with Oporo, LLC, in the amount of \$6,500 regarding the small tract of south tieback levee property on the plat of North Pond at the Preserve 15th Addition regarding Sheyenne-Maple Flood Control District #1. Upon roll call vote, the following Managers voted in favor: Jacobson and Weston. Manager Branson voted against the motion. The motion passed.

Sheyenne-Maple Flood Control District #2 – 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 would include access to the development from the west levee of Sheyenne-Maple Flood Control District #2 and will require a Section 408 Permit from the Corps of Engineers.

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

Mr. Fredricks and Jim Hausauer 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. Mr. Lysne stated work continues on setting up the assessment district for the project. The property owners recently agreed on a methodology to use for the assessment district.

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 work is continuing on acquisition of the right of way needed for the project.

Drain #21 – slide south of 12th Avenue North

Matt Andvik reported the West Fargo City Commission approved a project that includes removal of the current salt shed, repair of the slide on Drain #21 south of 12th Avenue North and construction of a new salt shed in a different location. The project is currently out for bids and the City of West Fargo is hoping to begin the construction of the new salt shed in May with project completion this fall. The slide will be repaired to Water Resource District standards with the recommended repair methods from the geotechnical report completed by Braun Intertec Corporation.

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

Mr. Woodard reported the contractor will be removing the snow when weather allows so damages to Drain #21C in the NE 1/4 of Section 23 in Warren Township from the recent vehicle crash can be assessed.

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

Discussion was held on 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. The developer originally proposed draining 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 met with the developer's representative this week to further discuss the proposal. It was determined the proposed plan could increase the velocity of the Sheyenne River which would have impacts to the way the Sheyenne-Maple Flood Control District #1 inlet structure is modified in the future as part of the Metro Flood Diversion Project. Mr. Lysne stated instead of draining a portion of the Drain #27 watershed to the Sheyenne River, the developer now plans to utilize a field swale that would carry water north of Southdale Farms Addition and discharge into Drain #27. Drain #27 as currently designed will be able to accommodate the discharge rates of Southdale Farms Addition, although it is strongly recommended the developer lower peak discharge rates into Drain #27. Mr. Fredricks added that Utility Permits will be needed from the Water Resource District if the developer of Southdale Farms Addition physically impacts Drain #27.

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

Andrew Thill discussed the next phase of Visto Industrial 3rd Addition north of Cass County Highway 14 along Drain #27. Mr. Thill requested authorization for Moore Engineering, Inc. to size a culvert for a crossing on Drain #27 in the area so that the

culvert adheres to the Drain #27 Master Plan. Mr. Lysne noted Moore Engineering, Inc. is completing a culvert sizing for the Cub Creek First Addition crossing at 83rd Avenue South, so it is technically advantageous for the Water Resource District to provide the culvert size for the Visto Industrial 3rd Addition at the same time.

It was moved by Manager Branson and seconded by Manager Weston to authorize Moore Engineering, Inc. to size the culvert on Drain #27 for Visto Industrial 3rd Addition north of Cass County Highway 14. Upon roll call vote, the motion carried unanimously.

Drain #40 – T-Mobile Tower at 5151 45th Street North

Mr. Fredricks reviewed the T-Mobile Tower improvements at 5151 45th Street North regarding Drain #40. The City of Fargo is requiring T-Mobile to obtain an Agreement with the Water Resource District prior to issuing a building permit for the project as the tower is within the City of Fargo's 175-foot watercourse setback zone. An Encroachment Agreement was drafted regarding the T-Mobile Tower improvements.

A motion was made by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Encroachment Agreement* with American Tower Management, LLC, T-Mobile Central, LLC and Gregg Opp Family Limited Partnership regarding the T-Mobile Tower improvements at 5151 45th Street North regarding Drain #40, contingent on receipt of the amended Exhibits. Upon roll call vote, the motion carried unanimously.

Drain #45 – Gravender property and drain right of way

Mike Opat reported discussions are ongoing with property owners regarding right of way acquisition along Drain #45 in Sections 9, 16, 17, 20 and 21 of Reed Township. Mr. Opat noted the Gravender family also remains interested in pursuing their potential project to restore native grasses along Drain #45 in the NW 1/4 of Section 21 in Reed Township. Mr. Opat will bring more information on the matters to a future meeting.

Drain #60 – enclosure structure along 53rd Street SE

Mr. Lysne reported Moore Engineering, Inc. updated the models regarding the Drain #60 enclosure structure along 53rd Street SE. The City of Kindred is currently discussing potential locations for a pond for the project. The pipe for the project can be downsized if there is an area designated to store water.

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

Brady Woodard reported Industrial Builders, Inc. has completed snagging and clearing in Reach II of the Sheyenne River from Interstate-94 south and will now work north of Interstate-94. Industrial Builders, Inc. has been working in Reach III of the Sheyenne River while there are poor ice conditions in Reach II. Mr. Woodard said they are working with the West Fargo Park District as well as property owners to obtain access for the work. The Wild Rice River has had very poor ice conditions this year so snagging and

clearing work in that area has been minimal. 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 Branson and seconded by Manager Weston to hire Industrial Builders, Inc. to complete additional snagging and clearing work on Sheyenne River Reach I, not to exceed \$100,000, depending on ice conditions and contractor availability. Upon roll call vote, the motion carried unanimously.

Input on River Keepers 2022 drain cleanup work planned in the metro area

Manager Weston reported River Keepers has inquired if there are priority areas for drain cleanup work in 2022. Manager Weston noted River Keepers completed cleanup efforts along the Drain #27 and Rose Coulee areas as well as along the local rivers in 2021. Mr. Lysne noted Moore Engineering, Inc. will be completing their biennial inspection of Water Resource District facilities this year and can note any areas needing cleanup efforts during the inspections. Manager Weston will pass along any information on the matter to River Keepers.

Barnes County Water Resource District proposal to extend the Upper Sheyenne Pilot Project downstream of Baldhill Dam into Southeast Cass Water Resource District

Manager Weston stated Barnes County Water Resource District is proposing to potentially extend the Upper Sheyenne Pilot Project downstream of Baldhill Dam into Southeast Cass Water Resource District. Mr. Opat stated the Upper Sheyenne Joint Water Resource District secured funds for the pilot project for bank stabilization efforts from the Baldhill Dam upstream. Discussion was held on scheduling a meeting of the lower Sheyenne River Joint Water Resource District to further discuss the proposal to extend the Upper Sheyenne Pilot Project downstream of Baldhill Dam. Following discussion, the Board directed the Secretary-Treasurer to discuss scheduling a potential meeting of the Sheyenne River Joint Water Resource District to further discuss the proposal.

Extension of *Utility Permit* for Consolidated Communications and Dakota Carrier Network to install fiber optic cables under Drain #27 west of 42nd Street South

It was moved by Manager Branson and seconded by Manager Weston to approve a two-year extension of the *Utility Permit* for Consolidated Communications and Dakota Carrier Network to install fiber optic cables under Drain #27 west of 42nd Street South, originally approved May 28, 2019. Upon roll call vote, the motion carried unanimously.

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

Brief discussion was held on the solicitation of views and comments from Apex Engineering Group regarding the reconstruction of Main Avenue from 25th Street to University Drive. Mr. Lysne recommended any proposed modifications to Drain #3 as part of the project will need to be coordinated with the Water Resource District.

A motion was made by Manager Weston and seconded by Manager Branson to authorize the Secretary-Treasurer to submit comment on the solicitation of views and comments from Apex Engineering Group as discussed regarding the reconstruction of Main Avenue from 25th Street to University Drive, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on the Grant Addition and rezoning in the City of West Fargo. Mr. Lysne recommended adding a utility easement along Sheyenne-Maple Flood Control District #2 as authorization to install utilities in diversion right of way will not be allowed at a later date.

A motion as made by Manager Weston and seconded by Manager Branson to authorize the Secretary-Treasurer to submit comment on the following, with input from the Water Resource District Engineer:

- Fargo Department of Planning and Development
 - March Preliminary Packet
- West Fargo Planning and Zoning Commission
 - Eagle Run Plaza 13th Addition
 - Eagle Run Plaza 13th Addition retracement plat (lot combine)
 - Grant Addition and rezoning
 - Conditional Use Permit for telecommunications tower
- City of Horace
- Cass County Planning
 - Score Subdivision

Upon roll call vote, the motion carried unanimously.

2023-2025 Water Development Plan – request from the NDDWR / State Water Commission to identify potential water development projects, the timing of their implementation and estimated costs

Mr. Lysne briefly discussed a letter from the NDDWR regarding the identification of potential water development projects, the timing of their implementation and estimated costs for inclusion in the 2023 Water Development Plan. A list of potential Southeast Cass Water Resource District projects to submit to the DWR for the 2023 Water Development Plan will be brought to a future meeting for consideration.

Animal Damage Control rates

The Secretary-Treasurer indicated JAC Predator and Large Pest Control has requested a rate increase due to the increase in cost of equipment and staff. Rates have not been increased for 7 years.

It was moved by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Second Amendment to Independent Contractor Agreement* with Jarrett Christoferson. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Weston and seconded by Manager Branson to approve payment of Checks #15091 through #15095, 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.

Rose Coulee snagging and clearing

Mr. Woodard reported the contractor removed the debris regarding the Rose Coulee snagging and clearing project. The project is complete.

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