

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
JULY 9, 2024
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on July 9, 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, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Donald Kress, Alayna Espeseth, and Jim Hausauer, City of Fargo; Joel Luing, City of Horace; and Josh Mathern, West Fargo Park District.

Approval of agenda

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

Minutes

It was moved by Manager Branson and seconded by Manager Steen to approve the minutes of the June 11, 2024, meeting, as presented. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Project #1 – request from West Fargo Park District for collaboration on potential recreation access and improvements on the east side of Sheyenne Street south of I-94

Josh Mathern said the West Fargo Park District is interested in exploring a possible collaboration between the Park District and the Southeast Cass Water Resource District to make improvements to the area adjacent to Sheyenne Street, south of I-94, along the Sheyenne River and Sheyenne-Maple Flood Control District #1 in West Fargo to create a more accessible and pleasing space for the public. The Water Resource District and Park District properties in that area are currently frequently used by the public for fishing. Suggested potential improvements to the area include:

- Improved parking
- More space for vehicles to turn around
- Trail/pedestrian access
- Riverbank fishing platform
- A portable restroom

If the Water Resource District agrees to collaborate on the project, the Park District requests to take the lead on project planning and project maintenance but would defer to the Water Resource District on items related to riverbank access, government regulations, and riverside best practices. The estimated timeline for the project is 2025 or 2026. Once a concept is developed, the intent would be for the Park District and Southeast Cass Water Resource District to enter into an agreement regarding the space. The Board discussed the proposed project and potential permitting requirements. The Board concurred with the initial project concept and asked the Park District to return to the Board at a future meeting with a formal project proposal regarding recreation access and improvements to the area adjacent to Sheyenne Street, south of I-94, along the Sheyenne River and Sheyenne-Maple Flood Control District #1 in West Fargo.

Sheyenne-Maple Flood Control Project #2 – assessment on parcel 02-3000-01240-012 for West Fargo Improvement District No. 02-2250 – sale of property

Brady Woodard stated Green Works Properties LLP has signed the *Purchase Agreement* and the earnest money has been received by the Water Resource District regarding Green Works Properties LLP’s purchase of parcels 02-3000-01240-012 and 02-3000-01212-000 from Southeast Cass Water Resource District regarding Sheyenne-Maple Flood Control Project #2. David Piper stated he is coordinating closing with Green Works Properties LLP.

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

Sheyenne-Maple Flood Control Project #2 – sediment removal

Mr. Woodard stated the *Agreement* for the Sheyenne-Maple Flood Control Project #2 sediment removal has been signed by the contractor, but the project has not been started yet due to the recent weather conditions.

MetroCOG study of roadway connection needs between the Metro Flood Diversion Project and Sheyenne-Maple Flood Control Projects #1 and #2

Kurt Lysne reported to the Board that the Fargo-Moorhead Metropolitan Council of Governments (MetroCOG), is requesting the Water Resource District participate in the development of the West Metro Perimeter Highway Study. The study is reviewing options to improve the transportation system along the western boundaries of the Fargo-Moorhead Metropolitan Area. A stakeholder meeting will be held to provide information and receive feedback on Tuesday, August 6, 2024.

Manager Steen moved to authorize Mr. Lysne to attend the MetroCOG stakeholder meeting regarding the West Metro Perimeter Highway Study on behalf of the Southeast Cass Water Resource District. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Project #2 – drainage issues near Sunset Drive, Horace

The Secretary was contacted by property owners regarding drainage issues near Sunset Drive, Horace. Alexa Ducioame stated that Moore Engineering, Inc. investigated the issue and there is some sedimentation on Water Resource District property owned for Sheyenne-Maple Flood Control Project #2 that could be cleaned out, but the larger issue is there is a culvert that is sloping in the wrong direction, which is causing drainage issues as well as sedimentation. The culvert is not under the jurisdiction of the Water Resource District.

The Board directed Moore Engineering, Inc. to follow up with the property owners and explain that the Water Resource District is amenable to removing the sedimentation on Water Resource District property near Sunset Drive, Horace, after the culvert is corrected, otherwise this issue will occur again.

Proposed sanitary sewer for Commerce on I-29

Jim Hausauer stated the Commerce on I-29 property owners indicated to the City of Fargo that they have 100% agreement for the proposed sanitary sewer for Commerce on I-29 project, but the City of Fargo has not received anything official from the property owners' association. The Water Resource District will not move forward on the proposed sanitary sewer for Commerce on I-29 project until the petition and bond are received for the project and the property owners have entered into an agreement with the City of Fargo regarding the project.

Drain #3 – crossing near the North Dakota Air National Guard

Mr. Woodard stated to the Board that the North Dakota Air National Guard is requesting an improved crossing on Drain #3 to have continual access to their training site north of the drain as the crossing is currently a low water crossing. Mr. Woodard noted the North Dakota Air National Guard indicated they do not have funding for this type of project.

The Board directed Moore Engineering, Inc. to size the crossing requested by the North Dakota Air National Guard on Drain #3, prepare a cost estimate for the project and inquire with the North Dakota Air National Guard what they could contribute to the project. Mr. Woodard will update the Board on the matter at a future meeting.

Drain #10 Slide Repairs 2024 Project north of Cass County Highway 20

Brady Woodard reported that originally there were two slide repairs north of Cass County Highway 20 on Drain #10 and a third slide has now occurred between the two original slides. Moore Engineering, Inc. is recommending repair of the third slide as part of the project. The project contractor has agreed to repair the third slide for the same price as the other slides with a substantial completion date amended to November 1, 2024.

It was moved by Manager Branson and seconded by Manager Steen to authorize the Chairman to sign *Change Order No. 1* with Comstock Construction, Inc. for repair of an additional slide in the amount of \$133,903.36 and extension of the substantial completion date to November 1, 2024, regarding the Drain #10 Slide Repairs 2024 project north of

Cass County Highway 20. Upon roll call vote, the motion carried unanimously.

Drain #10 Channel Improvements 2024 Project

Ms. Ducioame reported the Drain #10 Channel Improvements 2024 Project is out for bids with the bid opening scheduled for July 17, 2024. The project substantial completion date is November 28, 2025.

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

Ms. Ducioame stated that Braun Intertec Corp. is reviewing repair options for the Drain #21 slides between 12th and 19th Avenues NW.

Drain #21 – slides north of Main Avenue W

Ms. Ducioame discussed a proposal from Braun Intertec Corp. for a geotechnical study of the Drain #21 slides north of Main Avenue W. Ms. Ducioame stated that she has also requested a geotechnical study proposal from American Engineering Testing, Inc. (AET) and expects to receive a proposal from AET before the next meeting.

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

The Water Resource District Attorney has reviewed the contractor's insurance and bonds for the Drain #27 slide repair project west of I-29 and west of 45th Street S and the contract is currently being finalized with the contractor. Ms. Ducioame stated the contractor is planning to mobilize later this month and project completion is scheduled for approximately November 2024.

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

Ms. Ducioame updated the Board on the status of right of way acquisition for the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S). Moore Engineering, Inc. is completing the design with the addition of the concrete channel liner. Once the right of way is acquired for the project and the plans are complete, the project will be ready to be advertised for bids. Brief discussion was held regarding project funding.

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

Ms. Ducioame reported Braun Intertec Corp. was on site in May to investigate the Drain #27 slide near the confluence of Drain #53. Braun's completed geotechnical report is anticipated to be available by the next meeting.

Drain #27 – encroachments at 53rd Avenue S

Mr. Woodard discussed Drain #27 encroachments at 53rd Avenue S and stated the City of Fargo is meeting with the property owners regarding the encroachments. Mr. Woodard will reach out to the City of Fargo to learn more about the meeting and will bring the information back to the Board at a future meeting.

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

Discussion was held regarding a steep slide on Drain #40 south of County Road 20 at 38th Avenue N (Reile’s Acres). Mr. Woodard stated there was a contractor in the area that was able to temporarily close the slide for safety.

The Board discussed implementing a line item in a future budget for emergency work such as this temporary slide repair that could be authorized by the Chairman. The Water Resource District Attorney will look into the idea further.

Mr. Woodard said the slide area has been surveyed by Moore Engineering, Inc. and Braun Intertec Corp. submitted a proposal for a geotechnical evaluation of the slide with repair options. Moore Engineering, Inc. also contacted AET for a geotechnical proposal regarding the slide and repair options.

The Board discussed potentially moving the Drain #40 channel east in the Reile’s Acres area in order to lay back the side slopes to prevent future slides. The Board directed Mr. Woodard to reach out to the adjacent property owner, North Dakota State University, to discuss the possibility of moving the Drain #40 channel east near Reile’s Acres.

Discussion was also held regarding potentially entering into an agreement with the City of Reile’s Acres in the future regarding Drain #40.

Tree maintenance on Water Resource District facilities

Mr. Woodard reported there are numerous trees and woody material in Water Resource District facilities that should be removed. Tree maintenance in Water Resource District facilities was last completed in 2021. Mr. Woodard discussed the cost estimate for the project.

Manager Steen moved to approve and authorize Moore Engineering, Inc. to hire a contractor to remove trees and woody material in Southeast Cass Water Resource District facilities, with the Drain #35 and Drain #47 tree maintenance work funded with general funds. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

Master Facility List / SharePoint site

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. The Board will receive access to the site soon and training when the site is fully functional.

Snagging and clearing – Wild Rice River low water crossing between Sections 10 and 15 of Pleasant Township

Mr. Woodard stated the Cass County Highway Department reached out to him regarding snagging and clearing at a Wild Rice River paved low water crossing between Sections 10 and 15 of Pleasant Township. Blaine Laaveg said the County believes there are trees impeding the flow of water and requested the Board consider snagging and clearing the

area. The County would repave the crossing and fix the roadway as needed after the tree material is removed. The cost estimate for the snagging and clearing portion of the project is between \$10,000-20,000.

Manager Branson moved to approve and authorize Moore Engineering, Inc. to hire a contractor to snag and clear on the Wild Rice River at the low water crossing between Sections 10 and 15 of Pleasant Township, not to exceed \$20,000. Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

Low head dam hazard mitigation

Discussion was held on a cost estimate to mitigate the safety hazards of a low head dam on the Wild Rice River in Southeast Cass Water Resource District. Manager Steen moved to authorize the Secretary to submit a cost-share request to the State Water Commission for a low head dam hazard mitigation project on the Wild Rice River in Southeast Cass Water Resource District. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

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

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

- *Utility Permit* for Insight Technologies, Inc. dba ReadITech Fiber to install 3x2" HDPE conduit for fiber optic cable under Drain #27 north of 83rd Avenue S
- *Utility Permit* for Midcontinent Communications to install fiber optics and conduit under Drain #27 north of 83rd Avenue S
- *Utility Permit* for Midcontinent Communications to install fiber optics and conduit under Drain #27 north of 64th Avenue S
- *Utility Permit* for the City of Horace to install storm sewer discharge under Drain #27 at You Betcha Drive

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. Donald Kress discussed the Brekke's 64th Avenue Addition, Champion's Gate at Prairie Farms Second Addition, MLTB Addition, Simonson Companies Fourth Addition, True North Addition, Legacy I 8th Addition, and a Conditional Use Permit for property in the East 1/2 of Section 3, Reed Township.

Discussion was held on the following West Fargo Planning and Zoning items:

- Charleswood River Estates 13th Addition
- Simpson's 7th Addition and Variance to the CO-SR: Sheyenne River Corridor Overlay District at 1444 River Street and 1442 Sheyenne Street
- South Pond at the Preserve 4th Addition – variance request to exceed maximum height limit of an accessory structure at 2920 6th Street E.

Mr. Lysne reviewed the Kindred Border Station Lot 1 Subdivision regarding Cass County Planning.

Pledge of Assets

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

Alerus Financial (as per agreement of March 7, 1996)

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 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.

Drain #45 – public outreach – Cargill spill drill

Mr. Woodard stated that Cargill is planning another spill drill on Drain #45 this fall and the drill may be an opportunity for public outreach. Cargill and the City of West Fargo are open to the idea. Further planning discussions will be forthcoming with Cargill, the City of West Fargo, and the Board regarding the matter.

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