

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT WEST FARGO PUBLIC WORKS
WEST FARGO, NORTH DAKOTA
SEPTEMBER 12, 2023

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on September 12, 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, Donald Kress and Alayna Espeseth, City of Fargo; George Grossman and Jerrold Wallace, City of West Fargo; Joel Luing, City of Horace; Duane Breitling, Cass County Commissioner; Tony Eukel, MBN Engineering, Inc.; Trent Duda, ARD Properties, LLC; and Sherrie Moore, property owner in the City of Horace.

Approval of agenda

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

Minutes

It was moved by Manager Branson, seconded by Manager Steen and unanimously carried to approve the minutes of the August 8, 2023, meeting.

Sheyenne-Maple Flood Control Project #1 – Access Agreement for the City of West Fargo regarding a sanitary sewer rehab bypass

Jerrold Wallace discussed the City of West Fargo sanitary sewer rehab bypass project and indicated the City of West Fargo is requesting the bypass pump and associated pipe for the project be temporarily placed on Water Resource District property for Sheyenne-Maple Flood Control Project #1 at 12th Avenue N. Mr. Wallace said the project is critical to the sanitary sewer for the City of West Fargo and is anticipated to be complete by the end of the year or next spring. Sean Fredricks discussed an *Access Agreement* drafted for the project.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Access Agreement* with the City of West Fargo for a sanitary sewer rehab bypass project regarding Sheyenne-Maple Flood Control Project #1. Upon roll call vote, the motion carried unanimously.

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

Manager Steen reported he recently discussed options regarding the assessment on parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250 regarding Sheyenne-Maple Flood Control Project #2 with the Mayor of the City of West Fargo. The Board directed Brady Woodard to follow up with City of West Fargo staff regarding the matter.

Sheyenne-Maple Flood Control Project #2 – Sherrie Moore, 5502 Cass County Highway 17 S, Horace – riverbank concerns related to the City of Fargo Sheyenne River bridge replacement project at 52nd Avenue S and Cass County Highway Department project to install new Sheyenne River box culverts at Cass County Highway 17

Sherrie Moore discussed concerns of riverbank erosion at her property at 5502 Cass County Highway 17 S in Horace related to the City of Fargo Sheyenne River bridge replacement project at 52nd Avenue S and Cass County Highway Department project to install new Sheyenne River box culverts at Cass County Highway 17. Ms. Moore requested a site visit to further discuss her concerns. The Board indicated riverbank stability issues are common throughout the Sheyenne River system as rivers continually move. Following discussion, the board directed Mr. Woodard to gather more information on the Cass County Highway Department project and meet with Ms. Moore at her property regarding her riverbank concerns.

Sheyenne-Maple Flood Control Projects #1 and #2 – equipment purchase

Mr. Woodard and George Grossman presented information on current equipment and a quote from Butler Machinery Company for new equipment for maintenance of Sheyenne-Maple Flood Control Projects #1 and #2. The quote for the purchase of a new tractor and mower includes an extended warranty and Butler Machinery Company would service the tractor and mower on-site.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign a *Sales Agreement* with Butler Machinery Company to trade in the Caterpillar Challenger MT535E tractor and Schulte FX-1800 mower and to purchase a Fendt FT314G4 Utility Tractor and Schulte mower for maintenance of Sheyenne-Maple Flood Control Projects #1 and #2. Upon roll call vote, the motion carried unanimously.

Drain #3 – slides in Section 25 of Reed Township

Mr. Woodard obtained a quote from a contractor for \$32,650 to repair the Drain #3 slides in Section 25 of Reed Township as requested by the North Dakota Air National Guard. The contractor has availability to complete the project this fall.

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to hire Key Contracting, Inc. to repair the Drain #3 slides in Section 25 of Reed Township for \$32,650. Upon roll call vote, the motion carried unanimously.

Mr. Woodard noted he is meeting with North Dakota Air National Guard representatives to discuss a potential request for crossing improvements on Drain #3 in Section 25 of Reed Township. Mr. Woodard will bring more information on the matter to a future meeting.

Drain #10 – Sysco North Dakota, Inc. encroachment north of 12th Avenue N and concrete channel liner repair between approximately 4th Avenue N to north of 12th Avenue N

Alexa Ducioame discussed repair options related to the slides on Drain #10 north of 12th Avenue N, and stated Sysco North Dakota, Inc. prefers to move the channel bottom slightly east in the area. The Drain #10 channel liner in this area will be replaced in the near future as part of the Drain #10 concrete channel liner repair project between approximately 4th Avenue N and 12th Avenue N. Sysco North Dakota, Inc. has indicated to the City of Fargo they are willing to contribute monetarily to the project. Discussion was held on discussions with the City of Fargo and Sysco North Dakota, Inc. regarding right of way in the project area. The Board discussed the design of the Drain #10 concrete channel liner repair project between approximately 4th Avenue N and 12th Avenue N.

It was moved by Manager Steen and seconded by Manager Branson to authorize the Secretary-Treasurer to submit an *Application for Surface Drain* to the North Dakota Department of Water Resources regarding the replacement of the Drain #10 concrete channel liner between approximately 4th Avenue N to north of 12th Avenue N. Upon roll call vote, the motion carried unanimously.

Kurt Lysne said he anticipates the project could be constructed during winter.

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

Ms. Ducioame reported Braun Intertec Corporation is scheduled to complete the field work necessary for the geotechnical study of multiple Drain #21 slides between 12th and 19th Avenues NW in October due to equipment failure delays. The Board discussed availability of various local geotechnical companies.

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

Ms. Ducioame reported Moore Engineering, Inc. is preparing plans and a cost estimate to repair the Drain #27 slides west of I-29 and west of 45th Street S.

Drain #27 – Encroachment Agreement with Living Waters Lutheran Church and 4540 Investments LLC (revised)

Mr. Fredricks reported Living Waters Lutheran Church has approved the *Permanent Drain Easement* regarding Drain# 27, contingent upon resolution of their outstanding issues with Verizon, Inc. Living Waters Lutheran Church will need to sign the *Permanent Drain Easement* before the Water Resource District can proceed with handling the revised

Encroachment Agreement with 4540 Investments LLC regarding Drain #27. Donald Kress noted the associated Southwest Fargo Mission Second Addition plat has been rescheduled to the October Fargo City Commission meeting for consideration.

Drain #40 – Interstate Business District Addition

A motion was made by Manager Branson to approve and authorize the Chairman to sign 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, and to authorize the Chairman to sign the Interstate Business District Addition plat, contingent upon receipt of the signed *Temporary Access Agreement* and release of the old easement by all parties. Upon roll call vote, the motion carried unanimously.

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

Mr. Woodard reported the contractor for the Drain #47 slide repairs in the NE 1/4 of Section 10 and the NW 1/4 of Section 11 in Pleasant Township agreed to repair the slide in the NW 1/4 of Section 11 in Pleasant Township at a 6:1 slope for a \$10,000 reduction in the price originally bid. The *Agreement* for the project has been sent to the contractor for signature and the contractor is anticipated to begin project construction next week.

Letter from Interstate Engineering soliciting views and comments regarding a proposed concrete shared use path along Cass County Highway 17 from 3rd Avenue North to 81st Avenue South for the City of Horace

The Board received and filed a letter from Interstate Engineering soliciting views and comments regarding a proposed concrete shared use path along Cass County Highway 17 from 3rd Avenue North to 81st Avenue South for the City of Horace. The Board had no comments on the matter.

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 October Preliminary Packet and a proposed development adjacent to Drain #53.

Joel Luing updated the Board on construction of the Cub Creek Second Addition in the City of Horace regarding Drain #27.

The Board directed the Secretary-Treasurer to submit comments on the following, with input from the Water Resource District Engineer:

- Fargo Department of Planning and Development October Preliminary Packet
- West Fargo Planning and Zoning Commission – North Pond at the Preserve 17th Addition

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.

Office staffing

Brief discussion was held on the status of hiring additional office staff following the retirement of the Secretary-Treasurer at the end of the year.

Transitions between the Metro Flood Diversion Project and legal assessment drains

Mr. Lysne discussed transitions between the Metro Flood Diversion Project and legal assessment drains. Transitions are required so that future improvements of Water Resource District facilities can be accomplished without initiating federal permit requirements related to the Metro Flood Diversion Project. Mr. Lysne stated he has received written confirmation from the Corps of Engineers that transitions between the Metro Flood Diversion Project and legal assessment drains, constructed by the Water Resource District, are standalone projects that are not related to the Metro Flood Diversion Project. Mr. Lysne said this means the transitions will not require a Section 408 permit from the Corps of Engineers. Mr. Lysne suggested beginning the process to obtain environmental permits this fall on all transition projects between the Metro Flood Diversion Project and legal assessment drains. Construction of the transitions could occur at a later date and all work related to the transitions is reimbursable by the Metro Flood Diversion Authority.

Sheyenne River and Wild Rice River Snagging and Clearing 2023-2024

Discussion was held on the estimated costs and priority areas of upcoming snagging and clearing efforts on the Sheyenne River and Wild Rice River for 2023-2024, as the contractor is currently planning upcoming winter projects. The Board indicated they plan to utilize the approved State Water Commission cost-share funding for the project. The Board will discuss conducting additional snagging and clearing efforts once the available cost-share funding is expended.

Weed control

Mr. Woodard reported the weed control contractor has completed the annual spraying of Water Resource District facilities.

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:

Keith Weston
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer