

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
HERITAGE CONFERENCE ROOM  
WEST FARGO, NORTH DAKOTA  
JUNE 11, 2024  
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on June 11, 2024, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, and David C. Piper, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Levi Hanson, Brady Woodard, and Kyle Volk, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jody Bertrand, Nathan Boerboom, Alayna Espeseth, Jim Hausauer, and Donald Kress, City of Fargo; Joel Luing, City of Horace; and Christine Holland, River Keepers.

**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 May 14 and 29, 2024, meetings, as presented. 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**

Brady Woodard stated surveys have been completed regarding Green Works Properties LLP's proposed purchase of parcels 02-3000-012540-012 and 02-3000-01212-000 from Southeast Cass Water Resource District regarding Sheyenne-Maple Flood Control Project #2. The Water Resource District will retain a small portion of parcel 02-3000-01212-000 to maintain drainage on the west side of the Sheyenne-Maple Flood Control Project #2 channel.

Manager Steen motioned to approve and authorize the Chairman to sign the *Purchase Agreement* with Green Works Properties, LLP regarding parcels 02-3000-01240-012 and 02-3000-01212-000 regarding Sheyenne-Maple Flood Control Project #2. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

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

Mr. Woodard reported to the Board that the surveys have been completed for Southeast Cass Water Resource District's purchase of OINs 726Y2 and 730Y2 from the Cass County Joint Water Resource District for Sheyenne-Maple Flood Control Project #2. Closing on the properties will occur soon.

**Southeast Cass Sewer District Improvement Project No. 89-1 – request from the City of Fargo to eliminate the septic tank pumping request**

Jim Hausauer discussed meetings with the mayors and city auditors of the affected cities regarding the potential elimination of septic tank maintenance and pumping for Southeast Cass Sewer District Improvement Project No. 89-1. The consensus from the affected communities was that the communities would like to continue with the City of Fargo providing septic tank pumping with the understanding of the need for a surcharge increase to cover the costs of septic tank pumping. The surcharge amount will be discussed at the next City of Fargo Utility Committee meeting. The Board concurred with the City of Fargo raising the surcharge for Southeast Cass Sewer District Improvement Project No. 89-1 users and conducting septic tank pumping on a regularly scheduled basis.

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

Mr. Woodard reported that Drain #10 slide repairs north of Cass County Highway 20 have started. Excavation on the north end of the project is complete and the estimated project completion is the end of this month.

**Drain #10 – Channel Improvements 2024 Project**

Kurt Lysne provided an update on the Drain #10 Channel Improvements 2024 Project and stated the project will be ready to advertise for bids soon, with an estimated completion date of November 2025.

After discussion, Manager Branson moved to approve and authorize Moore Engineering, Inc. to advertise the Drain #10 Channel Improvements 2024 Project for bids with a scheduled completion date of November 2025. Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

**Drain #21 – slide north of Main Avenue W**

Brady Woodard discussed a new slide on Drain #21 north of Main Avenue West in West Fargo. There is a slope failure in the area, however the concrete channel remains in place. Mr. Woodard recommend the Board proceed with a geotechnical study and a recommended repair of the slide from Braun Intertec Corporation.

Manager Steen moved and Manager Branson seconded to authorize Moore Engineering, Inc. to hire Braun Intertec Corporation to conduct a geotechnical study and provide a recommended repair of the Drain #21 slide north of Main Avenue W in West Fargo. Upon roll call vote, the motion carried unanimously.

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

Mr. Lynse reported the *Notice of Award* has been signed for the Drain #27 slide repairs west of I-29 and west of 45th Street S project. The contractor is currently completing the remaining contract documents for the project. The scheduled completion date of the project is November 1, 2024.

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

Discussion was held on cost estimates for the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S) with and without inclusion of a concrete channel liner. The Board indicated they are interested in constructing a concrete channel liner prior to additional development occurring adjacent to Drain #27, as part of the Drain #27 Improvement Project No. 2023-01 from 64th Avenue S to 100th Avenue S.

The Board directed Moore Engineering, Inc. to explore financing options for the Drain #27 Improvement Project No. 2023-01, with the inclusion of a concrete channel liner.

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

Alexa Ducioame stated Braun Intertec Corporation was on site in May to conduct field investigations for the geotechnical study of the Drain #27 slide near the confluence of Drain #53. Once the geotechnical report is received, Moore Engineering, Inc. will prepare a cost estimate of the recommended repair for discussion at a future meeting.

**Drain #27 / Rose Coulee – tree removal in the channel near Timberline Drive**

Following discussion, the Board tabled tree removal in the Drain #27 / Rose Coulee channel near Timberline Drive. The Board will continue discussions on the matter this fall. Moore Engineering, Inc. will monitor the channel in the interim.

**Drain #40 – slide south of County Road 20 at 38th Avenue N (Reile's Acres)**

Mr. Woodard provided information regarding a steep slide on Drain #40 south of County Road 20 at 38th Avenue N (Reile's Acres). The City recently planted trees along the area of the slide and did not obtain a permit from the Water Resource District for the tree planting.

Following discussion, the Board requested Moore Engineering, Inc. research Drain #40 right of way near the slide area south of County Road 20 at 38th Avenue N and further investigate the slide and tree planting activities. Moore Engineering, Inc. will bring back the requested information to a future meeting for further discussion on the matter.

**Drain #53 - request from the City of Fargo for the Water Resource District to size crossings at 67th Avenue S, 73rd Avenue S, and 76th Avenue S**

Manager Branson moved and Manager Steen seconded to authorize Moore Engineering, Inc. to conduct a hydraulic study to size Drain #53 crossings at 67th Avenue S, 73rd Avenue S, and 76th Avenue S and provide the information to the City of Fargo. Upon roll call vote, the motion carried unanimously.

### **Legal drain reassessments**

Kyle Volk and Mr. Lysne discussed comments received at the hearings regarding the reassessment of benefits of Sheyenne-Maple Flood Control District #1, Sheyenne-Maple Flood Control District #2, and Drain SC-2 (Drains #27 and #53). The investigation of the comments resulted in minor adjustments to the Sheyenne-Maple Flood Control District #1 boundary to change a small area from 100% benefit to 25% benefit to more closely match the FEMA floodplain map that existed at the time of the District's formation.

Additional minutes regarding the reassessments of Sheyenne-Maple Flood Control District #1, Sheyenne-Maple Flood Control District #2, and Drain SC-2 (Drains #27 and #53) are attached hereto.

### **Master Facility List**

Ms. Ducioame stated development of the SharePoint site continues for the Cass County Water Resource Districts to house documents and project information regarding water resource district facilities, such as the Master Facility List.

### **Correspondence from the North Dakota Department of Water Resources (NDDWR) regarding low head dam cost-share funding and safety signage**

The Board reviewed a letter received from the NDDWR regarding a low head dam on the Wild Rice River within the Southeast Cass Water Resource District. The NDDWR may provide cost-share up to 75-percent to mitigate public hazards associated with low head dams. Cost-share funding will be considered under this category for dam removals or the placement of hazard mitigation measures.

Mr. Woodard indicated he met with the property owner adjacent to the low head dam on the Wild Rice River in Southeast Cass Water Resource District. The property owner agreed to allow Moore Engineering, Inc. access to the dam and indicated the dam was originally constructed for railroad use. The Board directed Moore Engineering, Inc. to come up with concepts on mitigating or removing the low head dam to alleviate the danger that is associated with low head dams. Mr. Woodard indicated the property owner has no preference at this time on mitigation or removal of the low head dam.

### **Items for review and approval, with input provided by the Water Resource District Engineer**

Manager Branson moved and Manager Steen seconded to approve the following *Utility Permits*, with conditions provided by the Water Resource District Engineer:

- *Utility Permit* for Cass County Electric Cooperative to install underground power cable under the Sheyenne River in the SW 1/4 of Section 34 in Normanna Township;
- *Utility Permit* for Cass County Electric Cooperative to install underground power cable under the Sheyenne River in the W 1/2 of Section 35 in Normanna Township; and
- *Utility Permit* for Cass County Electric Cooperative to install underground power cable under Drain #27 in the NE 1/4 of Section 17 in Stanley Township.

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 July Preliminary Packet. Alayna Espeseth discussed Harwood's Fourth Addition, EOLA Third Addition, Prairie Farms Third Addition, College Third Addition, University South Fifth Addition and YWCA and Presentation Additions, and property in the East 1/2 of Section 3 in Reed Township.

Discussion was held on West Fargo Planning and Zoning items including the Jason Subdivision – Conditional Use Permit, a proposed variance to the CO-SR: Sheyenne River Corridor Overlay District at 3060 Sheyenne River Way, and the FMD – Raymond Subdivision.

Manager Branson moved and Manager Steen seconded to authorize the Secretary to return comment to the City of West Fargo Planning and Zoning regarding the proposed variance to the CO-SR: Sheyenne River Corridor Overlay District at 3060 Sheyenne River Way that the property owner should monitor erosion and mitigate as necessary as the property is located on an outer bank a river bend and may be susceptible to future instability from river bank erosion and migration. Upon roll call vote, the motion carried unanimously.

Joel Luing updated the Board on the Clemenson Addition in the City of Horace. Mr. Lysne noted a portion of the Addition is adjacent to Drain #50. Right of way is not foreseen to be needed along this portion of Drain #50, however the watercourse setback of 150-feet should be enforced.

A motion was made by Manager Branson and seconded by Manager Steen to authorize the Secretary to submit comment on the Clemenson Addition to the City of Horace regarding Drain #50 that the Water Resource District recommends the City of Horace enforce the watercourse setback of 150-feet from Drain #50. Upon roll call vote, the motion carried unanimously.

Mr. Lysne briefly discussed the Kindred Youth Baseball Addition regarding Drain #60. The Board had no comments on the proposed addition.

**Temporary Water Permit for WBI Energy Transmission, Inc. from the Sheyenne River in the NE 1/4 of Section 34 in Normanna Township**

The Board received and filed a *Temporary Water Permit* for WBI Energy Transmission, Inc. from the Sheyenne River in the NE 1/4 of Section 34 in Normanna Township.

**2023 Audit**

Manager Steen moved, and Manager Branson seconded to approve the 2023 Audit of the Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

### **2025 budget and 2024 maintenance levy assessments**

Manager Steen moved to approve the Southeast Cass Water Resource District 2025 budget, as amended. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Branson and seconded by Manager Steen to approve the Southeast Cass Water Resource District 2024 maintenance levy assessments, at the following levels:

- Drain SC-1 (Drains #3, #9, and #10): \$4.00
- Drain SC-2 (Drains #27 and #53): \$0.75
- Drain #21: \$4.00
- Drain #21C: \$4.00
- Drain #35: \$4.00
- Drain #40: \$0.25
- Drain #45: \$0.25
- Drain #47: \$4.00
- Drain #50: \$4.00
- Drain #51: \$4.00
- Sheyenne-Maple Flood Control District #1: \$1.50
- Sheyenne-Maple Flood Control District #2: \$0.75
- Country Acres Stormwater Improvement District 2001-6: \$0.10
- Drain #60: \$2.00
- Drain #65: \$0.50

Upon roll call vote, the motion carried unanimously.

### **Bills**

It was moved by Manager Steen and seconded by Manager Branson to approve payment of Checks #15336 through #15341, 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.

Manager Steen noted an error on his submitted per diem form. The date for the Southeast Cass Water Resource District meeting entry for May 19, 2024, should be corrected to May 14, 2024. The Secretary and Treasurer noted and will make the correction.

### **Permits to allow drain tile drainage into the Sheyenne River**

Discussion was held on permits for tile drainage into the Sheyenne River. Mr. Fredricks noted the Water Resource District does not have jurisdiction of subsurface water management (drain tile) systems once the system outlets into a natural water course, thus permits from the Water Resource District to outlet into the Sheyenne River cannot be required. However, there may be other permits needed, such as a sovereign land permit from the Corps of Engineers. The Water Resource District includes a standard recommendation on subsurface water management system permits that the Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

**State Water Commissioner-hosted meetings**

Southeast Cass Water Resource District Managers were encouraged to attend the State Water Commissioner-hosted meetings in the Red River Basin and communicate with the Commissioners about the importance of legal assessment drains, especially the importance of drains to agriculture in North Dakota.

**Red River Retention Authority Partner Summit**

The Red River Retention Authority Partner Summit will be held on July 31, 2024, in East Grand Forks, Minnesota. Southeast Cass Water Resource District Managers and staff have been invited to attend the Summit.

**Sheyenne-Maple Flood Control Project #2 – sediment removal**

Mr. Woodard requested authorization to proceed with sediment removal of the remaining reach of the Sheyenne-Maple Flood Control Project #2 channel, not to exceed \$150,000.

Manager Branson moved to authorize Moore Engineering, Inc. to hire a contractor to remove sediment from the Sheyenne-Maple Flood Control Project #2 channel, not to exceed \$150,000. Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

**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:

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Keith Weston  
Chairman

ATTEST:

\_\_\_\_\_  
Melissa Hinkemeyer  
Secretary