

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT WEST FARGO PUBLIC WORKS
WEST FARGO, NORTH DAKOTA
JULY 11, 2023

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on July 11, 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 and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Jody Bertrand, Nathan Boerboom, Jim Hausauer, Donald Kress and Luke Morman, City of Fargo; Joel Luing, City of Horace; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Kellen Grubb, AE2S; Dylan Brown, ASN Constructors; Brian Fuder, Red River Retention Authority Executive Director; and Blake Wrigley, West Fargo resident.

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 Steen, seconded by Manager Branson and unanimously carried to approve the minutes of the June 13, 2023, meeting.

Red River Valley Water Supply Project – impacts on Sheyenne River

Blake Wrigley expressed concerns about potential impacts such as bank erosion and the increased risk of flooding to his property along the Sheyenne River from increased flows in the river related to the Red River Valley Water Supply Project (RRVWSP). Kurt Lysne said the RRVWSP is a drought mitigation project that will discharge at Baldhill Dam, which is a controlled outlet. Mr. Lysne discussed current flows through the Sheyenne River in Horace and West Fargo and the impacts of Sheyenne-Maple Flood Control Projects #1 and #2 and the future Metro Flood Diversion Project on the flows in the Sheyenne River. The Board noted the berms along the Sheyenne River need to remain in place to prevent breakout flows during periods of high water. The Board thanked Mr. Wrigley for his comments.

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

Alexa Ducioame reported Moore Engineering, Inc. is finishing the plans for the Drain #10 slide repairs north of Cass County Highway 20. Once the plans are completed, the project will be advertised for bids. The bid results will be brought to a future meeting.

Drain #10 – Sysco North Dakota, Inc. encroachment north of 12th Avenue N

Discussion was held on a potential encroachment by Sysco North Dakota, Inc. on Drain #10 right of way north of 12th Avenue N. Mr. Lysne said there is asphalt on Drain #10 right of way and slides have occurred at the location. Mr. Lysne said following additional research on the matter, it was discovered the City of Fargo previously reconstructed Drain #10 in this area and obtained an 18.5' strip of right of way along Drain #10 in 1976. Sysco North Dakota, Inc. did obtain approval from the City of Fargo to place the asphalt at that location. Mr. Lysne indicated the City of Fargo will contact Sysco North Dakota, Inc. to discuss repair options.

Drain #10 – concrete channel liner repair between approximately 4th Avenue N to north of 12th Avenue N

The Board discussed the condition and replacement of the Drain #10 concrete channel liner between approximately 4th Avenue N to north of 12th Avenue N. Moore Engineering, Inc. is coordinating the project design with the City of Fargo as they maintain the facility. The Board briefly discussed funding for the project.

Drain #21 – slides between 12th and 19th Avenues NW - outlet improvements

Ms. Ducioame presented a proposal from Braun Intertec Corporation to complete a geotechnical study of multiple Drain #21 slides between 12th And 19th Avenues NW. The Board discussed the possibility of completing a Drain #21 outlet improvement project in addition to the slide repairs.

A motion was made by Manager Steen and seconded by Manager Branson to approve the proposal from Braun Intertec Corporation to complete a geotechnical study of Drain #21 slides between 12th and 19th Avenues NW to determine a solution near West Fargo Lagoon Cell 7 to protect the sanitary sewer force main at the location. Upon roll call vote, the motion carried unanimously.

Drain #27 Improvement Project No. 2023-01 - 64th Avenue S to 100th Avenue S (Cass County Highway 14)

Moore Engineering, Inc. continues to prepare the plans for Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S. Brief discussion was held on potential cost-share for the project and future improvements to 64th Avenue S.

Drain #27 – Encroachment Agreement and Permanent Drain Easement with Living Waters Lutheran Church and 4540 Investments LLC – east of 45th Street S on the south side of the drain

Sean Fredricks updated the Board on the *Encroachment Agreement* with Living Waters Lutheran Church and 4540 Investments LLC regarding construction of a parking lot within the *Permanent Drain Easement* area regarding Drain #27 and Southwest Fargo Mission Second Addition. Living Waters Lutheran Church has indicated they no longer wish to be a party to the *Encroachment Agreement*. Mr. Fredricks indicated the *Encroachment Agreement* will now be solely with 4540 Investments LLC and will be executed following successful closing of property from Living Waters Lutheran Church to 4540 Investments LLC. Living Waters Lutheran Church is currently considering the *Permanent Drain Easement* regarding Drain #27. Donald Kress noted the Southwest Fargo Mission Second Addition plat will not be recorded until the *Permanent Drain Easement* has been executed and the document number for the *Easement* included on the plat.

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

Mr. Lysne reviewed Drain #40 Channel Improvements Project No 2019-01 Phase II and stated the project is complete.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign *Change Order No. 2 – Final Balancing* for Gladen Construction, Inc. to decrease the total contract price in the amount of \$5,962.05 regarding Drain #40 Channel Improvements Project No. 2019-01 Phase II. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign *Contractor’s Application for Payment No. 3 - Final* for Gladen Construction, Inc. in the amount of \$39,960.30 regarding Drain #40 Channel Improvements Project No. 2019-01 Phase II. Upon roll call vote, the motion carried unanimously.

Drain #40 – Interstate Business District Addition

Discussion was held on Interstate Business District Addition adjacent to Drain #40 in Section 15 of Reed Township. Donald Kress discussed recent updates to the development and indicated the Fargo City Commission recommended the Interstate Business District Addition plat be referred back to the City of Fargo Planning Commission.

Mr. Fredricks briefly updated the Board on negotiations between parties regarding the *Temporary Access Agreement* with ARD Properties, LLC, North Fargo Land, LLC and Opp Construction LLC to provide access to Opp Construction, LLC during construction of 44th Street North for Interstate Business District Addition regarding Drain #40.

The Board tabled consideration of the Interstate Business District Addition plat until the next meeting.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Access Easement (44th Street and Utilities)* with the City of Fargo regarding Drain #40, contingent upon the Water Resource District Engineer's review and approval of the finalized survey to be attached as Exhibit A. Upon roll call vote, the motion carried unanimously.

Drain #50 – Metro Flood Diversion Project interface - Access Agreement with ASN Constructors

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Access Agreement* with ASN Constructors regarding construction of a temporary crossing on Drain #50 for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Drain #60 – Maintenance Agreement with City of Kindred

Manager Weston reported the City of Kindred is not interested in entering into a *Maintenance Agreement* regarding Drain #60 at this time.

Wild Rice River bridge on North Dakota Highway 46 west of I-29 – North Dakota Department of Transportation request to remove trees built up in the channel

Discussion was held on a request from the North Dakota Department of Transportation (NDDOT) to remove trees built up in the Wild Rice River channel at the bridge on North Dakota Highway 46 west of I-29. Brady Woodard said the NDDOT Fargo District has agreed to sign a letter to the North Dakota Department of Water Resources (NDDWR) regarding the benefits of snagging and clearing projects to public infrastructure. Richland County Water Resource District has indicated they are unsure if they have additional funds remaining for snagging and clearing to assist the Water Resource District with this project, but they will continue discussions with the Board on the matter. Mr. Woodard said property owners have granted access to the site and want the trees removed. Mr. Woodard is communicating with three contractors who are willing to coordinate efforts to complete the work and remove the material from the site in a timely manner. The cost estimate for the project is less than \$100,000. Mr. Lysne reported the NDDWR is currently processing the cost-share requests for snagging and clearing 2023-2024 in-house. The project can proceed once the cost-share request has been processed by the NDDWR.

Utility Permits

A motion was made by Manager Steen and seconded by Manager Branson to approve the *Utility Permit* for Cass Rural Water Users District to install a water supply pipeline under Drain #9 80' north of 64th Avenue N, 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 Manager Steen to approve the *Utility Permit* for the City of West Fargo to install a storm sewer pipe into Drain #21 south of 7th Avenue NW, 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

Discussion was held on the Fargo Department of Planning and Development August Preliminary Packet, including the Buchholz Addition plat regarding Drain #40. Mr. Kress will update the Board on the plat at a future meeting.

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

Joel Luing reported a developer is requesting to pave 81st Street S along Sheyenne-Maple Flood Control Project #2. Mr. Lysne indicated the developer will need an Agreement with the Water Resource District as well as a Section 408 Permit from the Corps of Engineers prior to proceeding with the project. Mr. Luing discussed future development in the City of Horace west of Sheyenne-Maple Flood Control District #2. Discussion was also held on increased traffic and the current condition of 81st Street S as property owners are using the roadway as a detour for ongoing road construction in the City of Horace instead of the marked detours. Mr. Woodard indicated Moore Engineering, Inc. will continue to monitor the condition of 81st Street S. The Board thanked the City of Horace for their assistance in maintaining 81st Street S while there is road construction ongoing in the City.

The Board briefly discussed removal of stockpiled woody material at the Sheyenne-Maple Flood Control Project #2 inlet structure. Mr. Woodard said a contractor will be removing the material soon.

2022 Audit

A motion was made by Manager Steen and seconded by Manager Branson to approve the 2022 Audit of the Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Approve Pledge of Assets

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

Alerus Financial (as per agreement of March 7, 1996)

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.

Drain #21 – slide south of 12th Avenue N

Mr. Woodard reported the City of West Fargo is currently repairing the slide on Drain #21 south of 12th Avenue N.

Red River Retention Authority Executive Director

Brian Fuder introduced himself as the new Executive Director of the Red River Retention Authority. The Board welcomed Mr. Fuder.

Tour of facilities

The Board discussed touring various Southeast Cass Water Resource District facilities on July 14, 2023, at 8:00 a.m.

Weed control

Mr. Woodard reported the weed control contractor has begun spraying spotted hemlock as it is currently in bloom.

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