

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
ORIGINATING AT WEST FARGO PUBLIC WORKS  
WEST FARGO, NORTH DAKOTA  
NOVEMBER 14, 2023

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on November 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.; Kurt Lysne, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jim Hausauer, Donald Kress, Luke Morman and Alayna Espeseth, City of Fargo; and Jerry Wallace, City of West Fargo.

**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 October 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 reported he followed up with City of West Fargo staff about property disposal options related to parcel 02-3000-01240-012 regarding Sheyenne-Maple Flood Control Project #2. The City of West Fargo has indicated they are reviewing the possibility of taking ownership of parcel 02-3000-01240-012. Potential sites for sediment collection near Sheyenne-Maple Flood Control District #2 were discussed. The Board will follow up with the City of West Fargo regarding the matter and will also follow up with the Metro Flood Diversion Authority regarding availability of parcels near Sheyenne-Maple Flood Control District #2 that could potentially be used as a replacement sediment collection site.

**City of West Fargo watercourse setbacks**

Jerry Wallace discussed City of West Fargo watercourse setbacks and indicated the current watercourse setback ordinance for the Sheyenne River is 100 feet from the riverbank as determined by the City Engineer. Mr. Wallace said the City of West Fargo is also cognizant of watercourse setback needs for legal assessment drains and similar

watercourses in the City of West Fargo. Mr. Wallace noted previous Water Resource District comments regarding setbacks along Drain #21 have resulted in the City of West Fargo requiring setbacks from the drain. Discussion was held on future development in the City of West Fargo, primarily in the City of West Fargo extraterritorial boundaries following the construction of the Metro Flood Diversion Project. Mr. Wallace indicated the City of West Fargo is open to continued discussion regarding watercourse setbacks and is aware of the necessity of setbacks along watercourses and intends to apply setbacks in a similar fashion in the future. The Board thanked Mr. Wallace for his time and discussion regarding watercourse setbacks in the City of West Fargo.

**Drain #3 – slides in Section 25 of Reed Township**

Mr. Woodard reported the contractor should complete 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 reported the replacement of the Drain #3 intercept culvert at 15th Avenue N and Dakota Drive is complete.

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

Moore Engineering, Inc. is reaching out to contractors to obtain quotes for the revised recommended repair of the Drain #10 slides north of Cass County Highway 20.

**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**

Kurt Lysne 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. Sysco North Dakota, Inc. has agreed to reimburse the Water Resource District the cost to modify the Drain #10 channel alignment, up to \$75,000. Sean Fredricks noted Sysco North Dakota, Inc. is currently reviewing an Agreement with the City of Fargo regarding the project. Mr. Fredricks briefly reported on right of way and associated property exchanges regarding the project. Once the project 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**

Alexa Ducioame said Braun Intertec Corporation is working on the geotechnical study of multiple Drain #21 slides between 12th and 19th Avenues NW. The Board can discuss various options for phasing of repairs of the slides once the geotechnical study is complete.

The Board directed Moore Engineering, Inc. to obtain a proposal for a geotechnical study for Drain #21 channel improvements from north of 19th Avenue NW to the outlet and bring the proposal to a future meeting for consideration.

**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. continues to prepare plans with geotechnical assistance from Braun Intertec Corporation.

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

Mr. Lysne stated Moore Engineering, Inc. has finished the plans for Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S. The next step is to obtain right of way needed for the project. The project can be bid following acquisition of right of way.

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

Mr. Fredricks reported the *Permanent Drain Easement* with Living Waters Lutheran Church regarding Drain #27 was recorded and the document number was 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.

**Maintenance items**

Mr. Woodard discussed various maintenance items regarding Water Resource District facilities.

A motion was made by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to hire a contractor to repair a broken flap gate on Drain #21C in Section 35 of Warren Township. Upon roll call vote, the motion carried unanimously.

Mr. Woodard reported he is coordinating with contractors on animal control efforts in various Water Resource District facilities including removal of a large beaver dam at the Drain #21C outlet to Sheyenne-Maple Flood Control District #2.

Mr. Woodard reported the Drain #35 sluice gate installation project in Section 10 of Normanna Township is complete.

Mr. Woodard discussed animal damage control efforts at the following facilities:

- Drain #40 – beaver dam in Section 4 of Reed Township
- Drain #45 – beaver dam in Section 29 of Reed Township
- Drain #51 – beaver dam in Section 2 of Pleasant Township

Discussion was held on a request from the property owner of 625 6th Street W, West Fargo, for animal damage control efforts on the Sheyenne River near the property. There does not appear to be an obstruction of flow on the Sheyenne River near the property due to animal activity at this time. The Board took no action on the matter.

### **Sheyenne River and Wild Rice River Snagging and Clearing – contracts**

Discussion was held on Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2023. Mr. Woodard noted cost-share has been approved by the NDDWR for the projects.

It was moved by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to work with contractors to get the contracts drafted by the Water Resource District Attorney in place regarding Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2023. 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 81st Avenue S**

A motion was made by Manager Steen and seconded by Manager Branson to approve the *Utility Permit* for Xcel Energy to install a 4” PE gas main under Drain #27 north of 81st Avenue S, 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**

The Board received and filed a letter from Stantec Consulting Services, Inc. regarding possible entry to Water Resource District property regarding Drain #40 to complete field data collection for the North Dakota Department of Transportation improvement project at the I-29 interchange at 40th Avenue N, from 45th Street N to 37th Street N.

Brief discussion was held on the Buchholz Addition regarding Drain #40. The developer will need to sign the *Permanent Drain Easement* regarding Drain #40 with the document number recorded on the Buchholz Addition plat before the City of Fargo will proceed with consideration of the plat.

Discussion was held on the Fargo Department of Planning and Development December Preliminary Packet. Donald Kress discussed North Pointe Industrial Addition located on the west side of Drain #45. Mr. Kress inquired if the Water Resource District would be agreeable to including Drain #45 property between 19th and 28th Avenues N in the Annexation Plat. Mr. Kress said the City of Fargo will ask for an easement over Drain #45 at 23rd Avenue N.

It was moved by Manager Steen and seconded by Manager Branson to authorize the Secretary-Treasurer to sign the application to the Fargo Department of Planning and Development to include Drain #45 property between 19th and 28th Avenues N in the Annexation Plat regarding North Pointe Industrial Addition. Upon roll call vote, the motion carried unanimously.

Mr. Lysne briefly discussed future development potential along Drain #45 north of 19th Avenue N.

Mr. Lysne then discussed the proposed Willow Grove First Addition in the City of Horace and noted the developer will need to obtain Utility Permits from the Water Resource District for stormwater outfalls regarding Drain #27. Coordination with the Water Resource District will be needed regarding Drain #27 setbacks and easements. Mr. Lysne also noted he provided building elevation recommendations as described in the Drain #27 Master Plan to the developer.

It was moved by Manager Branson and seconded by Manager Steen to authorize the Secretary-Treasurer to submit comments on the following, with input from the Water Resource District Engineer:

- Fargo Department of Planning and Development December Preliminary Packet
- City of Horace
  - Deer Creek Estates Third Addition
  - The Pine Cove at Cub Creek
  - Willow Grove First 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.

### **Transfer of principal and interest received to the construction fund and the general fund on Wild Rice Bank Stabilization and Improvement Project No. 2011-1**

It was moved by Manager Steen and seconded by Manager Branson to approve the transfer of principal and interest received to the construction fund and general fund regarding Wild Rice Bank Stabilization and Improvement Project No. 2011-1. Upon roll call vote, the motion carried unanimously.

### **2024 drain reassessments**

Brief discussion was held on the potential reassessment of Drains #21, #40, #45 and #60 in 2024. The Board directed Moore Engineering, Inc. to prepare information on previous reassessment of all Southeast Cass Water Resource District facilities for the Board to review. The Board will continue discussions on potential 2024 drain reassessments at future meetings.

### **City of West Fargo watercourse setbacks (continued)**

Mr. Wallace briefly discussed a City of West Fargo watercourse setback variance process that includes geotechnical analysis to ensure proposed work would not encourage instability of the river bank in the area where proposed. The City of West Fargo engineering department would review the geotechnical analysis to help properly set watercourse setbacks.

**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