

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 13, 2022

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on September 13, 2022, at 8:30 a.m.

Present were Dan Jacobson, Chairman; Dave Branson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Roger Kluck, Jim Hausauer and Donald Kress, City of Fargo; Brenton Holper, City of Horace; Mary Scherling and Duane Breitling, Cass County Commissioners; Tom Soucy, Cass County Highway Department; Eric Larson, Interstate Engineering; and Don Dabbert, Dabbert Custom Homes. Manager Keith Weston was absent.

Approval of agenda

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

Minutes

It was moved by Manager Branson, seconded by Chairman Jacobson and unanimously carried to approve the minutes of the August 9, 17 and 22, 2022, meetings.

Fargo Department of Planning and Development – October Preliminary Packet

Donald Kress reviewed the Fargo Department of Planning and Development October Preliminary Packet. It was moved by Manager Branson and seconded by Chairman Jacobson to authorize the Secretary-Treasurer to submit comment on the Fargo Department of Planning and Development October Preliminary Packet, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #2 – pending special assessment regarding West Fargo Improvement District No. 02-2250

The Secretary-Treasurer updated the Board on the pending special assessment on Sheyenne-Maple Flood Control District #2 parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250. The proposed assessment has not changed. The Secretary-Treasurer sent an email on August 5, 2022, to the West Fargo Special

Assessment Commission / West Fargo City Commission outlining concerns and appealing the proposed assessment. The matter will be before the West Fargo City Commission at its October 3, 2022, meeting.

Sheyenne-Maple Flood Control District #2 – pending special assessments in the City of Horace

Brenton Holper updated the Board on proposed City of Horace special assessments regarding various Water Resource District parcels. Construction of the Wall Avenue improvement projects is not anticipated until 2023. Mr. Holper does not anticipate certification of special assessments for City of Horace SSt. ID No. 2022-03 and SSt. ID No. 2022-4 until 2023 or 2024. Mr. Holper also noted the Water Resource District does not appear to be included in the City of Horace Sanitary Sewer Improvement District No. 2018-1.

Proposed sanitary sewer for Commerce on I-29

Jim Hausauer updated the Board on the proposed sanitary sewer for Commerce on I-29. The Fargo City Commission will be discussing how to proceed regarding the proposed sanitary sewer for Commerce on I-29 and other future development.

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

Discussion was held on comments received regarding the 2022 reassessment of Drain SC-1. Additional minutes related to the 2022 reassessment of Drain SC-1 are attached hereto.

Drain #21 – slide south of 12th Avenue N

Kurt Lysne discussed the slide on Drain #21 south of 12th Avenue N. The City of West Fargo is bidding a project to construct a new salt shed in a different location and plans to repair the slide on Drain #21 next year. The City of West Fargo is inquiring on the level of involvement the Water Resource District wishes to have in the repair of the slide. The Board directed Sean Fredricks to prepare an Access Agreement with the City of West Fargo for consideration at a future meeting regarding the Drain #21 slide repair south of 12th Avenue N.

Drain #21C – channel cleanout in Sections 13, 23, 26 and 35 of Warren Township

Brady Woodard updated the Board on the Drain #21C channel cleanout in Sections 13, 23, 26 and 35 of Warren Township. The contractor has begun the project and anticipates finishing the project in a few weeks.

Drain #27 – Stormwater design for Southdale Farms Addition

Mr. Lysne reported Moore Engineering, Inc. continues to work with the City of Fargo and City of Horace on the stormwater design for Southdale Farms Addition regarding Drain #27. Final plans have not yet been submitted for review. The City of Horace will need an Easement from the Water Resource District for a gatewell structure and stormwater outfall north of 64th Avenue S into Drain #27. Mr. Holper will follow up with Interstate Engineering regarding the matter.

Drain #27 – Cub Creek Second Addition

Sean Fredricks reported the developer has not yet signed the *Permanent Easement Agreement* regarding Cub Creek Second Addition. Surveys are needed for the *Permanent Easement Agreement* and the *Access Agreement* with the City of Horace. Mr. Holper indicated the City of Horace has approved the plat, but it has not yet been recorded. Mr. Fredricks would like a copy of the *Permanent Easement Agreement* recorded with the plat.

Drain #27 – cleanout from 100th Avenue S (Cass County Highway 14) to 64th Avenue S

A motion was made by Manager Branson and seconded by Chairman Jacobson to approve and authorize the Chairman to sign *Task Order No. 23* with Moore Engineering, Inc. to provide engineering services regarding the cleanout of Drain #27 from 100th Avenue S (Cass County Highway 14) to 64th Avenue S. Upon roll call vote, the motion carried unanimously.

Drain #27 – City of Fargo – potential easement for storm sewer forcemain south of 40th Avenue S

Mr. Hausauer discussed a sanitary sewer forcemain needed to help address hydraulic issues in the Osgood neighborhood south of 40th Avenue S. The City of Fargo is hoping to route the forcemain south along the east side of Drain #27 on Water Resource District property and then east to 45th Street S to avoid major conflicts with utilities. The City of Fargo is requesting feedback on the potential path for the sanitary sewer forcemain. Mr. Lysne indicated if there are any slides that occur on Drain #27 as a result of the sanitary sewer forcemain, the City of Fargo would be responsible for repairing the slides. The Board directed Mr. Fredricks to prepare an Easement with the City of Fargo regarding the matter for consideration at a future meeting.

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

Mr. Woodard updated the Board on construction of Drain #40 Channel Improvements Project No. 2019-01 Phase II. He believes the contractor will complete the project, including seeding, today.

It was moved by Manager Branson and seconded by Chairman Jacobson to approve and authorize the Chairman to sign *Contractor's Application for Payment No. 1* for Gladen Construction, Inc. in the amount of \$424,151.05 regarding Drain #40 Channel Improvement Project No. 2019-01 Phase II. Upon roll call vote, the motion carried unanimously.

Drain #45 – Gravender property and drain right of way

Mike Opat noted property owners have not provided a recent update regarding potential improvements to Drain #45. The Board directed the Secretary-Treasurer to send a letter to the property owners expressing the Water Resource District’s continued interest in working with them and to encourage further discussion on the matter, with input from Mr. Opat.

Drain #47 – slides in the NE 1/4 of Section 10 and the NW 1/4 of Section 11 in Pleasant Township

Mr. Lysne discussed a proposal from Braun Intertec Corporation to conduct a geotechnical evaluation and provide recommended repairs for two slides along Drain #47 in the NE 1/4 of Section 10 and the NW 1/4 of Section 11 in Pleasant Township.

It was moved by Manager Branson and seconded by Chairman Jacobson to approve the proposal from Braun Intertec Corporation to complete a geotechnical evaluation and provide recommended repairs for two slides along Drain #47 in the NE 1/4 of Section 10 and the NW 1/4 of Section 11 in Pleasant Township, not to exceed a cost of \$15,627. Upon roll call vote, the motion carried unanimously.

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

Discussion was held on Sheyenne River and Wild Rice River snagging and clearing efforts for 2022-2023. Mr. Fredricks and Mr. Lysne reported on the consideration of the cost-share requests for the projects at the State Water Commission meeting on August 12, 2022.

It was moved by Manager Branson and seconded by Chairman Jacobson to approve and authorize the Chair to sign the following with the State Water Commission:

- *Agreement for Cost-Share Reimbursement* for Sheyenne River Snagging and Clearing 2022-2023; and
- *Amendment 1 to the Agreement for Cost-Share Reimbursement* for Wild Rice River Snagging and Clearing 2021-2022 for work through May 30, 2023.

Upon roll call vote, the motion carried unanimously.

Utility Permit for CenturyLink to install buried 25pr copper cable under the Sheyenne River on the north side of 52nd Avenue S

It was moved by Manager Branson and seconded by Chairman Jacobson to approve the *Utility Permit* for CenturyLink to install buried 25pr copper cable under the Sheyenne River on the north side of 52nd Avenue S, 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

Mr. Lysne discussed a Public Notice from the Corps of Engineers regarding a Section 404 Permit Application by the City of West Fargo to construct the Stockyards First Addition Development Project adjacent to the Sheyenne River south of 12th Avenue NW and east of 9th Street NW. Mr. Lysne noted the building setback was moved further back based on previous Water Resource District comments regarding the development. The City of West Fargo will need to obtain a Utility Permit from the Water Resource District for any stormwater outfall from the development into adjacent Drain #21.

A motion was made by Manager Branson and seconded by Chairman Jacobson to authorize the Secretary-Treasurer to submit comment on the Public Notice from the Corps of Engineers regarding a Section 404 Permit Application by the City of West Fargo to construct the Stockyards First Addition Development Project adjacent to the Sheyenne River south of 12th Avenue NW and east of 9th Street NW, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Branson and seconded by Chairman Jacobson 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
 - Maple Ridge at the Preserve Eighth Addition

Upon roll call vote, the motion carried unanimously.

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

- City of Horace
 - River's Edge Second Subdivision plat and rezoning
 - Cass County Highway 17 improvements and shared use path from 76th Avenue S to 73rd Avenue S
 - Center Avenue improvements between Wall Avenue and Nelson Drive

Upon roll call vote, the motion carried unanimously

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

- Cass County Planning
 - Bob Matthews Subdivision
 - Sorby Subdivision

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Branson and seconded by Chairman Jacobson 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 and Branson. Manager Weston was absent. The Chairman declared the motion passed.

Drain #10 – slide repairs north of Cass County Highway 20

Mr. Lysne discussed a proposal from Braun Intertec Corporation to conduct a geotechnical evaluation and provide recommended repairs for three slides on Drain #10 north of Cass County Highway 20.

It was moved by Chairman Jacobson and seconded by Manager Branson to approve the proposal from Braun Intertec Corporation to complete a geotechnical evaluation and provide recommended repairs for three slides on Drain #10 north of Cass County Highway 20, not to exceed a cost of \$15,627. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #2 – sediment removal

Discussion was held on sediment removal in the Sheyenne-Maple Flood Control District #2 channel from approximately 40th Avenue S to 21st Avenue S. Brady Woodard indicated the remaining sediment removal could potentially be completed this fall.

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

- Authorize Moore Engineering, Inc. to hire a contractor to remove sediment from the Sheyenne-Maple Flood Control District #2 channel from approximately 40th Avenue S to 21st Avenue S, not to exceed a cost of \$196,000 contingent on the contractor's ability to complete the project this year;
- Direct Mr. Fredricks to draft an Agreement with the contractor regarding the project; and
- Authorize the Chairman to sign the Agreement.

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project

Brief discussion was held regarding the status of construction of various components of the Metro Flood Diversion Project.

Chairman Jacobson retirement

Chairman Jacobson announced his plans to retire from the Southeast Cass Water Resource District and Cass County Joint Water Resource District Boards at the end of this year. The Board thanked him for his many years of service to North Dakota water resource districts.

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:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer