

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT WEST FARGO PUBLIC WORKS
WEST FARGO, NORTH DAKOTA
OCTOBER 10, 2023

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on October 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 Erik Gilbertson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Jody Bertrand, Jim Hausauer, Donald Kress, Luke Morman and Alayna Espeseth, City of Fargo; and Joel Luing, 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 September 12 and 26, 2023, meetings.

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 reported he followed up with City of West Fargo staff regarding options related to the assessment on parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250 regarding Sheyenne-Maple Flood Control Project #2. The City of West Fargo has not responded at this time. The Board indicated they will continue to reach out to the City of West Fargo regarding the matter.

Proposed sanitary sewer for Commerce on I-29

Jim Hausauer indicated the City of Fargo remains in communication with property owners in the Commerce on I-29 development regarding an Agreement between the property owners and the City of Fargo regarding the proposed sanitary sewer project. There are a handful of property owners that have questions and concerns regarding the annexation language set out in the Agreement. Discussion was held on the possibility of proceeding with the assessment district for the project which requires a vote of the property owners. Erik Gilbertson noted the representative of the Commerce on I-29 property owner's association has requested additional time to pursue having all property owners in agreement with the project before continuing with the assessment district process.

Sean Fredricks reviewed the assessment district formation process regarding Water Resource District projects. The Board discussed the possibility of requiring a Petition and Bond for the project, should the property owners not all sign the Agreement with the City of Fargo. Following discussion, the board tabled the matter until the next meeting to give the Commerce on I-29 property owners additional time, as requested, to sign the Agreement with the City of Fargo. The Board directed Mr. Fredricks to draft a Petition and Bond document, requiring a bond of \$50,000, should the property owners not sign the Agreement with the City of Fargo regarding the proposed sanitary sewer for Commerce on I-29 project.

Drain #3 – slides in Section 25 of Reed Township

Mr. Woodard reported the contractor will begin the repair of the Drain #3 slides in Section 25 of Reed Township this week.

Drain #3 – intercept culvert failure at 15th Avenue N and Dakota Drive

Mr. Woodard stated there is a Drain #3 intercept culvert that has failed at 15th Avenue N and Dakota Drive. The culvert is part of a concrete structure that could be removed and replaced with a corrugated metal pipe and flap gate. The contractor's quote obtained by Moore Engineering, Inc. to complete the project is \$14,500.

A motion was made by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to hire a contractor to replace the Drain #3 intercept culvert at 15th Avenue N and Dakota Drive, not to exceed \$14,500. Upon roll call vote, the motion carried unanimously.

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

Alexa Ducioame stated Braun Intertec Corporation provided a new recommended repair of the Drain #10 slides north of Cass County Highway 20. Contractors were not comfortable with Braun Intertec Corporation's previously recommended repair. Moore Engineering, Inc. will update the project plans and will reach out to contractors to obtain quotes for the project.

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

Ms. Ducioame discussed a modified design of the Drain #10 channel bottom north of 12th Avenue N in the area of the Sysco North Dakota, Inc. encroachment. The modified design is agreeable to all parties and is maneuverable by City of Fargo maintenance equipment. Moore Engineering, Inc. and Houston Engineering, Inc. will now finish the plans for the Drain #10 concrete channel liner repair project between approximately 4th Avenue N and 12th Avenue N. Once the plans are completed, a state permit is received and right of way acquired, the project can be bid.

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

Ms. Ducioame said Braun Intertec Corporation recently completed the field work necessary for the geotechnical study of multiple Drain #21 slides between 12th and 19th Avenues NW.

Drain #21 – slide south of 12th Avenue N

Kurt Lysne reported the Drain #21 slide south of 12th Avenue N has been repaired by City of West Fargo staff and the project is complete.

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

Ms. Ducioame updated the Board on the Drain #27 slide repairs west of I-29 and west of 45th Street S. Moore Engineering, Inc. is preparing plans with geotechnical assistance from Braun Intertec Corporation. It is anticipated the project will be constructed next summer.

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

Ms. Ducioame stated Moore Engineering, Inc. is nearly finished with the design for Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S. Sean Fredricks and Levi Hanson briefly updated the Board on right of way needed for the project. The project can be bid following acquisition of right of way. Construction of the project will be coordinated with the City of Horace as there are two crossings to install within City limits.

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

Mr. Fredricks reported Living Waters Lutheran Church has approved and is ready to sign the *Permanent Drain Easement* regarding Drain #27. The *Permanent Drain Easement* will be recorded, and the document number will be included on the associated Southwest Fargo Mission Second Addition plat. The *Encroachment Agreement* with 4540 Investments LLC will be executed following successful closing of property from Living Waters Lutheran Church.

Drain #40 – Buchholz Addition – Permanent Drain Easement

Mr. Lysne updated the Board on adjustments needed to the survey that is required for the *Permanent Drain Easement* regarding the Buchholz Addition adjacent to Drain #40.

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Permanent Drain Easement* with Buchholz Exchange, LLC regarding the Buchholz Addition plat adjacent to Drain #40, contingent upon approval of the survey required for the *Permanent Drain Easement* by the Water Resource District Engineer. 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 completed the Drain #47 slide repairs in the NE 1/4 of Section 10 and the NW 1/4 of Section 11 in Pleasant Township last week. The project will be seeded soon.

Metro Flood Diversion Project transitions

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. Ms. Ducioame discussed Task Orders to begin work related to the Section 404 permits needed for the transitions between the Metro Flood Diversion Project and Drain #21C, Drain #50, and Drain #51. Ms. Ducioame also noted the transition between the Metro Flood Diversion Project and Drain #50 is also ready for survey and design work.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the following with Moore Engineering, Inc. regarding engineering for the transitions between the Metro Flood Diversion Project and legal assessment drains:

- *Task Order No. 24* regarding Drain #21C
- *Task Order No. 25* regarding Drain #50
- *Task Order No. 26* regarding Drain #51

Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to do the following regarding transitions between the Metro Flood Diversion Project and legal assessment drains:

- Conduct environmental field services for Drain #21C, Drain #50 and Drain #51
- Commence survey and design work for Drain #50

Upon roll call vote, the motion carried unanimously.

Utility Permit for Xcel Energy to install a 4” PE gas main under Drain #27 north of 83rd Avenue S

Mr. Lysne discussed a *Utility Permit* for Xcel Energy to install a 4” PE gas main under Drain #27 north of 83rd Avenue S. A motion was made by Manager Steen, seconded by Manager Branson and unanimously carried to table the *Utility Permit* for Xcel Energy to

install a 4" PE gas main under Drain #27 north of 83rd Avenue S until a cross-section for the site is received. The Board directed the Secretary-Treasurer to inform the applicant to provide the requested cross-section.

Chairman Weston stated Utility Permit applications need to be complete before the Board will consider them, which includes submitting a cross-section of the proposed utility installation.

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

Mr. Lysne briefly discussed *Application to Construction No. 2726* for the City of Fargo for proposed flood mitigation measures on Hackberry Drive S. The project includes construction of a small segment of levee, connecting existing levees.

It was moved by Manager Branson and seconded by Manager Steen to authorize the Secretary-Treasurer to submit comment to the North Dakota Department of Water Resources regarding *Application to Construction No. 2726* for the City of Fargo for proposed flood mitigation measures on Hackberry Drive S, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Discussion was held on the Fargo Department of Planning and Development November Preliminary Packet. Donald Kress reported the Fargo City Commission denied the Interstate Business District Addition plat regarding Drain #40. Mr. Kress noted the developer can appeal the Commission's decision.

Mr. Lysne briefly reviewed the West Fargo Planning and Zoning Commission notification regarding Wehri Residence Subdivision and Conditional Use Permit. The Board discussed revisiting prior discussions on watercourse setbacks with the City of West Fargo. The Board directed Mr. Lysne to help facilitate discussions with the City of West Fargo on watercourse setbacks at a future meeting.

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 November Preliminary Packet
- West Fargo Planning and Zoning Commission – Wehri Residence Subdivision and Conditional Use Permit

Joel Luing updated the Board on construction of Cub Creek Second Addition in the City of Horace regarding Drain #27. The contractor will soon be installing a large culvert in Drain #27. Mr. Luing indicated he will contact Moore Engineering, Inc. when the contractor begins the culvert installation.

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.

2024 drain reassessments

Discussion was held on potential reassessments of Drains #21, #40, #45 and #60 in 2024. The Board directed Moore Engineering, Inc. to prepare information including maps, a cost estimate and information on the previous reassessment of Drains #21, #40, #45 and #60 for the Board to review. The Board will continue discussions on potential 2024 drain reassessments at future meetings.

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

Mr. Woodard stated he and Kyle Litchy from the Cass County Highway Department met with Sherrie Moore, as directed by the Board at the previous meeting. Mr. Woodard and Mr. Litchy answered questions Ms. Moore had and discussed Sheyenne-Maple Flood Control Districts #1 and #2 and the Cass County Highway Department project to install new box culverts in the Sheyenne River at Cass County Highway 17. Mr. Woodard noted there are no concerns related to Ms. Moore’s property.

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