

SOUTHEAST CASS WATER RESOURCE DISTRICT
VIRTUAL / CONFERENCE CALL MEETING
ORIGINATING AT WEST FARGO PUBLIC WORKS
810 12TH AVENUE NW, WEST FARGO, NORTH DAKOTA
JANUARY 9, 2024
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on January 9, 2024, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Melissa Hinkemeyer, Secretary-Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Levi Hanson, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Jody Bertrand, Jim Hausauer, Alayna Espeseth and Donald Kress, City of Fargo; Joel Luing, City of Horace; and Jarrett Christoferson, JAC Predator and Large Pest Control, Inc. Manager Rick Steen was absent.

Approval of agenda

It was moved by Manager Weston, 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 Weston and unanimously carried to approve the minutes of the December 12, 2023, meeting.

Reorganization of the Board for 2024

It was moved by Manager Branson and seconded by Manager Weston to appoint the following individuals to serve in the designated capacities for calendar year 2024:

Keith Weston	Chairman
Dave Branson	Vice Chairman
Melissa Hinkemeyer	Secretary-Treasurer
Keith Weston	Cass County Joint Water Resource District Representative
Rick Steen	Cass County Joint Water Resource District Representative
Dave Branson	Cass County Joint Water Resource District Alternate Representative

Keith Weston	Red River Joint Water Resource District Representative
Rick Steen	Red River Joint Water Resource District Alternate Representative
Dave Branson	Sheyenne River Joint Water Resource District Representative
Rick Steen	Sheyenne River Joint Water Resource District Alternate Representative

Upon roll call vote, the motion carried unanimously.

Designate depositories of Southeast Cass Water Resource District public funds

It was moved by Manager Branson and seconded by Chairman Weston to designate the following as depositories of Southeast Cass Water Resource District public funds:

- Alerus Financial
- Bell Bank
- US Bank
- Bank of the West
- First International Bank & Trust
- Bremer Bank
- BankNorth (Casselton)

Upon roll call vote, the motion carried unanimously.

Approve the Pledge of Assets

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

Alerus Financial (as set out in the agreement dated March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Review of contract for legal services

A motion was made by Manager Branson and seconded by Chairman Weston to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the 2024 billing rates presented for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Review of contracts for engineering services

A motion was made by Manager Branson and seconded by Chairman Weston to reaffirm the agreements with the following firms for engineering services and approve the 2024 billing rates as presented for Southeast Cass Water Resource District:

- Moore Engineering, Inc.
- Houston Engineering, Inc.

Upon roll call vote, the motion carried unanimously.

Animal damage control contractor 2024 rates

A motion was made by Chairman Weston and seconded by Manager Branson to approve and authorize the Chairman to sign the *Agreement* with JAC Predator and Large Pest Control, Inc. for animal damage control services and approve the 2024 billing rates presented for Southeast Cass Water Resource District. 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

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 willing to take ownership of parcel 02-3000-01240-012. Potential sites for sediment collection near Sheyenne-Maple Flood Control District #2 were discussed. Discussion will continue with the Cass County Joint Water Resource District (CCJWRD) and the Metro Flood Diversion Authority at future CCJWRD meetings regarding availability of Metro Flood Diversion Project properties near Sheyenne-Maple Flood Control Project #2 that could potentially be purchased by the Water Resource District to be used as a replacement sediment collection site.

A motion was made by Chairman Weston and seconded by Manager Branson to do the following regarding parcel 02-3000-01240-012 regarding Sheyenne-Maple Flood Control Project #2:

- Authorize the Water Resource District Attorney to prepare an Agreement with the City of West Fargo for consideration at a future Water Resource District meeting; and
- Approve and authorize the Chairman to sign the *Letter of Consent* for Ohnstad Twitchell, P.C. regarding representation of Southeast Cass Water Resource District and the City of West Fargo in this matter.

Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Project #2 – Cass Rural Water Users District – Reservoir D Supply Pipeline Project

Kurt Lysne briefly discussed the upcoming Cass Rural Water Users District Reservoir D Supply Pipeline Project regarding Sheyenne-Maple Flood Control Project #2. The project will require permits from the Water Resource District and the Corps of Engineers. Further discussion on the matter will be held at a future meeting.

Proposed sanitary sewer for Commerce on I-29

Sean Fredricks and Jim Hausauer updated the Board on the proposed sanitary sewer project for Commerce on I-29. The project and three-party agreement between the Water Resource District, the City of Fargo and the Commerce on I-29 property owner's association is on hold until the property owners submit a Petition and Bond 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

Alexa Ducioame stated the design of the Drain #10 channel bottom north of 12th Avenue N in the area of the Sysco North Dakota, Inc. encroachment is ongoing and an *Application for Surface Drain* was submitted to the North Dakota Department of Water Resources on October 31, 2023. Mr. Fredricks updated the Board on right of way and associated property exchanges between Sysco North Dakota, Inc. and the City of Fargo regarding the project.

Drain #10 – outlet structure

Mr. Woodard said the connection of the two weep holes in the Drain #10 outlet structure is now complete. The project will allow quicker drainage of low water in the Drain #10 channel.

Drain #21 – channel improvements from 12th Avenue NW to the outlet

Ms. Ducioame updated the Board on the geotechnical study for Drain #21 channel improvements from 12th Avenue NW to the outlet.

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

Ms. Ducioame updated the Board on 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. The project includes five slide repairs, four of the five are the same type of repair, the fifth repair will require coordination between Moore Engineering, Inc. and Braun Intertec Corporation to determine how not to disturb the underlying culvert. Construction is anticipated to occur this summer and the cost estimate for the project is approximately \$1,000,000.

A motion was made by Manager Branson and seconded by Manager Weston to authorize Moore Engineering, Inc. to prepare plans and specifications and bid the Drain #27 slide repairs project west of I-29 and west of 45th Street S. Upon roll call vote, the motion carried unanimously.

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

Levi Hanson updated the Board on the status of right of way negotiations regarding the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S). The Board directed Mr. Hanson to continue right-of-way negotiations with property owners.

A motion was made by Manager Weston and seconded by Manager Branson to approve the *Purchase Agreement* with Dawn Berndt and Dean Tessier regarding the Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S. Upon roll call vote, the motion carried unanimously.

Drain #21C – Metro Flood Diversion Project transition

Ms. Ducioame provided an update on the Metro Flood Diversion Project transition regarding Drain #21C. The transition design is approximately 60% complete.

It was moved by Chairman Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to conduct surveys regarding the transition between the Metro Flood Diversion Project and Drain #21C. Upon roll call vote, the motion carried unanimously.

Drain #51 – Metro Flood Diversion Project transition

Ms. Ducioame provided an update on the Metro Flood Diversion Project transition regarding Drain #51. The transition design is 65% complete.

It was moved by Chairman Weston and seconded by Manager Branson to authorize Moore Engineering, Inc. to conduct surveys regarding the transition between the Metro Flood Diversion Project and Drain #51. Upon roll call vote, the motion carried unanimously.

Legal drain reassessments

Ms. Ducioame updated the Board on the reassessments of Drains #21, #40, #45, #60, SC-2 (Drains #27 and #53), Sheyenne-Maple Flood Control District #1 and Sheyenne-Maple Flood Control District #2. Moore Engineering, Inc. anticipates preliminary maps and information for the reassessments of Drains #21, #40, #45, and #60 to be complete in February, with the associated reassessment hearings held in April. The preliminary maps and information for the reassessments of Drains SC-2 (Drains #27 and #53), Sheyenne-Maple Flood Control District #1 and Sheyenne-Maple Flood Control District #2 are anticipated to be complete in March with the associated reassessment hearings held in May.

Sheyenne River and Wild Rice River Snagging and Clearing

Mr. Woodard stated the 2023-2024 snagging and clearing efforts on the Sheyenne River and Wild Rice River will begin soon. Moore Engineering, Inc. began informing property owners about the project and obtaining access to the rivers for the project. The project may take up to a month, depending on the weather.

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

Donald Kress discussed the Fargo Department of Planning and Development February Preliminary Packet. Mr. Kress provided a brief overview of a requested zone change in the Brekke addition. He also gave a brief overview of a replat for Autumn Fields Third Addition and Laverne's Fourth Addition.

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 next held on Interstate Business District Addition regarding Drain #40. Mr. Kress indicated the Interstate Business District Addition Plat was denied by the Fargo City Commission in September, and the developer has reapplied.

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

Bills

It was moved by Manager Branson and seconded by Manager Weston to approve payment of Check #15301, the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Weston and Branson. Manager Steen was absent. The Chairman declared the motion passed.

A motion was made by Manager Branson and seconded by Chairman Weston to set policy that bills are due by 5:00 p.m. the Thursday before Southeast Cass Water Resource District meetings. Bills received after that time will be considered at the following meeting. Upon roll call vote, the motion carried unanimously.

Agenda items deadline

A motion was made by Manager Branson and seconded by Chairman Weston to set policy that agenda item submissions are due by 5:00 p.m. the Tuesday before Southeast Cass Water Resource District meetings. Upon roll call vote, the motion carried unanimously.

City of Horace updates

Joel Luing updated the Board on upcoming crossings and construction activities in the City of Horace related to Water Resource District facilities.

Adjournment

There being no further business for the Board to consider, the meeting was adjourned.

APPROVED:

Keith Weston
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary-Treasurer