

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  
SEPTEMBER 10, 2024  
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on September 10, 2024, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Erik Gilbertson, Brady Woodard, and Levi Hanson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Tom Fuchs, Metro Flood Diversion Authority (MFDA); Nathan Boerboom, Jody Bertrand, Jim Hausauer, and Donald Kress, City of Fargo; Ian McLean, City of Fargo Attorney; Joel Luing, City of Horace; and Jesse Riley, Commerce on I-29.

**Approval of agenda and minutes**

It was moved by Manager Steen, seconded by Manager Branson and unanimously carried to approve the order of the agenda, as amended, and the minutes of the August 13 and 19, 2024, meetings, as presented.

**Proposed sanitary sewer for Commerce on I-29**

Sean Fredricks updated the Board on the proposed sanitary sewer for Commerce on I-29 project. The Commerce on I-29 association has finalized the agreement between the association and the City of Fargo. The next step is for Commerce on I-29 property owners and/or the association to submit a *Petition* and bond of \$75,000 for the Water Resource District to proceed with preliminary engineering and the process to form the assessment district for the project. Once the *Petition* and bond are submitted, an agreement between the Water Resource District and the City of Fargo will also be negotiated regarding the project. Jesse Riley indicated the Commerce on I-29 association will work on submitting the *Petition* and bond required for the project.

**Wild Rice River Estates – slope stabilization**

The Secretary reported she reached out to Braun Intertec Corporation, AET, and Terracon to solicit proposals for a geotechnical study of the slide forming adjacent to the access road in the Wild Rice River Estates Development. Braun Intertec Corporation conducted a site visit and is currently working on a geotechnical study proposal for the matter. AET and Terracon have not yet responded to the request for a proposal.

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

Brady Woodard stated Green Works Properties LLP is planning to close on the purchase of parcels 02-3000-01240-012 and 02-3000-01212-000 from Southeast Cass Water Resource District on September 16th regarding Sheyenne-Maple Flood Control Project #2. The closing is currently being coordinated with The Title Company.

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

Mr. Woodard stated the contractor began the Sheyenne-Maple Flood Control Project #2 sediment removal project. The contractor will likely exhaust the available funding for the project by the end of next week. Mr. Woodard estimated it would cost \$150-175,000 additional to finish sediment removal in the Sheyenne-Maple Flood Control Project #2 channel. The Board discussed funding for the additional sediment removal work.

Mr. Woodard also noted there was debris in the south closure structure of Sheyenne-Maple Flood Control Project #2 that has been removed to ensure proper function of the structure.

A motion was made by Manager Steen and seconded by Manager Branson to approve an additional \$125,000 for sediment removal of the Sheyenne-Maple Flood Control Project #2 channel and authorize the Chairman to sign the Agreement for the project, contingent upon the successful closing of the sale of Sheyenne-Maple Flood Control Project #2 parcels 02-3000-01240-012 and 02-3000-01212-000 to Green Works Properties LLP on September 16, 2024. Upon roll call vote, the motion carried unanimously.

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

Kurt Lysne stated Moore Engineering, Inc. completed the hydraulic study for the Drain #3 crossing near the North Dakota Air National Guard property. Moore Engineering, Inc. recommends installing three 42-inch culverts. The estimated cost of the project is \$30,000.

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize Moore Engineering, Inc. to hire a contractor to construct the Drain #3 crossing near the North Dakota Air National Guard property, as recommended by the Water Resource District Engineer not to exceed \$40,000 in total costs, and authorize the Chairman to sign the Agreement with the contractor for the project. Upon roll call vote, the motion carried unanimously.

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

Mr. Woodard reported that the Drain #10 Slide Repairs 2024 Project north of Cass County Highway 20 is now complete. The project included repairs of 3 slides and one of the slides was significantly longer at the time of construction than when surveyed prior to the project by Moore Engineering, Inc. The length of the slides repaired are reflected in *Contractor's Application for Payment No. 2*.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign *Contractor's Application for Payment No. 2* for Comstock Construction, Inc. in the amount of \$390,897.47 regarding the Drain #10 Slide Repairs 2024 Project. Upon roll call vote, the motion carried unanimously.

**Drain #10 Channel Improvements 2024 Project**

Mr. Lysne stated the contractor for the Drain #10 Channel Improvements 2024 Project is working on insurance requirements for the project contract. Moore Engineering, Inc. is holding a preconstruction meeting for the project next week. The contractor is eager to begin the project.

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

Moore Engineering, Inc. is evaluating repair options from the geotechnical study for the Drain #21 slides between 12th and 19th Avenues NW. Moore Engineering, Inc. will bring back a recommended repair option and cost estimate for the Board to consider at a future meeting.

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

Mr. Lysne stated Braun Intertec Corporation will be on-site next week for the geotechnical study of the Drain #21 slide north of Main Avenue W. Moore Engineering, Inc. obtained access to the site from the adjacent property owner.

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

Mr. Woodard stated the contractor for the Drain #27 slide repairs project west of I-29 and west of 45th Street S is preparing to begin the project. The project completion date is November 1, 2024.

**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 acquisition for the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S). Right of way acquisition is now complete and the project is ready to be advertised for bids.

The Board discussed whether to include a concrete channel liner in the project design and concluded a concrete channel liner will reduce maintenance costs and channel improvements for Drain #27 in this area in the long term. The Board will finalize project financing at a later date.

It was moved by Manager Branson and seconded by Manager Steen to include the concrete channel liner in the Drain #27 Improvement Project No. 2023-01 (64th Avenue S to 100th Avenue S) and authorize Moore Engineering, Inc. to advertise the project for bids. Upon roll call vote, the motion carried unanimously.

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

Mr. Lysne stated he plans to discuss the preferred design of the Drain #27 slide repair project near the confluence of Drain #53 with the City of Fargo. Mr. Lysne will bring a recommended repair design and cost estimate to the Board for consideration at a future

meeting.

**Drain #27 – City of Fargo request to remove an intercept culvert adjacent to City of Fargo retention pond south of 52nd Avenue S**

Mr. Lysne said the City of Fargo is re-grading their levee along Drain #27 back to their retention pond south of 52nd Avenue S. There is an intercept culvert that was used to drain agricultural land into Drain #27 that is no longer needed with the levee re-grading project. The City of Fargo is asking for permission from the Water Resource District to remove the unneeded intercept culvert. Mr. Lysne noted a culvert through a levee does present an inherent risk point to the levee, so it is in the best interest of the Water Resource District and the City of Fargo to remove the culvert since it is no longer in use.

It was moved by Manager Branson and seconded by Manager Steen to authorize the City of Fargo to remove the intercept culvert that is no longer being utilized from the levee along Drain #27 adjacent to the City of Fargo retention pond south of 52nd Avenue S. Upon roll call vote, the motion carried unanimously.

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

Mr. Lysne reported Braun Intertec Corporation will be on-site soon to conduct the field investigations for the geotechnical study regarding the Drain #40 slide south of County Road 20 at 38th Avenue N (Reile’s Acres).

**Drain #40 – Access Agreement with Integrity Windows, LLC d/b/a Integrity Windows, Inc. and The Marvin Companies, Inc.**

Mr. Fredricks stated Integrity Windows, LLC d/b/a Integrity Windows, Inc. and The Marvin Companies, Inc. (Marvin) owns and operates a commercial and industrial facility on property adjacent to Drain #40 and has maintained a crossing on, over, and across this drain to accommodate Marvin’s access to and from its facility. The crossing is in need of repair and Marvin is consulting the District regarding the repairs, and to seek the District’s permission to reconstruct, repair, and ultimately maintain the crossing on, over, and across portions of the District’s Drain #40 right of way. Mr. Fredricks indicated he prepared a draft *Access Agreement* with Marvin for the crossing, as there is no agreement in place for the crossing currently. Marvin is currently reviewing the *Agreement* and preparing the survey of the crossing area necessary for the *Agreement*. The Board tabled the matter until the survey for the *Agreement* is received from Marvin.

**Drain #51 – crossing relocation for the Metro Flood Diversion Project**

Mr. Fredricks reported on the proposed culvert relocation on Drain #51 for the Metro Flood Diversion Project. Mr. Fredricks indicated the MFDA is working on a proposed amendment to the *Memorandum of Understanding* with the water resource districts in Cass County, which will include this proposed crossing relocation on Drain #51.

**Snagging and Clearing coordination with the MFDA near Horace**

Mr. Woodard indicated there is a large amount of debris build up on the Sheyenne River under a railroad bridge near OIN 7234 regarding the Metro Flood Diversion Project. The MFDA is inquiring if the Water Resource District can remove the material at the same time

as the Water Resource District conducts the Sheyenne River Snagging and Clearing 2024-2025 project, with reimbursement of this snagging and clearing work from the MFDA.

A motion was made by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to hire a contract to do snagging and clearing under the railroad bridge near OIN 7234 regarding the Metro Flood Diversion Project. The Water Resource District Treasurer will request reimbursement from the MFDA following completion of the project. Upon roll call vote, the motion carried unanimously.

### **Sheyenne River and Wild Rice River Snagging and Clearing 2024-2025**

Mr. Lysne reported cost-share requests have been submitted to the North Dakota Department of Water Resources (NDDWR) regarding the Sheyenne River and Wild Rice River Snagging and Clearing 2024-2025 projects.

### **Low head dam hazard mitigation**

Mr. Lysne reported a cost-share request has been submitted to the NDDWR regarding the proposed project to mitigate the safety hazards associated with a low head dam on the Wild Rice River within the Southeast Cass Water Resource District. The request will be discussed at the upcoming State Water Commission Pre-Commission meeting on Thursday, September 12.

### **Utility Permit for Lumen to install fiber optic cable under Drain #27 west of 36th Street S**

Mr. Lysne stated a fiber optic cable was hit during City of Fargo construction near Drain #27 west of 36th Street S. The fiber optic cable needed to be repaired immediately as it serviced local businesses. Mr. Lysne indicated he provided special conditions for Lumen to repair the cable under Drain #27 and noted a Utility Permit would need to be acquired from the Water Resource District. Until the Permit is acquired, the fiber optic cable on Drain #27 right of way is in jeopardy. The Secretary noted she also contacted Lumen regarding the matter, but Lumen not yet submitted a Utility Permit application for the fiber optic cable installation. The Board indicated Lumen is in default and needs to remedy the situation immediately by submitting a Utility Permit for the work completed.

It was moved by Manager Branson and seconded by Manager Steen to authorize the Water Resource District Attorney to send a notice to Lumen that the Board expects the Utility Permit application for the fiber optic cable installation activity on Drain #27 west of 36th Street S to be submitted prior to the next Water Resource District meeting on October 8, 2024. If the Utility Permit is not submitted prior to the October 8th meeting, the Water Resource District expects a representative from Lumen to be present at the meeting to discuss why the Permit has not been submitted. 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 October

Preliminary Packet. Donald Kress briefly reviewed Selkirk Place Third Addition, HAL Addition, Southwest Fargo Mission Second Addition, Village West Fourth Addition, Austin's Subdivision, Morton and Doty's Addition, Broadway Commons Addition, and Saint Pauls Newman Center Addition.

Brief discussion was held on the Conditional Use Permit application for a diesel fuel tank located at 643 5th Street Ct NW, submitted for comment by West Fargo Planning and Zoning.

Joel Luing provided an update on upcoming developments adjacent to Water Resource District facilities in the City of Horace, including Suncrest First Addition.

### **2024 facility inspections**

Mr. Woodard presented the 2024 facility inspections report for Southeast Cass Water Resource District facilities.

A motion was made by Manager Branson and seconded by Manager Steen to authorize Moore Engineering, Inc. to hire a contractor to complete repairs at the following sites:

- Drain #9 – Sites #4, #9, #11 and #13
- Drain #21C – Sites #1, #2, #3 and #7
- Drain #60 – Site #1

Upon roll call vote, the motion carried unanimously.

The Board directed Moore Engineering, Inc. to monitor the following sites:

- Drain #35 – Site #1
- Drain #47 – Sites #4, #12 and #17

### **Bills**

It was moved by Manager Steen and seconded by Manager Branson to approve payment of Check #15353, 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.

**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:

---

Keith Weston  
Chairman

ATTEST:

---

Melissa Hinkemeyer  
Secretary