

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
MAY 10, 2022

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on May 10, 2022, at 8:30 a.m.

Present were Dan Jacobson, Chairman; Keith Weston, Manager; Dave Branson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Melissa Maertens, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard and Erik Gilbertson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Mary Scherling and Duane Breitling, Cass County Commissioners; Tom Soucy, Cass County Highway Department; Jody Bertrand, Donald Kress and Jim Hausauer, City of Fargo; Paul Bervik, Interstate Engineering; and Jeff Phillip, Warren Township property owner.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Weston, seconded by Manager Branson and unanimously carried to approve the minutes of the April 12, 2022, meeting.

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

Kurt Lysne reviewed the proposed modifications to Sheyenne-Maple Flood Control District #2 regarding Jackson Alley Addition. The developer has provided a geotechnical report and settlement analysis for the project as well as plans and specifications.

A motion was made by Manager Branson and seconded by Manager Weston 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 regarding the Jackson Alley Addition in the City of Horace. Upon roll call vote, the motion carried unanimously.

**Proposed sanitary sewer for Commerce on I-29**

Erik Gilbertson reported the property owners are reviewing the Agreements drafted regarding the proposed sanitary sewer project for the Commerce on I-29 development in the SE 1/4 of Section 22 in Stanley Township. Mr. Gilbertson indicated the property owners are hoping to obtain 100% approval for the project to accelerate the creation of

the assessment district for the project. Mr. Gilbertson said obtaining the easements needed and potential material shortages could delay the project.

**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 adjacent property owner where right of way is needed for the project is not moving forward with platting the property at this time. The Board discussed the right of way needed for the project as well as excess spoil that will be available as a result of the project. The Board directed Moore Engineering, Inc. to negotiate with the property owner regarding right of way needed for the project and invite the property owner to the next Water Resource District meeting for further discussion on the matter.

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

Mr. Woodard reported the new structure for Drain #21C in the NE 1/4 of Section 23 in Warren Township has been installed and is operational.

**Drain #21C – request from Jeff Phillip to clean the channel in the northwest corner of Section 13 in Warren Township**

Jeff Phillip discussed the need to remove silt from the Drain #21C channel in the northwest corner of Section 13 in Warren Township. Debris was removed from the channel in this location and the channel was reconstructed approximately one mile north of Mr. Phillip's property. Mr. Lysne said the Drain #21C channel could be surveyed to help determine if a channel cleanout is needed in this area.

A motion was made by Manager Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to survey the Drain #21C channel from Cass County Highway 6 to Cass County Highway 16 to determine if a channel cleanout is needed. Upon roll call vote, the motion carried unanimously.

**Drain #27 – stormwater design for Southdale Farms Addition located south of Cass County Highway 6 (64th Avenue South) on the east side of Cass County Highway 17**

Paul Bervik updated the Board 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 City of Fargo recently approved the proposed plan to utilize a field swale that would carry water north of Southdale Farms Addition and discharge into Drain #27. Mr. Bervik indicated he is working with Mr. Fredricks and Mr. Lysne to draft an Easement with the Water Resource District for the project.

**Drain #27 – Cub Creek First Addition – request to install a sprinkler system in the 20’ limited use area past the building control line**

Discussion was held on a request from a property owner in Cub Creek First Addition to install a sprinkler system in the 20’ limited use area past the building control line regarding Drain #27. Sean Fredricks noted per the *Permanent Easement Agreement* with Cub Creek Development, LLC, property owners within Cub Creek First Addition need to obtain permission from the Water Resource District and the City of Horace to install sprinkler systems in the 20’ limited use area past the building control line. Following discussion on the matter, the Board declined the request.

**Drain #27 – letter from City of Horace regarding Water, Sewer, Storm and Street Improvement District No. 2022-8 (66th Street from 76th Avenue to 64th Avenue)**

Mr. Bervik briefly discussed the letter from the City of Horace regarding Water, Sewer, Storm and Street Improvement District No. 2022-8 regarding Drain #27. Mr. Bervik indicated the project entails constructing and paving 66th Street from 76th Avenue to 64th Avenue. Mr. Bervik stated there are no anticipated impacts or assessments to Drain #27 regarding the project.

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

Mr. Lysne indicated he has provided sizing options to the developer for the culvert on Drain #27 for Visto Industrial 3rd Addition north of Cass County Highway 14. The culvert sizing options adhere to the Drain #27 Master Plan.

**Drain #60 – enclosure along 53rd Street SE**

Mr. Lysne reported the City of Kindred is reviewing the information and developing a cost estimate for enclosing Drain #60 along 53rd Street SE to determine how they want to proceed.

**Red River Joint Water Resource District Basinwide Plan Development – Project Inventory Request Form**

Discussion was held on the Red River Basinwide Plan, a potential pilot project for funding water conveyance projects in the Red River Basin through the RRJWRD. Houston Engineering, Inc. is surveying member water resource districts to collect data regarding upcoming water conveyance projects in the Basin and will compile the information into the Basinwide Funding Plan.

It was moved by Manager Branson and seconded by Manager Weston to authorize Moore Engineering, Inc. to submit information on upcoming Southeast Cass Water Resource District water conveyance projects to Houston Engineering, Inc. to be compiled into the Red River Basinwide Plan. Upon roll call vote, the motion carried unanimously.

**Utility Permit for Cass County Electric Cooperative to install underground electric lines under Sheyenne-Maple Flood Control District #2 property at 40th Avenue SW in the northwest corner of Section 31 and the southwest corner of Section 30 in Barnes Township**

A motion was made by Manager Weston and seconded by Manager Branson to approve the *Utility Permit* for Cass County Electric Cooperative to install underground electric lines under Sheyenne-Maple Flood Control District #2 property at 40th Avenue SW in the northwest corner of Section 31 and the southwest corner of Section 30 in Barnes Township, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

**Utility Permit for Xcel Energy to install underground 3PH cable on Drain #40 at 4401 15th Avenue North**

A motion was made by Manager Branson and seconded by Manager Weston to approve the *Utility Permit* for Xcel Energy to install underground 3PH cable on Drain #40 at 4401 15th Avenue North, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

**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 approve and authorize the Chairman to sign the following for Drain #40 regarding Laverne's Second Addition:

- *Access Easement* with the City of Fargo regarding 32nd Avenue North
- *Access Easement* with the City of Fargo regarding 45th Street North

Upon roll call vote, the motion carried unanimously.

Donald Kress stated the Laverne's Second Addition plat will be considered for approval by the Fargo City Commission on May 31, 2022.

Mr. Kress reviewed the Fargo Department of Planning and Development June Preliminary Packet. The Board directed the Secretary-Treasurer to submit comment on the Fargo Department of Planning and Development June Preliminary Packet, with input from the Water Resource District Engineer.

Discussion was held on the proposed Stockyards First Addition in the City of West Fargo. Mr. Lysne indicated the developer will need to obtain a *Utility Permit* from the Water Resource District for any stormwater discharge from the development into the Sheyenne River or Drain #21. The Board discussed requesting the requirement of a 175' setback from the Sheyenne River centerline and the Drain #21 channel centerline.

A motion was 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:

- West Fargo Planning and Zoning Commission
  - Stockyards First Addition
  - Sandhills Sixth Addition
  - Wood Addition

Upon roll call vote, the motion carried unanimously.

Brief discussion was held on the proposed Newport Ridge Seventh Addition in the City of Kindred. Mr. Lysne noted the developer will need to obtain a *Utility Permit* from the Water Resource District for any stormwater discharge from the development into the Drain #60 channel. The Board discussed requesting the requirement of a 175' setback from the centerline of Drain #60.

A motion was made by Manager Branson and seconded by Manager Weston to authorize the Secretary Treasurer to submit comment on the Newport Ridge Seventh Addition in the City of Kindred, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

### **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.

### **Wild Rice River – slide along Cass County Highway 81**

Manager Weston inquired about a slide along Cass County Highway 81 on the Wild Rice River. Tom Soucy stated the Cass County Highway Department has been monitoring the site and is diligently working with Houston Engineering, Inc. and Braun Intertec Corporation to determine the best repair option for the slide. Mr. Soucy indicated the Cass County Highway Department has also requested cost-share for the project from the North Dakota Department of Water Resources.

### **Flooding conditions**

Mr. Lysne updated the Board on flooding conditions in Southeast Cass Water Resource District. The City of West Fargo has been assisting with operations and monitoring of Sheyenne-Maple Flood Control Districts #1 and #2 as well as monitoring and removing obstructions at bridges on the Sheyenne River within the City of West Fargo. Mr. Lysne and Mr. Soucy discussed recent flood projections and conditions along the Sheyenne River near Harwood, North Dakota. Mr. Lysne also reported water continues to flow over the Maple River Dam concrete secondary spillway. Water is no longer flowing over the Upper Maple River Dam concrete spillway.

**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