

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

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on March 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; Jody Bertrand, Jim Hausauer, Roger Kluck and Donald Kress, City of Fargo; Paul Bervik and Eric Larson, Interstate Engineering; Sam Solberg, Lowry Engineering; Roger Haberman, Industrial Builders, Inc.; and Kelly Perhus, Kindred.

Approval of agenda

It was moved by Manager Branson, seconded by Manager Weston 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 February 8, 2022, meeting.

Sheyenne-Maple Flood Control District #2 – sediment removal

It was moved by Manager Branson and seconded by Manager Weston to authorize the Chairman to sign the *Agreement* with Industrial Builders, Inc. to remove sediment from the Sheyenne-Maple Flood Control District #2 channel from 52nd Avenue SW to 40th Avenue SW, not to exceed a cost of \$175,000. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #2 – Jackson Alley Addition

Sam Solberg indicated work is ongoing on the layout of the Jackson Alley Addition and the developer is aware they will need to obtain a Section 408 Permit from the Corps of Engineers for the project regarding Sheyenne-Maple Flood Control District #2.

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

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

A motion was made by Manager Weston and seconded by Manager Branson to authorize the Secretary-Treasurer to send a Section 408 modification request letter to the Corps of Engineers regarding alterations to Sheyenne-Maple Flood Control District #2 in the Lost River 7th Addition in the City of Horace. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Districts #1 and #2 – spring melt

Brady Woodard stated the Sheyenne-Maple Flood Control District #1 gates were recently de-iced using the new system installed last year. The gates at the north and south Sheyenne-Maple Flood Control District #1 control structures are fully operational. Brief discussion was held on the possibility of reserving equipment for potential emergency work regarding the spring melt. Mr. Woodard noted reservation of equipment is not needed at this time; however, Moore Engineering, Inc. will continue to monitor the spring melt conditions regarding Sheyenne-Maple Flood Control Districts #1 and #2.

Drain #9 – channel cleanout

Mr. Woodard reported a survey was completed on Drain #9 to determine if a channel cleanout may be needed. The survey indicated there are some high spots in the Drain #9 channel. Moore Engineering, Inc. will work with the City of Fargo to determine the need for a channel cleanout.

Drain #10 – slide near 12th Avenue North

Mr. Lysne stated the geotechnical study of the Drain #10 slide near 12th Avenue North is complete. Discussions were 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 as the channel liner in this area is over 50 years old and failing. The City of Fargo recommended evaluating the channel liner throughout Drains #3 and #10 to determine if it would be more economical to do a larger project versus conducting spot repairs.

It was moved by Manager Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to develop a capital improvement plan and cost estimate to replace the concrete channel liner where needed on Drains #3 and #10. Upon roll call vote, the motion carried unanimously

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

Mr. Woodard reported the contractor was able to remove the snow so damages to Drain #21C in the NE 1/4 of Section 23 in Warren Township from the recent vehicle crash could be assessed. Mr. Woodard showed photos of the damaged operating structure and noted the structure cannot be repaired and is inoperable in its current condition. A new structure was ordered and should be delivered in the next couple weeks. In the meantime, the contractor removed the damaged structure and installed a cap on the culvert and re-packed the snow for safety. Mr. Woodard is hopeful the new structure can be installed before the spring melt.

Drain #21C – property owner inquiry to utilize excavated material

Manager Weston reported he was contacted by a property owner inquiring if fill from Drain #21C was available to utilize for a farmstead. The Board directed Mr. Woodard to meet with the property owner about the matter, have them complete the *License Agreement* form and collect the security deposit to obtain excavated material from Drain #21C.

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 noted the developer is working with the City of Fargo for approval on the proposed stormwater design for Southdale Farms Addition and a *Utility Permit* will be submitted to the Water Resource District for installation of the stormwater outfall into Drain #27. The project is anticipated to be bid this spring.

Drain #27 – Access Easement with the City of Fargo to install two storm sewer outfalls, one on each side of 42nd Street South

Sean Fredricks stated Easements were drafted to allow the City of Fargo to install two storm sewer outfalls into Drain #27 near 42nd Street South. Jody Bertrand indicated reconstruction of the lift stations will allow the City of Fargo to isolate the storm sewers when there is a high water elevation in the Drain #27 channel. The City of Fargo plans to bid the project this spring.

A motion was made by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Access Easement* with the City of Fargo regarding installation of two storm sewer outfalls into Drain #27, one located on each side of 42nd Street South. Upon roll call vote, the motion carried unanimously.

Drain #27 – City of Fargo drainage improvement project in Deer Creek Addition

Mr. Fredricks indicated the City of Fargo submitted a letter to the Water Resource District regarding planned drainage improvements in Deer Creek Addition. The improvements fall under the *Joint Powers Agreement* with the City of Fargo regarding urban legal assessment drains and thus the City of Fargo would need approval from the Water Resource District to complete the improvements.

A motion was made by Manager Weston and seconded by Manager Branson to approve the City of Fargo drainage improvement project along Drain #27 in Deer Creek Addition starting in Lot 74, Block 11, to the northeast corner of the development. 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 and a potential improvement project 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.

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

Discussion was held on the 2021-2022 snagging and clearing effort on the Sheyenne River and Wild Rice River. Mr. Woodard noted good weather conditions and access from a property owner allowed the contractor to make significant progress on Sheyenne River Reach I near Kindred. Manager Weston stated he observed the project and was impressed with the contractor's work. Kelly Perhus indicated the snagging and clearing efforts are very helpful and appreciated the work that was completed in a short timeframe with the variable weather conditions. Roger Haberman briefly discussed the impact the weather conditions and Baldhill Dam releases had on 2021-2022 snagging and clearing efforts on the Sheyenne River.

2022 facility inspections

It was moved by Manager Branson and seconded by Manager Weston to authorize Moore Engineering, Inc. to conduct the 2022 inspection of Southeast Cass Water Resource District facilities. Upon roll call vote, the motion carried unanimously. The Board asked Moore Engineering, Inc. to note any Southeast Cass Water Resource District facilities that may need cleanup of litter through efforts organized by River Keepers.

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

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 the City of Fargo as discussed regarding a proposed shared use path connecting 32nd Avenue North and the intersection of 36th / 37th Avenue North, east of University Drive, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on Laverne's Second Addition regarding Drain #40. Donald Kress noted the plat for the development was approved by the City of Fargo Planning Commission and will next be considered by the Fargo City Commission.

A motion as made by Manager Branson and seconded by Manager Weston 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
 - April Preliminary Packet
- West Fargo Planning and Zoning Commission
 - DMF Health Innovations Park First Addition

Upon roll call vote, the motion carried unanimously.

Weed, cattail, tree and brush control

A motion was made by Manager Weston and seconded by Manager Branson to approve the Cass County Weed Control Work Order form for spraying services regarding weed, cattail, tree and brush control for Southeast Cass Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

A motion as made by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Agreement* with Larson Helicopters, LLC to provide aerial and ground spraying services for weed, cattail, tree and brush control for 2022. Upon roll call vote, the motion carried unanimously.

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

Mr. Lysne and Mr. Opat discussed a list of Southeast Cass Water Resource District projects to submit to the NDDWR for the 2023 Water Development Plan. The final list of projects to submit for the 2023 Water Development Plan will be brought to a future meeting for consideration.

Letter from the Cass County Commission seeking input on potential flood risk reduction projects to submit for Cass County Flood Sales Tax funding consideration (due by March 7, 2022)

Mr. Lysne stated he is not currently aware of any Southeast Cass Water Resource District projects that may request funding through the Cass County Flood Sales Tax at this time; however, the RCPP – Upper Maple River Watershed project and RCPP – Rush River Watershed Project will be submitted in the future through the Cass County Joint Water Resource District. Mr. Lysne indicated he is working with Jason Benson, Cass County Engineer, to develop a list of potential projects throughout the county for consideration. Brief discussion was held on potential cost-share for ring dikes with the Cass County Flood Sales Tax. Mr. Lysne will include that in the discussion with the Cass County Engineer.

Bills

It was moved by Manager Branson and seconded by Manager Weston 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.

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