

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JANUARY 10, 2023

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on January 10, 2023, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard and Brandon Oye, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Jody Bertrand, Jim Hausauer, Roger Kluck and Donald Kress, City of Fargo; Duane Breitling, Cass County Commissioner; and Tom Soucy, Cass County Highway Department.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Branson, seconded by Manager Weston and unanimously carried to approve the minutes of the December 13, 2022, meeting.

The Board welcomed Manager Rick Steen to the Southeast Cass Water Resource District and Manager Steen introduced himself.

**Reorganization of the Board for 2023**

Manager Branson nominated Keith Weston to serve in the capacity of Chairman of the Southeast Cass Water Resource District for calendar year 2023. Manager Steen seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

Manager Steen nominated Dave Branson to serve in the capacity of Vice Chairman of the Southeast Cass Water Resource District for calendar year 2023. Chairman Weston seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

Manager Steen nominated Keith Weston to serve in the capacity of Cass County Joint Water Resource District Representative for calendar year 2023. Manager Branson seconded the nomination. Manager Branson nominated Rick Steen to serve in the

capacity of Cass County Joint Water Resource District Representative for calendar year 2023. Chairman Weston seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

Manager Steen nominated Dave Branson to serve in the capacity of Cass County Joint Water Resource District Alternate Representative for calendar year 2023. Chairman Weston seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

Chairman Weston nominated Dave Branson to serve in the capacity of Sheyenne River Joint Water Resource District Representative for calendar year 2023. Manager Steen seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

Manager Steen nominated Keith Weston to serve in the capacity of Red River Joint Water Resource District Representative for calendar year 2023. Manager Branson seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

Chairman Weston nominated Rick Steen to serve in the capacity of Red River Joint Water Resource District Alternate Representative for calendar year 2023. Manager Branson seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

Chairman Weston nominated Rick Steen to serve in the capacity of Sheyenne River Joint Water Resource District Alternate Representative for calendar year 2023. Manager Branson seconded the nomination. Hearing no other nominations, a roll call vote was taken and all Managers voted in favor.

It was moved by Manager Branson and seconded by Manager Steen to nominate Carol Harbeke Lewis to serve in the capacity of Secretary-Treasurer of the Southeast Cass Water Resource District for calendar year 2023. Upon roll call vote, the motion carried unanimously.

**Designate depositories of Southeast Cass Water Resource District public funds**

It was moved by Manager Branson and seconded by Manager Steen to designate the following as depositories of Southeast Cass Water Resource District public funds:

- Alerus Financial
- Bell Bank
- US Bank
- Bank of the West
- First International Bank & Trust
- Bremer Bank
- BankNorth (Casselton)

Upon roll call vote, the motion carried unanimously.

**Approve the Pledge of Assets**

It was moved by Manager Steen and seconded by Manager Branson to approve the following *Pledge of Assets*:

Alerus Financial (as set out in the agreement dated March 7, 1996)

Upon roll call vote, the motion carried unanimously.

**Review of contract for legal services**

A motion was made by Manager Branson and seconded by Manager Steen to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the 2023 billing rates presented for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

**Review of contracts for engineering services**

A motion was made by Manager Steen and seconded by Manager Branson to reaffirm the agreements with the following firms for engineering services and approve the 2023 billing rates as presented for Southeast Cass Water Resource District:

- Moore Engineering, Inc.
- Houston Engineering, Inc.

Upon roll call vote, the motion carried unanimously.

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

Jim Hausauer reviewed the history of the proposed sanitary sewer for Commerce on I-29. The City of Fargo hopes to have an agreement in place with Commerce on I-29 representatives by the next meeting. 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.

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

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 develop a cost estimate for the project following receipt of the geotechnical report.

Mr. Woodard reported the tree removal project in the Drain #27 channel near I-29 has been completed.

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

Mr. Lysne reviewed the Drain #27 improvement project from 64th Avenue S to 100th Avenue S (Cass County Highway 14). A public input and informational meeting regarding the project will be scheduled in February or March. Mr. Lysne noted right of way will be needed for the project.

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

Mr. Lysne reviewed issues of water backflowing onto David Braaten’s property in the NW 1/4 of Section 10 in Normanna Township from Drain #35. The Board discussed various options to help avoid backflow from Drain #35 at the previous meeting, including installation of a sluice gate or a new flap gate. Mr. Woodard estimated the cost for a new 24” flap gate is \$3,200. The contractor was not able to obtain an estimated delivery date and cost estimate for a sluice gate at this time. Mr. Woodard reported the estimate to lower the intercept culvert in the NW 1/4 of Section 10 is \$4,000, but the contractor does not guarantee the condition of the culvert. The Board discussed potentially replacing the culvert. Moore Engineering, Inc. will include the culvert replacement as a component in the cost estimate for review at a future meeting.

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

Mr. Lysne said the proposed repair of the Drain #47 slides in the NE 1/4 of Section 10 and the NW 1/4 of Section 11 in Pleasant Township will be based on the receipt of the geotechnical report and recommendation. Moore Engineering, Inc. will discuss the project with the Diversion Authority to determine if the proposed project impacts construction of the Wild Rice River Control Structure for the Metro Flood Diversion Project.

**Drain #60 – Maintenance Agreement with the City of Kindred**

Brandon Oye indicated the City of Kindred is considering a *Maintenance Agreement* with the Water Resource District regarding Drain #60 from Cass County Highway 15 to Prairie Parkway. Discussion was held on a potential agreement with the City of Kindred.

A motion was made by Manager Steen and seconded by Manager Branson to authorize the Water Resource District Attorney and Engineer to develop a draft *Maintenance Agreement* with the City of Kindred for Drain #60 from Cass County Highway 15 to Prairie Parkway. Upon roll call vote, the motion carried unanimously.

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

Mr. Woodard updated the Board on Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2023. Moore Engineering, Inc. utilized drone footage of the Sheyenne River to develop a map for the contractor of areas on the rivers that need snagging and clearing work. Mr. Woodard is also working with local property owners along the Sheyenne and Wild Rice rivers to identify areas needing snagging and clearing work and secure access for the contractor to complete the work. The contractor has begun the project; however, ice conditions are currently poor, so the contractor is working from the riverbanks. The main project objective is to clear as much of the large trees and debris from the river channels as possible. The Board discussed sharing the drone photos with the North Dakota Department of Water Resources to demonstrate the continued need for

the work. Mr. Woodard noted the contractor is working to remove a large number of trees and debris from a bridge on the Wild Rice River. Tom Soucy reported the Cass County Highway Department removed the bridge on the Wild Rice River at 88th Avenue South that has been a problem area in the past for tree and debris buildup.

**Utility Permit for Cass Rural Water Users District to install a 16” water line under Drain #27 north of 76th Avenue S and west of 57th Street S (future Veteran’s Boulevard) at approximately 55th Avenue S**

A motion was made by Manager Branson and seconded by Manager Steen to approve the *Utility Permit* for Cass Rural Water Users District to install a 16” water line under Drain #27 north of 76th Avenue S and west of 57th Street S (future Veteran’s Boulevard) at approximately 55th Avenue S, contingent upon review and approval by 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 February Preliminary Packet.

A motion was made by Manager Branson and seconded by Manager Steen 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
  - February Preliminary Packet
- West Fargo Planning and Zoning Commission
  - North Pond at the Preserve Sixteenth Addition
  - Saucke Subdivision replat and Conditional Use Permit
  - Conditional Use Permit for a temporary concrete crushing facility at 2351 8th Avenue NE
  - Sandhills Sixth Addition

Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Steen 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: Weston, Branson and Steen. The Chairman declared the motion passed.

**Legislative updates**

Mr. Fredricks 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 Steen, seconded by Manager Branson and unanimously carried to adjourn the meeting.

APPROVED:

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Keith Weston  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer