

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
1201 MAIN AVENUE W, WEST FARGO, NORTH DAKOTA
APRIL 9, 2024
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on April 9, 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, Levi Hanson, and Brady Woodard, Moore Engineering, Inc; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jody Bertrand and Donald Kress, City of Fargo; Tony Eukel, MBN Engineering, Inc.; Joel Luing, City of Horace; Christine Holland, River Keepers, and Jodi Kallias, GreenWorks Properties, LLP.

Approval of agenda

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

Minutes

It was moved by Manager Steen and seconded by Manager Branson to approve the minutes of the March 12, 2024, meeting, as presented. Upon roll call vote, the motion carried unanimously.

River Keepers – volunteer litter clean up along drains

Christine Holland shared information with the Board regarding the previous volunteer litter clean-up projects on Southeast Cass Water Resource District drains. Ms. Holland discussed the positive impacts of the efforts last year, the waivers signed by volunteers for the project, safety items, and evaluation forms. Ms. Holland is seeking approval from the Board to continue the drain clean-up efforts this year and authorize the Secretary to sign the Clean a Drain Agreements as submitted.

Manager Branson moved to approve the River Keepers volunteer litter clean-up efforts along Southeast Cass Water Resource District facilities for 2024 and authorize the Secretary to sign the Clean a Drain Agreements with volunteers, as submitted. Manager Steen seconded the motion. 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

Jodi Kallias addressed the Board and shared an update regarding her plans for purchasing parcels 02-3000-01240-012 and the majority of 02-3000-01212-000 from the Water Resource District and developing the properties for business purposes. Ms. Kallias discussed proposed Purchase Agreements and requested that the closing of the properties be after June 30th with the contingencies that the City of West Fargo approves of and successfully completes the permitting for the future intended use of the parcel as a planned unit development and that the 2023 taxes on the properties be paid by the Southeast Cass Water Resource District. Ms. Kallias is working with the City of West Fargo regarding zoning and plans regarding a septic sewer system, which has caused some delays.

Moore Engineering, Inc. will conduct surveys of the parcels and prepare legal descriptions for the Purchase Agreements related to the sales of the parcels. Mr. Woodard also mentioned the City of West Fargo is agreeable to the Water Resource District selling parcel 02-3000-01240-012 to a private party instead of transferring parcel 02-3000-01240-012 to the City.

After discussion, Manager Branson moved to rescind the motion made at the February 13, 2024, meeting 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. Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Steen and seconded by Manager Branson to do the following regarding Sheyenne-Maple Flood Control Project #2:

- Approve the concept of selling parcels 02-3000-01240-012 and 02-3000-01212-000 to GreenWorks Properties, LLP
- Direct the Water Resource District Attorney to draft a *Purchase Agreement* with GreenWorks Properties, LLP, with the contingencies that closing on the properties will not occur before June 30th and the Water Resource District will pay any outstanding taxes and specials for 2023 on the properties
- Direct Moore Engineering, Inc. to survey the parcels.

Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Project #2 – *Purchase Agreement* for OINs 726Y2 and 730Y2 from the Cass County Joint Water Resource District

Sean Fredricks discussed with the Board the *Purchase Agreement* for OINs 726Y2 and 730Y2 from the Cass County Joint Water Resource District (CCJWRD). The Metro Flood Diversion Authority and CCJWRD have determined the real property is no longer needed for the construction, operation, use, maintenance, or mitigation of the Metro Flood Diversion Project, and is considered excess lands as defined by the Metro Flood Diversion Authority *Policy on the Disposition and Management of Comprehensive Project Lands*. Mr. Woodard noted an *Access Agreement* will also be needed with the CCJWRD to obtain access from 52nd Avenue over a small portion of OIN 726N.

After discussion, Manager Steen moved to do the following regarding OINs 726Y2 and 730Y2 for Sheyenne-Maple Flood Control Project #2:

- Approve and authorize the Chairman to sign the *Purchase Agreement* for OINs 726Y2 and 730Y2 with the CCJWRD, with the contingency that the CCJWRD enters into an *Access Agreement* over OIN 726N for access to OIN 726Y2; and
- Direct Moore Engineering, Inc. to conduct a survey regarding the *Access Agreement* over OIN 726N for OIN 726Y2.

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

Sheyenne-Maple Flood Control Project #2 – Utility Easement for Cass County Electric Cooperative to install underground power lines in the SE 1/4 of Section 12 in Warren Township

Mr. Fredricks indicated Cass County Electric Cooperative is relocating their overhead power lines underground in the SE 1/4 of Section 12 in Warren Township for the Metro Flood Diversion Project. Southeast Cass Water Resource District owns a small parcel in the SE 1/4 of Section 12 in Warren Township which Cass County Electric Cooperatives plans to cross for their underground power lines.

Manager Branson moved and Manager Steen seconded to approve and authorize the Chairman to sign the *Utility Easement* for Cass County Electric Cooperative to install underground power lines in the SE 1/4 of Section 12 in Warren Township regarding Sheyenne-Maple Flood Control Project #2. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Projects #1 and #2 – 2024 pipe televising

Mr. Woodard reported the majority of the 2024 pipe televising project regarding Sheyenne-Maple Flood Control Projects #1 and #2 is complete. There are a few pipes full of sediment and he is working with the Superintendent of the facilities to clean out the sediment from the pipes so they can be televised. The pipes that have been televised thus far are in good condition.

Drain #3 – Harvest Church Addition encroachment south of Main Avenue

Mr. Fredricks reported that he will draft an *Encroachment Agreement* for the Harvest Church Addition regarding Drain #3 and bring it to the next meeting for Board review and consideration.

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

Mr. Woodard discussed quotes from contractors for the Drain #10 slide repairs project north of Cass County Highway 20.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize Chairman Weston to sign the Agreement with Comstock Construction, Inc. for the Drain #10 slide repairs project north of Cass County Highway 20. Upon roll call vote, the motion carried unanimously.

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

Alexa Ducioame reported right of way transfers for the Sysco North Dakota, Inc. encroachment north of 12th Avenue N and Drain #10 concrete channel liner repair project between approximately 4th Avenue N to north of 12th Avenue N are complete. The remaining item needed before advertising the project for bids is approval from the North Dakota Department of Water Resources (NDDWR) of the *Application for Surface Drain* for the project.

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

Ms. Ducioame updated the Board on the Drain #21 slide repairs between 12th and 19th Avenues NW project and reported the soil stability is the biggest obstacle for the drain. Braun Intertec Corporation submitted a soil boring analysis to Moore Engineering, Inc. recently that is currently being reviewed.

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 and stated the project is being advertised for bids and the bid opening is scheduled for April 24, 2024.

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

Levi Hanson provided the Board with an update on the acquisition of right of way for the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S).

Manager Steen moved to approve and authorize the Chairman to sign the following regarding the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S):

- *Purchase Agreement* with Phyllis Otterness, et al.
- *Purchase Agreement and Temporary Construction Easement* with Contractors Leasing

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

Drain #27 – slide near the confluence of Drain #53

Ms. Ducioame presented to the Board a proposal submitted by Braun Intertec Corporation for a geotechnical study and recommended repair of the Drain #27 slide near the confluence of Drain #53.

Following discussion, Manager Branson motioned, and Manager Steen seconded to authorize Moore Engineering, Inc. to subcontract with Braun Intertec Corporation for a geotechnical study and recommended repair of the Drain #27 slide near the confluence of Drain #53. Upon roll call vote, the motion carried unanimously.

Drain #40 – Interstate Business District Addition

Donald Kress discussed Interstate Business District Addition regarding Drain #40. Mr. Kress requested the Board's approval of various agreements and the Interstate Business District Addition plat.

Following discussion, Manager Branson moved to approve and authorize the Chairman to sign the following for the Interstate Business District Addition regarding Drain #40:

- The Interstate Business District Addition plat
- *Agreement (Proximity of Airport, Noise Attenuation and Sewage Lagoons)* with ARD Properties, LLC, Storage Kings ND LLC, and the City of Fargo;
- *Release of Easement* (Document #786002) with ARD Properties, LLC, Storage Kings ND LLC, and the Greg Opp Family Limited Partnership; and the
- *Temporary Access Agreement* with ARD Properties, LLC, Storage Kings ND LLC, and the Greg Opp Family Limited Partnership.

Manager Steen seconded the motion. 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 and stated at this time it is on hold.

Legal drain reassessments

Ms. Ducioame reported the hearings for the reassessments of Drains #21, #40, #45, and #60 are scheduled for April 30, 2024, and the hearings for the reassessments of Sheyenne-Maple Flood Control Districts #1 and #2 and Drain SC-2 are scheduled for May 29, 2024.

Weed, cattail, tree and brush control

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Agreement* with Dakota Helicopter, Inc. to provide aerial and ground spraying services for weed, cattail, tree and brush control on Southeast Cass Water Resource District facilities for 2024. Upon roll call vote, the motion carried unanimously.

Master facility list

Kurt Lysne indicated Moore Engineering, Inc. continues to work on a master facility list for Southeast Cass Water Resource District. A SharePoint site is also being developed for the Cass County Water Resource Districts to house documents regarding water resource district facilities, such as the master facility list.

NDDWR 2025-2027 Water Development Plan

Ms. Ducioame reviewed the draft list of potential projects for the NDDWR 2025-2027 Water Development Plan for Board consideration.

Manager Branson moved to authorize Moore Engineering, Inc. to submit the list of projects for the NDDWR 2025-2027 Water Development Plan, as discussed. Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

Cass County Flood Sales Tax – request for projects

The Secretary discussed a letter received from the Cass County Commission requesting flood risk reduction projects for Cass County Flood Sales Tax funding consideration. There are no current Southeast Cass Water Resource District projects that qualify for

Cass County Flood Sales Tax funding. The Board received and filed the letter.

Lower Sheyenne River streambank study

Mike Opat reported to the Board the results of a recent study regarding erosion on the banks of the Sheyenne River downstream of Baldhill Dam. Mr. Opat described the inventoried erosion sites, and categorization and prioritization of each site. The study was conducted by the Barnes County Water Resource District and sponsored by the Red River Joint Water Resource District and the State Water Commission. Barnes County Water Resource District is planning to host a meeting in the future to allow time for individuals and organizations to review the study findings and consider moving forward with potential projects resulting from the study. The Board will continue to discuss the matter as there may be parties interested in pursuing projects within the boundaries of the Southeast Cass Water Resource District.

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 May Preliminary Packet. Mr. Kress discussed The Pines at the District Fourth Addition, Rocking Horse Farm Seventh Addition, Covey Ranch Third Addition and Harwood's 2nd Addition.

Joel Luing briefly discussed Southdale Farms Eighth Addition and Southdale Farms Ninth Addition in the City of Horace.

Manager Branson moved and Manager Steen seconded to authorize the Secretary to submit comment on the following, with the Water Resource District Engineer's input:

- Fargo Department of Planning and Development May Preliminary Packet
- City of Horace
 - Southdale Farms Eighth Addition
 - Southdale Farms Ninth Addition

Upon roll call vote, the motion carried unanimously.

Temporary Water Permit for Ames Construction in Section 6 of Pleasant Township

The Board received and filed a *Temporary Water Permit* for Ames Construction in Section 6 of Pleasant Township.

North Dakota Insurance Reserve Fund – annual meeting

The Secretary reported a letter was received from the North Dakota Insurance Reserve Fund providing notice of their upcoming annual meeting and proxy for the election of officers.

A motion was made by Manager Steen and seconded by Manager Branson to authorize the Secretary-Treasurer to sign and return the North Dakota Insurance Reserve Fund proxy for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Letter of engagement to the Office of the State Auditor for 2023 audit services

A motion was made by Manager Steen and seconded by Manager Branson to approve the Letter of engagement to the Office of the State Auditor for 2023 audit services for Southeast Cass Water Resource District. 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 #15320, 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.

2024 facility inspections

It was moved by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to conduct the 2024 inspection of Southeast Cass Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Notice of Increase in Real Estate Assessment – Sheyenne-Maple Flood Control Project #1 Parcel No. 53-0000-09070-020

The Secretary reported that a Notice of Increase in Real Estate Assessment has been received for parcel 53-0000-09070-020 regarding Sheyenne-Maple Flood Control Project #1. The Board received and filed the Notice.

Adjournment

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

APPROVED:

Keith Weston
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary-Treasurer