

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JUNE 14, 2022

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on June 14, 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 and Lukas W. Croaker, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard, Pat Downs and Matt Welle, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Mary Scherling and Duane Breitling, Cass County Commissioners; Tom Soucy, Cass County Highway Department; Donald Kress, City of Fargo; Brent Holper and Jace Hellman, City of Horace; Jim Dahlman and Paul Bervik, Interstate Engineering; Jared Heller, Dakota Underground Company; Kurt Bowman and Ben Hanson, Fargo.

**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 May 10, 2022, meeting.

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

Kurt Lysne will confirm that all documentation has been received to submit with a Section 408 modification request letter to the Corps of Engineers regarding the proposed alterations to Sheyenne-Maple Flood Control District #2 for Jackson Alley Addition in the City of Horace.

**Sheyenne-Maple Flood Control District #2 – request from Dakota Underground Company to use the road along the east side of the channel, south of 45th Street SE, for construction of Lost River 7th Addition**

Mr. Lysne and Jared Heller discussed a request from Dakota Underground Company to use the road along the east side of the Sheyenne-Maple Flood Control District #2 channel, south of 45th Street SE, for construction of Lost River 7th Addition. Mr. Heller noted work in the Sheyenne-Maple Flood Control District #2 right of way will not occur until a Section 408 Permit is granted from the Corps of Engineers. Mr. Heller further discussed the project and measures Dakota Underground Company will utilize to ensure the roadway

is returned to its original condition. There will also be daily maintenance and dust control on site. Sean Fredricks drafted an *Access Agreement* with Dakota Underground Company for the project.

It was moved by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Access Agreement* with Dakota Underground Company to use the road along the east side of the Sheyenne-Maple Flood Control District #2 channel, south of 45th Street SE, for construction of Lost River 7th Addition. Discussion: Manager Weston inquired about the duration of the project. Mr. Heller indicated much of the work will be completed by August and all work must be completed by November 30, 2022. Upon roll call vote, the motion carried unanimously.

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

Right of way for Drain #10 Improvement Project No. 2021-01 was discussed with Kurt Bowman, representative for the property owner. The Board indicated a Temporary Construction Easement could be negotiated and noted there will also be excess spoil available because of the project.

A motion was made by Manager Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to continue negotiating with the property owner regarding right of way needed for Drain #10 Improvement Project No. 2021-01. Upon roll call vote, the motion carried unanimously.

**Reassessment of Drain SC-1 (Drains #3, #9 and #10)**

Discussion was held regarding the reassessment of Drain SC-1. Mr. Lysne reported Moore Engineering, Inc. has completed the preliminary assessment district list and verified the assessment district boundaries. Mr. Fredricks indicated he will coordinate with Moore Engineering, Inc. to prepare the necessary documents for the reassessment of Drain SC-1 and bring the documents to a future meeting for consideration.

**Drain #21C – request from Jeff Phillip to clean the channel in the northwest corner**

Alexa Ducioame reported the survey of the Drain #21C channel from Cass County Highway 6 to Cass County Highway 16 is complete. A profile will be developed from the survey information and brought to a future meeting for discussion on a potential cleanout of the Drain #21C channel.

**Drain #21C – damaged culverts in the N 1/2 of Section 35 in Warren Township**

Brady Woodard reported two culverts were damaged from spring flooding on Drain #21C in the N 1/2 of Section 35 in Warren Township. The first site includes a washed-out intercept culvert that needs to be repaired and set. The second site includes a washed-out intercept culvert and a blocked culvert.

A motion was made by Manager Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to hire a contractor to repair the culverts at two sites on Drain #21C in the N 1/2 of Section 35 in Warren Township. 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 S) on the east side of Cass County Highway 17**

Mr. Lysne reported a meeting has been scheduled with the City of Fargo and the developer of the Southdale Farms Addition to draft an Easement with the Water Resource District regarding the stormwater design for the development regarding Drain #27. The proposed plan is to utilize a field swale that would carry water north of Southdale Farms Addition and discharge into Drain #27.

**Drain #27 – Cub Creek Second Addition**

Brent Holper reported the developer of Cub Creek First Addition is now developing Cub Creek Second Addition and the City of Horace is requesting the Water Resource District enter into a *Permanent Easement Agreement* similar to how the matter was handled for Cub Creek First Addition. The Board directed Mr. Fredricks to prepare the *Permanent Easement Agreement* for Cub Creek Second Addition regarding Drain #27 and bring it to a future meeting for consideration.

Mr. Holper and Matt Welle discussed a planned crossing on Drain #27 at 83rd Avenue S that will be a collector roadway that serves the Cub Creek Second Addition as well as the greater area. Mr. Holper inquired if the Water Resource District would be willing to participate in cost-share for the crossing. Mr. Fredricks noted the Water Resource District is not obligated by North Dakota statute to provide cost-share on the crossing at 83rd Avenue S as it is not located on a section line. Mr. Lysne indicated the minimum culvert size for the crossing was determined by Moore Engineering, Inc. per previous Board authorization. The culvert size needed may change depending on the elevation of the crossing. The Board inquired if the City of Horace has identified an estimated cost for the crossing. Mr. Welle indicated the cost estimate for the crossing is currently being developed. After discussion, the Board indicated there is not enough information on the Drain #27 crossing at 83rd Avenue S to make a decision relating to cost-share for the project and asked the City of Horace to bring more information on the matter to a future meeting for further discussion.

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

Mr. Lysne reported the City of Kindred will likely not be proceeding with enclosing Drain #60 along 53rd Street SE at this time.

**Utility Permit for MPE, LLP to install one 8” flap gate and two 12” flap gates on existing storm lines into Drain #40 at 1424 44th Street N**

A motion was made by Manager Branson and seconded by Manager Weston to approve the *Utility Permit* for MPE, LLP to install one 8” flap gate and two 12” flap gates on existing storm lines into Drain #40 at 1424 44th Street N, 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**

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

Jace Hellman briefly reported on upcoming City of Horace planning and zoning activities.

**2023 budget and 2022 maintenance levy assessments**

Discussion was held on the Southeast Cass Water Resource District 2023 budget and 2022 maintenance levy assessments. A motion was made by Manager Weston and seconded by Manager Branson to approve the Southeast Cass Water Resource District 2023 budget and 2022 maintenance levy assessments. 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.

**River Keepers 2022 drain cleanup work planned in the metro area**

Manager Weston reported River Keepers is planning cleanup efforts this year along Drain #53 beginning near 64th Avenue S and along Drain #27. Manager Weston indicated if there are other areas along Water Resource District facilities that need cleanup efforts, he will pass along the information to River Keepers.

Manager Weston left the meeting at this time.

**Sheyenne River and Wild Rice River Snagging and Clearing 2022-2023**

Discussion was held on 2022-2023 snagging and clearing efforts on the Sheyenne River and Wild Rice River. It was moved by Manager Branson and seconded by Chairman Jacobson to authorize the Secretary-Treasurer to submit cost-share requests to the State Water Commission for the following:

- Sheyenne River Snagging and Clearing 2022-2023
- Wild Rice River Snagging and Clearing 2022-2023

Upon roll call vote, the motion carried unanimously.

**Adjournment**

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

APPROVED:

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Dan Jacobson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer