

SOUTHEAST CASS WATER RESOURCE DISTRICT  
VIRTUAL / CONFERENCE CALL MEETING  
ORIGINATING AT WEST FARGO PUBLIC WORKS  
810 12TH AVENUE NW, WEST FARGO, NORTH DAKOTA  
FEBRUARY 13, 2024  
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on February 13, 2024, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Melissa Hinkemeyer, Secretary-Treasurer; Leilei Bao, Accountant; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Kyle Volk, Brady Woodard, Levi Hanson and Tracy Eslinger, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Jody Bertrand, Alayna Espeseth, Jim Hausauer and Donald Kress, City of Fargo; Joel Luing, City of Horace; Duane Breitling, Cass County Commissioner; Kellen Grubb and Dustin Schultz, AE2S; Ken Helvey, SRF Consulting Group, Inc.; Tony Eukel, MBN Engineering, Inc.; and Chris Mack, Christianson Companies.

**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 and seconded by Manager Steen to approve the minutes of the January 9, 2024, meeting. 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**

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Purchase Agreement* with the City of West Fargo regarding parcel 02-3000-01240-012 regarding Sheyenne-Maple Flood Control Project #2. Upon roll call vote, the motion carried unanimously.

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

Kellen Grubb reported to the Board that in recent years, Cass Rural Water District has experienced increased demands from many users across their water system resulting in lower water pressure during times of peak water use.

The proposed Reservoir D Supply Pipeline Project is planned to include approximately 9.5 miles of new watermain installation, which will significantly enhance the capacity to

convey more water from Reservoir B to Reservoir D and improve system pressures throughout the Reservoir D service area. The project includes four crossings of the Sheyenne-Maple Flood Control Project #2, at 64th Avenue S, 76th Avenue S, Wall Avenue W and Dogwood Drive. Mr. Grubb and Kurt Lysne discussed the proposed modifications to Sheyenne-Maple Flood Control District #2 regarding the Cass Rural Water Users District Reservoir D Supply Pipeline Project.

It was moved by Manager Branson and seconded by Manager Steen to authorize the Secretary-Treasurer to send a Section 408 modification request letter to the Corps of Engineers regarding alterations to Sheyenne-Maple Flood Control District #2 for the Cass Rural Water Users District Reservoir D Supply Pipeline Project. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control District #1 – Lease Agreement with Adam Rutten for 2024**

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Lease Agreement* with Adam Rutten in the NW 1/4 of Section 12 in Mapleton Township for 2024 regarding Sheyenne-Maple Flood Control District #1. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control Projects #1 and #2 – pipe televising quote**

Brady Woodard explained to the Board that there are several items that need to be completed annually and every five years regarding Sheyenne-Maple Flood Control Projects #1 and #2 to meet permitting conditions, including televising of the culverts through the levees.

After discussion, Manager Branson moved to authorize Moore Engineering, Inc. to hire a contractor to complete the pipe televising work regarding Sheyenne-Maple Flood Control Projects #1 and #2, with the expectation that a video and summary report will be provided when the work is done. Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

**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 – Slide repairs north of Cass County Highway 20**

Mr. Woodard stated he is discussing the Drain #10 slide repairs project north of Cass County Highway 20 with contractors and one contractor has indicated they may be submitting a quote. The project is projected to take approximately four weeks.

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

After discussion, it was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Drain Reconstruction and Exchange Agreement* regarding the Sysco North Dakota, Inc. encroachment north of 12th Avenue

N and the Drain #10 concrete channel liner repair project between approximately 4th Avenue N to north of 12th Avenue N. Upon roll call vote, the motion carried unanimously.

**Drain #21 - slides between 12th and 19th Avenues NW**

Alexa Ducioame updated the Board on the Drain #21 slide repairs between 12th and 19th Avenues NW and reported the soil stability is the biggest obstacle for the drain. Discussion was held on the feasibility of constructing a shallower channel for the portion of Drain #21 inside the Metro Flood Diversion Project protected area for increased stability of the drain. Moore Engineering, Inc. continues to work with Braun Intertec Corporation on investigating project design alternatives and will provide further information at the next meeting.

**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 and will advertise the project for bids once the final plans and specifications are complete.

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

Levi Hanson updated the Board on the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S) and the status of obtaining right of way needed for the project.

Manager Steen made a motion to approve and authorize the Chairman to sign the *Purchase Agreement* with Muhammed Akhtar Shaikh, et al. regarding the Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

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

Discussion was held on the *Encroachment Agreement* with Living Waters Lutheran Church and 4540 Investments LLC regarding Drain #27. Mr. Fredricks noted discussion between parties is continuing.

After discussion, the Board directed Mr. Fredricks, the Water District Attorney, to contact all parties to the Agreement and inform them that the *Encroachment Agreement* is on hold and is being removed from the Southeast Cass Water Resource District meeting agenda. When all parties are ready to proceed with the *Agreement*, the *Agreement* will be reconsidered by the Board.

**Drain #40 – Interstate Business District Addition**

Donald Kress discussed Interstate Business District Addition regarding Drain #40. Mr. Kress is requesting that the Board approve and sign the plat for Interstate Business District Addition.

After discussion, the Board directed Tony Eukel of MBN Engineering, Inc. to follow up on

the status of the proposed agreements needed prior to the Board considering approval of the Interstate Business District Addition plat.

**Drain #40 – Buchholz Addition – Permanent Drain Easement**

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Permanent Drain Easement* with Buchholz Exchange, LLC, for the Buchholz Addition regarding Drain #40. Upon roll call vote, the motion carried unanimously.

**Drain #45 – North Pointe Industrial Addition**

Mr. Kress discussed the North Pointe Industrial Addition regarding Drain #45. Mr. Kress is requesting that the Board approve the plat. Mr. Fredricks noted a street and utility easement for 23rd Avenue N needs to be in place prior to the Board considering approval of the plat.

After discussion, Manager Branson moved:

- To direct Mr. Fredricks to draft a street and utility easement regarding 23rd Avenue N; and
- To approve and authorize the Chairman to sign the North Pointe Industrial Addition plat regarding Drain #45, contingent on execution of the street and utility easement for 23rd Avenue N, with the recorded easement document number included on the plat.

Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

**Drain #50 – Metro Flood Diversion Project transition**

Ken Helvey discussed the SRF Consulting Group, Inc. *Proposal for Right of Way Acquisition Services* regarding the transition between Drain #50 and the Diversion Channel of the Metro Flood Diversion Project. The project will require acquisition of right of way from one (1) parcel.

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the SRF Consulting Group, Inc. *Proposal for Right of Way Acquisition Services* regarding the transition between Drain #50 and the Diversion Channel of the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

**Legal drain reassessments**

Mr. Lysne reported Moore Engineering, Inc. is preparing the preliminary assessment lists and associated information regarding the reassessment of Drains #21, #40, #45, and #60. Discussion was held on minor updates to the boundaries of the assessment districts for Drains #21, #40, #45 and #60 and changes to the Drain #60 methodology based on current available information. Mr. Fredricks stated the hearings for the reassessments of Drains #21, #40, #45, and #60 are scheduled for April 30, 2024.

Additional minutes relating to the reassessment of Drains #21, #40, #45, and #60 are attached hereto.

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

Mr. Woodard reported the 2023-2024 Sheyenne River and Wild Rice River snagging and clearing efforts are making good progress. Mr. Woodard noted property owners have given positive comments about the project and are assisting in providing access to the Sheyenne and Wild Rice rivers for the projects.

### **Utility Permit for Sysco North Dakota, Inc. to install fiber optic cable over Drain #10 north of 12th Avenue N**

Mr. Lysne discussed a *Utility Permit* for Sysco North Dakota, Inc. to install fiber optic cable over Drain #10 north of 12th Avenue N. Mr. Lysne recommended approval with noted conditions.

A motion was made by Manager Steen, seconded by Manager Branson to approve the *Utility Permit* for Sysco North Dakota, Inc. to install fiber optic cable over Drain #10 north of 12th Avenue N with the special conditions recommended by the Water 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 March Preliminary Packet. Donald Kress discussed The Pines at the District Sixth Addition, NDSU Research and Technology Park Third Addition, and Urban Plains by Brandt Eighth Addition.

Mr. Lysne discussed West Fargo Planning and Zoning Commission items including the proposed Dakota Territory 14th Addition Planned Unit Development and the proposed Sandhills 8th Addition.

Joel Luing briefly updated the Board on activities in the City of Horace that will impact Water Resource District facilities in the future. As these projects progress, more details will be brought to the Board.

### **North Dakota Department of Water Resources 2025-2027 Water Development Plan**

Mr. Lysne briefly discussed a letter from the NDDWR regarding the identification of potential water development projects, the timing of their implementation and estimated costs for inclusion in the 2025-2027 Water Development Plan. A list of potential Water Resource District projects to submit to the NDDWR for the 2025-2027 Water Development Plan will be brought to a future meeting for consideration.

### **North Dakota Red Tape Reduction initiative**

The Secretary-Treasurer reported that the State sent a notice sollicitating input to reduce red tape regulation in North Dakota. The Red Tape Reduction initiative aims to eliminate unnecessary and outdated regulation, rules, policies, and procedures to make government more efficient and effective.

The Secretary noted the Cass County Joint Water Resource Board submitted responses

regarding the Red Tape Reduction initiative with input from the Water Resource District Attorney and Engineer.

**NDIRF HR Collaborative Conference**

The Secretary-Treasurer discussed an upcoming NDIRF HR Collaborative Conference scheduled in April 2024. A motion was made by Manager Branson and seconded by Manager Steen to authorize the Secretary-Treasurer, Accountant, and Administrative Assistant to attend the 2024 NDIRF HR Collaborative Conference and approve payment of the conference registration fees, in the amount of \$198. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Steen and seconded by Manager Branson to approve payment of Check #15309, the wire transfers, and electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Weston, Steen, and Branson. The Chairman declared the motion passed.

**Facility master list**

The Board directed Moore Engineering, Inc. to prepare a master list of all the facilities in the district, when they were constructed, and the dates of maintenance or reconstruction of the facilities.

**Adjournment**

There being no further business to be considered by the Board, Manager Steen moved, and Manager Branson seconded to adjourn the meeting. The meeting adjourned without objection.

APPROVED:

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Keith Weston  
Chairman

ATTEST:

\_\_\_\_\_  
Melissa Hinkemeyer  
Secretary-Treasurer