

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

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on December 13, 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 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.; Jody Bertrand, Nathan Boerboom, Jim Hausauer, Roger Kluck and Donald Kress, City of Fargo; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Andrew Thill, Lowry Engineering; Eric Larson, Interstate Engineering, Inc.; Eric Dodds, AE2S; and David Braaten, Normanna 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 November 8, 2022, meeting.

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

Manager Weston 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. Manager Weston stated the Metro Flood Diversion Project land management team provided information on parcels owned for the Metro Flood Diversion Project that may be beneficial to the Water Resource District primarily as a spoil area. Following discussion, the Board directed Moore Engineering, Inc. to analyze the remnant parcels identified regarding feasibility of long-term use by the Water Resource District and estimate the longevity of current spoil areas owned by the Water Resource District. Moore Engineering, Inc. will bring the information to a future meeting for further discussion.

**Sheyenne-Maple Flood Control District #2 – Access Easement for Frank G. Gokey and Mary J. Gokey regarding the driveway at 1604 32nd Avenue West**

Eric Dodds reviewed the *Access Easement* approved at the October 24, 2022, meeting for Frank G. Gokey and Mary J. Gokey regarding the driveway at 1604 32nd Avenue West regarding Sheyenne-Maple Flood Control District #2. The Gokeys indicated the language in the Easement is too restrictive. Mr. Fredricks pointed out that the property is owned for Sheyenne-Maple Flood Control District #2 and the language in the Easement protects the facility. Kurt Lysne indicated the property was purchased to facilitate local projects related to Sheyenne-Maple Flood Control District #2 and as such is not included in the federal portion of the project. Mr. Fredricks said the property then could be conveyed to Cass County Joint Water Resource District to offer the Gokeys a less-restrictive *Access Easement*.

A motion was made by Manager Branson and seconded by Manager Weston to approve and authorize the Chairman to sign a *Quit Claim Deed* for a 0.51 acre parcel in the SE 1/4 of Section 24 in Mapleton Township to the Cass County Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control District #1 – West Fargo lagoon decommissioning for Lagoon Cell No. 8 – USACE Section 408 modification approval**

Mr. Lysne noted the City of West Fargo has received a USACE Section 408 Permit for modification of Sheyenne-Maple Flood Control District #1 regarding the West Fargo lagoon decommissioning project for Lagoon Cell No. 8. The City of West Fargo can now complete the project.

**Sheyenne-Maple Flood Control District #2 – City of Horace – Lost River 7th Addition – USACE Section 408 modification approval**

Mr. Lysne noted the City of Horace has received a USACE Section 408 Permit for modification of Sheyenne-Maple Flood Control District #2 regarding the Lost River 7th Addition. Andrew Thill stated the project is scheduled to begin next spring.

**Sheyenne-Maple Flood Control District #1 – Lease Agreement with Adam Rutten**

It was moved by Manager Weston and seconded by Manager Branson to approve the *Lease Agreement* with Adam Rutten in the NW 1/4 of Section 12 in Mapleton Township for one year at a rental rate of \$75 per acre. Upon roll call vote, the motion carried unanimously.

**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, staff and committees have discussed the proposed project and the Fargo City Commission recently approved proceeding with providing sanitary sewer for only the Commerce on I-29 development. City of Fargo staff will work with Commerce on I-29 representatives to enter into an Agreement. Then the Water Resource

District will proceed with developing the assessment district for the project, including drafting a multi-party Agreement with the City of Fargo and the Commerce on I-29 property owners.

The Board directed Mr. Fredricks to prepare and circulate the necessary documents to the property owners regarding development of the assessment district for the proposed Commerce on I-29 sanitary sewer project.

**Southside Rural Sewer Project – proposed tap-in**

Mr. Hausauer discussed a request from the property owner of 9302 25th Street South to connect to the Southside Rural Sewer Project. Mr. Hausauer reviewed the process used in the past.

A motion was made by Manager Branson and seconded by Manager Weston to approve the requested tap-in to the Southside Rural Sewer Project for 9302 25th Street South, subject to the following conditions:

- That the property owner obtain a letter from either Moore Engineering, Inc. or Houston Engineering, Inc. confirming there is adequate capacity in the system to accommodate the connection; and
- Payment of the \$5,000 tap-in fee to the City of Fargo Capital Repair Fund.

Upon roll call vote, the motion carried unanimously.

**Drain #3 – Encroachment Agreement with new property owner south of Main Avenue**

Discussion was held on the car dealership south of Main Avenue that has vehicles parked on Drain #3 right of way. The property owner has been in contact with the Water Resource District and indicated they are working on completing the survey required for the *Encroachment Agreement* regarding the matter.

**Drain #10 – slide repair north of 12th Avenue North**

Mr. Lysne reported Moore Engineering, Inc. has completed the survey of the Drain #10 slide north of 12th Avenue North. The next step is to complete the project design.

A motion was made by Manager Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to complete the design of the Drain #10 slide repair project north of 12th Avenue North, based on the cost estimate provided at the October 11, 2022, meeting. Upon roll call vote, the motion carried unanimously.

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

Brady Woodard reported the contractor has completed the Drain #21C channel cleanout in Sections 13, 23, 26 and 35 of Warren Township. If additional spoil leveling is needed in the spring, the contractor will return to finish the work.

**Drain #27 – City of Fargo Access Easement (Sanitary Sewer) on the east side of the drain, south of 44th Avenue South**

Nathan Boerboom discussed the City of Fargo's plans to install a sanitary sewer force main on the east side of Drain #27 south of 44th Avenue South. The force main would help solve current capacity issues in the area. The force main will be set back from the Drain #27 side slopes.

A motion was made by Manager Weston and seconded by Manager Branson to approve and authorize the Chairman to sign the *Access Easement (Sanitary Sewer)* with the City of Fargo on the east side of Drain #27 south of 44th Avenue South. Upon roll call vote, the motion carried unanimously.

**Drain #27 – City of Fargo Access Easement (Storm Sewer, Sanitary Sewer, and Water Main) west of 38th Street South**

Mr. Boerboom stated the City of Fargo is updating two lift stations near Drain #27 west of 38th Street South. The City of Fargo is requesting the Water Resource District grant an *Access Easement* for the lift station work including outfalls into Drain #27 as well as sanitary sewer and water main lines located below Drain #27 in the area. Mr. Boerboom noted two existing culverts that outfall into Drain #27 today will also be removed as the project will include installation of storm sewer that will route the water that currently flows through the culverts to the new lift stations. The Board briefly discussed coordinating repairs of Drain #27 slides in that area with the City of Fargo's project next year.

A motion was made by Manager Weston and seconded by Manager Branson to approve and authorize the Chairman to sign the *Access Easement (Storm Sewer, Sanitary Sewer, and Water Main)* with the City of Fargo west of 38th Street South regarding Drain #27. Upon roll call vote, the motion carried unanimously.

**Drain #27 – Request for Drainage on Highway Right of Way for the City of Fargo to install storm sewer inlets and storm sewer within the I-29 ditch right of way**

Mr. Boerboom discussed proposed drainage improvements in the area of the I-29 crossing at Drain #27 in conjunction with the City of Fargo project to install storm sewer inlets and storm sewer west of 38th Street South. Mr. Boerboom said ditch blocks would be installed to prevent inundation of North Dakota Department of Transportation right of way during high tailwater periods on Drain #27.

A motion was made by Manager Branson and seconded by Manager Weston to approve the *Request for Drainage on Highway Right of Way* for the City of Fargo to install storm sewer inlets and storm sewer within the I-29 ditch right of way in Sections 26 and 27 of Barnes Township. Upon roll call vote, the motion carried unanimously.

**Drain #27 – slides west of I-29 and west of 45th Street S**

Mr. Lysne stated Braun Intertec Corporation is currently conducting the geotechnical study regarding the Drain #27 slide areas west of I-29 and west of 45th Street S. Moore Engineering, Inc. will be in contact with the City of Fargo regarding the timing of the project as the City of Fargo will be doing work in that area next year.

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

Mr. Lysne updated the Board on the Drain #27 improvement project from 64th Avenue S to 100th Avenue S (Cass County Highway 14). Moore Engineering, Inc. is currently working on final design and completing the *Application for Surface Drain* to submit to the North Dakota Department of Water Resources (NDDWR) regarding the project. Discussion was held on potentially hosting a public input and informational meeting regarding the project, including discussion on the Drain #27 Master Plan. The Board directed Mr. Lysne to work with the Secretary-Treasurer to schedule a public input and informational meeting in the City of Horace regarding the project.

**Drain #27 – Utility Permit for KPH, Inc. to install a temporary crossing over Drain #27 east of Lot 16, Block 5, Cub Creek Second Subdivision**

Mr. Lysne and Mr. Fredricks discussed the *Utility Permit* for KPH, Inc. to install a temporary crossing over Drain #27 east of Lot 16, Block 5, Cub Creek Second Subdivision regarding Drain #27. Mr. Fredricks noted the contractor installed the crossing before submitting a *Utility Permit* application.

A motion was made by Manager Branson and seconded by Manager Weston to approve the *Utility Permit* for KPH, Inc. to install a temporary crossing over Drain #27 east of Lot 16, Block 5, Cub Creek Second Subdivision, with input from the Water Resource District Engineer and with the condition that the *Utility Permit* will sunset on October 1, 2023. Upon roll call vote, the motion carried unanimously.

**Drain #35 – proposed intercept culvert and addition of a sluice gate at the west end of Section 10 in Normanna Township**

David Braaten discussed issues of water backflowing onto his property in the NW 1/4 of Section 10 in Normanna Township from Drain #35. Mr. Woodard and Mr. Lysne discussed various options to help avoid backflow from Drain #35 including installation of a sluice gate or a new flap gate. The Board directed Moore Engineering, Inc. to obtain quotes from suppliers on various options and bring the information to a future meeting for further discussion.

Mr. Braaten also discussed lowering two intercept culverts in the NW 1/4 of Section 10 in Normanna Township to help improve drainage into Drain #35. Mr. Braaten indicated he would be willing to cost-share on lowering the intercept culverts. The Board directed Moore Engineering, Inc. to analyze the feasibility of lowering two intercept culverts on

Drain #35 in the NW 1/4 of Section 10 in Normanna Township and bring the information to a future meeting for discussion.

**Drain #40 – Laverne’s Second Addition Easements (Access Road, Street Easement, Flood Protection Levee, Storm Sewer)**

Roger Kluck updated the Board on the City of Fargo’s planned flood protection for Laverne’s Second Addition along Drain #40. Mr. Kluck said in addition to constructing a levee along the east side of Drain #40, there will be a variety of City of Fargo improvements, including a water main, stormwater detention pond with an outfall into Drain #40, a lift station and an access road to 32nd Avenue North. The City of Fargo is requesting Easements for each portion of the project. The City of Fargo has also completed a geotechnical study regarding the improvements and Drain #40.

A motion was made by Manager Weston and seconded by Manager Branson to approve and authorize the Chairman to sign the following with the City of Fargo for improvements regarding Laverne’s Second Addition along Drain #40:

- *Access Easement (Access Road)*
- *Access Easement (Street Easement)*
- *Access Easement (Flood Protection Levee)*
- *Access Easement (Storm Sewer)*

Upon roll call vote, the motion carried unanimously.

**Sheyenne River and Wild Rice River Snagging and Clearing**

Discussion was held on Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2023. Mr. Lysne noted cost-share has been approved by the NDDWR for the projects.

It was moved by Manager Weston and seconded by Manager Branson to approve and authorize the Chairman to sign Agreements with Industrial Builders, Inc. regarding the following projects:

- Sheyenne River Snagging and Clearing 2022-2023 Reach I, Project I, at a cost not to exceed \$196,000
- Sheyenne River Snagging and Clearing 2022-2023 Reach II, Project I, at a cost not to exceed \$100,000
- Wild Rice River Snagging and Clearing 2022-2023 at a cost not to exceed \$196,000

Upon roll call vote, the motion carried unanimously.

**Utility Permit for Val-Ed Joint Venture, LLP dba 702 Communications to install fiber optic cable inside an HDPE duct over the Sheyenne River in the NE 1/4 SE 1/4 of Section 18 in Barnes Township**

A motion was made by Manager Weston and seconded by Manager Branson to approve the *Utility Permit* for Val-Ed Joint Venture, LLP dba 702 Communications to install fiber

optic cable inside an HDPE duct over the Sheyenne River in the NE 1/4 SE 1/4 of Section 18 in Barnes Township, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

**Utility Permits for Insight Technologies, Inc. dba Read iTech Fiber to install fiber optic cable under Sheyenne-Maple Flood Control District #2 at various locations**

Discussion was held on the following *Utility Permits* for Insight Technologies, Inc. dba Read iTech Fiber to install fiber optic cable under Sheyenne-Maple Flood Control District #2 at the following locations:

- On the north side of 40th Avenue South
- On the north side of 44th Street SE / 76th Avenue S
- On the north side of 45th Street SE / Wall Avenue and along the west side of 81st Street S

Mr. Lysne indicated parallel utilities have not been allowed on Sheyenne-Maple Flood Control District #2 right of way and an approved Section 408 Permit from the Corps of Engineers is needed before the Water Resource District can consider approval of Utility Permit applications regarding Sheyenne-Maple Flood Control District #2. Insight Technologies, Inc. dba Read iTech Fiber will also need to provide a geotechnical report regarding the above Utility Permit applications before the Water Resource District will consider submitting a Section 408 modification request letter to the Corps of Engineers regarding the proposed projects.

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

Mr. Lysne reviewed a letter from Houston Engineering, Inc. soliciting views and comments regarding the reconstruction of 9th Street NE from Main Avenue E to 12th Avenue NE and the reconstruction of 7th Avenue NE from 9th Street NE to near 45th Street N. Mr. Lysne noted a Section 408 Permit will likely be needed from the Corps of Engineers where 7th Avenue NE crosses the Sheyenne-Maple Flood Control District #1 north tieback levee.

It was moved by Manager Branson and seconded by Manager Weston to submit comment on the letter from Houston Engineering, Inc. soliciting views and comments regarding the reconstruction of 9th Street NE from Main Avenue E to 12th Avenue NE and the reconstruction of 7th Avenue NE from 9th Street NE to near 45th Street N, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

The Board received and filed a Public Notice of a Section 404 Permit Application for the Cass County Highway Department to reconstruct approximately 1.15 miles of Cass County Highway 17 and construction of a roundabout at 64th Avenue South.

### **Fargo Department of Planning and Development – January Preliminary Packet**

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

### **West Fargo Planning and Zoning Commission**

The Board directed the Secretary-Treasurer to submit comment to the West Fargo Planning and Zoning Commission on The Wilds Twenty Second Addition, with input from the Water Resource District Engineer.

### **Year-end issues**

It was moved by Manager Weston and seconded by Manager Branson to:

- Authorize the Secretary-Treasurer to make any minor year-end transfers to balance the Southeast Cass Water Resource District 2022 budget;
- Authorize the Secretary-Treasurer to make transfers to and from obligated funds, if necessary; and
- Authorize the Secretary-Treasurer to amend the Southeast Cass Water Resource District 2022 budget.

Upon roll call vote, the motion carried unanimously.

### **Set regular meeting dates for 2023**

The Board discussed its regular meeting dates for the year 2023. It was moved by Manager Branson and seconded by Manager Weston to adopt the following Resolution. Upon roll call vote, the motion carried unanimously.

#### RESOLUTION

BE IT RESOLVED, that the Southeast Cass Water Resource District does hereby set the second Tuesday of January through December at 8:30 a.m. at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, time and place for the year 2023.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.



APPROVED:

---

Chairman

ATTEST:

---

Carol Harbeke Lewis  
Secretary-Treasurer

**Appointment of Red River Joint Water Resource District representative**

It was moved by Manager Branson and seconded by Chairman Jacobson to appoint Keith Weston to serve the remaining year of Dan Jacobson’s term as the Southeast Cass Water Resource District representative on the Red River Joint Water Resource District for calendar year 2023. 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 Chairman declared the motion passed.

**Adjournment**

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

APPROVED:

---

Chairman

ATTEST:

---

Carol Harbeke Lewis  
Secretary-Treasurer