

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 14, 2023

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on February 14, 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.; Chad Engels, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Jody Bertrand, Jim Hausauer and Donald Kress, City of Fargo; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; and Stan Wolf, Cass County Weed Officer.

Approval of agenda

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

Minutes

It was moved by Manager Branson, seconded by Manager Steen and unanimously carried to approve the minutes of the January 10, 2023, meeting.

Sheyenne Maple Flood Control Project #2 – assessment on parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250 – property disposal options

Brady Woodard noted all of the Metro Flood Diversion Project remnant parcels identified by the Metro Flood Diversion Project land management team would be beneficial to the Water Resource District and could potentially replace parcel 02-3000-01240-012 primarily as spoil areas. Mr. Woodard said some of the parcels may also be suitable as a staging area for projects on Sheyenne-Maple Flood Control District #2. Discussion was held on various options regarding parcel 02-3000-01240-012 in relation to the pending special assessment on the property. Chairman Weston indicated he will work with the Secretary-Treasurer to contact the City of West Fargo to further discuss the pending special assessment on the property. Mr. Woodward will also look into potential interest in the material on the property.

Proposed sanitary sewer for Commerce on I-29

Sean Fredricks and Jim Hausauer discussed 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 soon. 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 #3 – Encroachment Agreement with new property owner south of Main Avenue

Brief 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 will complete the survey required for the *Encroachment Agreement* regarding the matter this spring when the weather allows.

Drain #10 – Task Order No. 1 with Houston Engineering, Inc. for structural design of a concrete channel liner from the Burlington Northern Santa Fe Railway Company rail line, upstream to 4th Avenue N

Mike Opat discussed work relating to the structural design for the Drain #10 concrete channel liner from the Burlington Northern Santa Fe Railway Company rail line, upstream to 4th Avenue N. The estimated cost for the structural design is \$6,500.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chair to sign *Task Order No. 1* with Houston Engineering, Inc. to provide engineering services regarding the structural design of a concrete channel liner from the Burlington Northern Santa Fe Railway Company rail line upstream to 4th Avenue N regarding Drain #10. Upon roll call vote, the motion carried unanimously.

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

Alexa Ducioame reported Braun Intertec Corporation is currently conducting the geotechnical study with data from previous borings regarding the Drain #27 slide areas west of I-29 and west of 45th Street South. If Braun Intertec Corporation determines additional borings are needed for the study, they will conduct them when weather allows. Moore Engineering, Inc. will develop a cost estimate for the project following receipt of the geotechnical report.

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

Ms. Ducioame reviewed the Drain #27 improvement project from 64th Avenue South to 100th Avenue South (Cass County Highway 14). A public input and informational meeting is scheduled for March 2, 2023, at the Horace Fire Event Center.

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chair to sign the *Standard Rental Agreement for Horace Fire Event Center* and approve the payment of the rental fee for the facility in the amount of \$200. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to work with the Secretary-Treasurer to send notices of the public informational meeting regarding the Drain #27 Improvement Project from 64th Avenue South to 100th Avenue South (Cass County Highway 14). 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

Mr. Woodard estimated the cost for a new culvert, sluice gate and flap gate in the NW 1/4 of Section 10 is \$13,000. The site will be inspected this spring. The Board discussed funding for the project and directed Mr. Woodard to continue communication with the property owner regarding his previous offer to cost-share on the potential project.

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

Ms. Ducioame said the geotechnical report from Braun Intertec Corporation is expected in a couple of weeks regarding 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.

Drain #60 – Maintenance Agreement with the City of Kindred

Sean Fredricks reported the City of Kindred is reviewing a *Maintenance Agreement* with the Water Resource District regarding Drain #60 from Cass County Highway 15 to Prairie Parkway. Mr. Fredricks informed the Board of a technical conflict of interest under Rule 1.7 regarding the *Maintenance Agreement* with the City of Kindred. Ohnstad Twichell, P.C. represents both Southeast Cass Water Resource District and the City of Kindred. Rule 1.7 allows Ohnstad Twichell, P.C. to represent both the Southeast Cass Water Resource District and the City of Kindred following consent by both entities.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Consent Letter* regarding Ohnstad Twichell P.C.'s representation of Southeast Cass Water Resource District regarding the Drain #60 *Maintenance Agreement* with the City of Kindred. Upon roll call vote, the motion carried unanimously.

Discussion was held on notification of future encroachments regarding Drain #60 in the City of Kindred. Mr. Woodard noted Moore Engineering, Inc. conducts inspections of Water Resource District facilities which includes encroachments and will communicate with the City of Kindred regarding matters related to Drain #60.

Drain #27 - maintenance agreement with the City of Horace

Brief discussion was held on engaging the City of Horace regarding a potential maintenance agreement for the portions of Drain #27 within city limits. The Board directed the Secretary-Treasurer to invite the City of Horace to a future meeting to discuss the possibility.

Sheyenne River and Wild Rice River Snagging and Clearing

Mr. Woodard presented photographs of the Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2023. He reported that releases from Baldhill Dam are increasing and affecting work on the project. The contractor has expended the available funds for Sheyenne River Reach I – Project I of the 2023 snagging and clearing efforts and made great progress on that reach. The contractor plans to begin snagging and clearing in Reach II of the Sheyenne River soon. Mr. Woodard has been communicating with property owners within Reach II regarding the work.

Mr. Woodard suggested conducting snagging and clearing efforts on Sheyenne River Reach I – Project II from 52nd Street SE to the inlet of Sheyenne-Maple Flood Control District #2. It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chair to sign the *Agreement* with Industrial Builders, Inc. for Sheyenne River Snagging and Clearing 2023 Reach I – Project II, not to exceed \$60,000. Upon roll call vote, the motion carried unanimously.

The Board discussed sharing the drone photos with the North Dakota Department of Water Resources to demonstrate the continued need for the work. The Board directed Mr. Woodard to contact the Upper Red River Basin State Water Commissioner, April Walker, to share the snagging and clearing drone footage and discuss the importance of snagging and clearing efforts.

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

Ms. Ducioame reported ReadITech has provided the geotechnical reports regarding the *Utility Permits* for Insight Technologies, Inc. dba ReadITech Fiber to install fiber optic cable under / along Sheyenne-Maple Flood Control District #2 at various locations.

A motion was made by Manager Branson and seconded by Manager Steen to authorize the Secretary-Treasurer to submit a Section 408 modification request letter to the Corps of Engineers regarding the request from Insight Technologies, Inc. dba ReadITech Fiber to install fiber optic cable under / along Sheyenne-Maple Flood Control District #2 at the following locations:

- On the north side of 40th Avenue S
- 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

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 Steen and seconded by Manager Branson to authorize the Secretary-Treasurer to submit comment on the solicitation of views from Stantec regarding the North Dakota Department of Transportation retention and reconstruction of the I-29 40th Avenue N (Exit 69) interchange, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Donald Kress reviewed the Fargo Department of Planning and Development March Preliminary Packet. Mr. Kress noted a portion of Drain #40 will be annexed into the City of Fargo as part of the annexation of property in Sections 15 and 22 of Reed Township. Ms. Ducioame noted Moore Engineering, Inc. worked with the City of Fargo to size crossings on Drain #40 in this area last year.

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
 - Notice of Annexation in Sections 15 and 22 of Reed Township
 - March Preliminary Packet

Upon roll call vote, the motion carried unanimously.

Weed, cattail, tree and brush control

Stan Wolf discussed the bids received for aerial and ground spraying for weed, cattail, tree and brush control on Southeast Cass Water Resource District facilities. Discussion was also held on controlling spotted hemlock in Cass County. The Board tabled the matter and directed Mr. Woodard to continue working with Mr. Wolf and bring more information to the next meeting for further discussion.

Bills

It was moved by Manager Steen and seconded by Manager Branson to approve payment of Check #15247, 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 briefly 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 Branson, seconded by Manager Steen and unanimously carried to adjourn the meeting.

APPROVED:

Keith Weston
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer