

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
NOVEMBER 12, 2024
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on November 12, 2024, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Elizabeth Smith, Administrative Assistant; Sean M. Fredricks and David C. Piper, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard, and Levi Hanson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Kyle Litchy, Cass County Highway Department; Tom Fuchs, Metro Flood Diversion Authority (MFDA); Jim Hausauer and Donald Kress, City of Fargo; Joel Luing, City of Horace; Steve Lowe, Susan Lowe, and Warren Solberg, Stanley Township property owners.

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 Steen, seconded by Manager Branson, and unanimously carried to approve the minutes of the October 8, 2024, meeting as presented.

Wild Rice River Snagging and Clearing

Warren Solberg requested the Board refrain from snagging and clearing along his and Steve and Susan Lowe's properties on the Wild Rice River. Brady Woodard indicated there has not been much snagging and clearing on the Wild Rice River in the past few years due to poor weather conditions. The main purpose of snagging and clearing is to keep infrastructure such as bridges clear. Mr. Woodard will keep in touch with Mr. Solberg to ensure that the trees on his property are not disturbed.

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 December preliminary packet. Donald Kress briefly reviewed the District of Fargo Fifth Addition, Osgood Townsite 15th Addition, Prairie Farms Third Addition, and Avery Commons Addition. Mr. Kress also noted the Fargo City Commission recently approved the annexation of Southeast Cass Water Resource District property for the adjacent regional

storm water retention pond.

Kurt Lysne briefly reviewed the Planned Unit Development at 1950 Sheyenne Street and Retracement Plat and Planned Unit Development for the Perry Center, Lot 1 and 2, Block 1 of Meadow Ridge Addition.

Joel Luing is working with Mr. Lysne on the Willow Grove First and Second Additions in the city of Horace regarding Drain #27.

Discussion was held on the Freeman Subdivision regarding Cass County Planning. The Board discussed the location of Drain #51 on the plat and associated building impacts to the property. The Board directed the Secretary to submit comment to Cass County Planning regarding the Freeman Subdivision.

Wild Rice River Estates – Slope stabilization

Alexa Ducioame updated the Board on the status of the slope stabilization regarding the Wild Rice River Estates. Moore Engineering, Inc. will be surveying the site soon. Ms. Ducioame has been in contact with Braun Intertec Coportation and they should be conducting the geotechnical evaluation soon.

Sheyenne-Maple Flood Control Project #1 – Access Easement with the City of Mapleton regarding installation of a sanitary sewer force main as part of Sanitary Improvement District No. 2019-2

Sean Fredricks discussed the City of Mapleton's request for an *Access Easement* for a sanitary sewer force main along Sheyenne-Maple Flood Control Project #1. Ohnstad Twichell P.C. represents both the Water Resource District and the City of Mapleton.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Consent Letter* regarding Ohnstad Twichell P.C.'s representation of Southeast Cass Water Resource District regarding the *Access Easement* with the City of Mapleton along Sheyenne-Maple Flood Control Project #1. Upon roll call vote, the motion carried unanimously.

Kurt Lysne noted the Project will need a Section 408 permit from the Corps of Engineers prior to the Board considering an *Access Easement*. The Board had no objections to the project at this time.

Sheyenne-Maple Flood Control Project #2 – Sediment removal

Mr. Woodard displayed a map of where sediment removal in the Sheyenne-Maple Flood Control Project #2 channel has been completed. The remaining area is from 21st avenue to the confluence with Sheyenne-Maple Flood Control Project #1.

Sheyenne-Maple Flood Control Project #1 – Trash racks

Mr. Woodard reported that the trash racks near the south closure structure of Sheyenne-Maple Flood Control Project #1 would benefit from some maintenance. Mr. Woodard noted Industrial Builders, Inc. will be in this area soon to straighten them out as the debris

in the river has blocked the flows from passing through portions of the Sheyenne River within the city of West Fargo.

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

Mr. Woodard reported Moore Engineering, Inc. has met with the Air National Guard and they have agreed to supply some material for the project. The previously approved project amount of \$30,000 construction and \$10,000 survey is now estimated to be a \$45,000 construction project and \$10,000 survey.

A motion was made by manager Branson and seconded by Manager Steen to postpone the Drain #3 crossing project near the North Dakota Air National Guard property until next spring. Upon roll call vote, the motion carried unanimously.

Drain #10 - Channel Improvements 2024 Project

Mr. Woodard reported that the contractor for the Drain #10 Channel Improvements 2024 Project has decided to wait until next year to begin the project.

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

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

Drain #21C – Discussion regarding sizing of culverts on the drain

Ms. Ducioame reviewed the culvert inventory for Drain #21C including the sizes of the culverts.

Drain #21C – Debris removal and animal damage control

Mr. Woodard reported there is debris in the Drain #21C channel that should be removed. The animal damage control contractor has been working on removing beaver dams in the channel.

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to hire a contractor to remove the debris in the Drain #21C channel. Upon roll call vote, the motion carried unanimously.

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

Ms. Ducioame gave a construction project update on the Drain #27 slide repair project west of I-29 and west of 45th Street S. The contractor did not meet the substantial completion date of November 1, 2024. Two slides are complete, and the contractor is working on the third slide of five total slides.

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign Contractor's Application for Payment No. 1 for Dirt Dynamics in the amount of \$213,175.80 regarding the Drain #27 slide repair project west

of I-29 and west of 45th Street S. Upon roll call vote, the motion carried unanimously.

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

Ms. Ducioame reported on the bids received for the Drain #27 Improvement Project No. 2023-01. The Board briefly discussed financing for the project. The Board will continue discussion on financing at a future meeting.

It was moved by Manager Steen and seconded by Manager Branson to award the contract and issue a *Notice of Award* to KPH, Inc. for the low bid of \$6,274,688 and authorize the Chairman to sign the *Notice to Proceed* regarding the Drain #27 Improvement Project No. 2023-01 contingent upon approval of bond and insurance documents by the Water Resource District Attorney. Upon roll call vote, the motion carried unanimously.

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

Ms. Ducioame stated Moore Engineering, Inc. is discussing the preferred design of the Drain #27 slide repair project near the confluence of Drain #53 with the City of Fargo. Moore Engineering, Inc. will bring a recommended repair design and cost estimate to the Board for consideration at a future meeting. Manager Weston proposed incorporating willow sticks into the rip rap for the project. Moore Engineering, Inc. will look into adding willow sticks or other similar options.

Drain #27 – Request for approval of fence installation at 7727 Cub Creek Way

Discussion was held on a request from the property owner at 7727 Cub Creek Way to install a fence within the Drain #27 20-foot limited use zone on the property. The Board reviewed the language in the *Permanent Easement Agreement* regarding Cub Creek First Addition. The Board determined the fence does not disrupt or interfere with the Board's use of the Limited Use Area.

Drain #27 – Operation and maintenance within the city of Horace

Chairman Weston suggested the Board discuss operation and maintenance of Drain #27 within the city of Horace boundaries with the city. The Board directed the Water Resource District Attorney and Engineer to meet with the city of Horace staff to begin discussing and drafting an operation and maintenance agreement regarding Drain #27.

Drain #27 - Application to Construct No. 2766 for the City of Fargo to construct a dike along Drain #27 for phase two of a regional stormwater detention pond in Section 4 of Stanley Township

Mr. Lysne stated the city of Fargo has applied for a construction permit from the North Dakota Department of Water Resources to modify existing flood control levees along Drain #27. The Project is needed for construction of phase two of the regional stormwater detention pond in Section 4 of Stanley Township. The Board did not have any concerns regarding the Project and supports the city of Fargo flood protection and storm water efforts.

A motion was made by Manager Branson and seconded by Manager Steen to authorize the Secretary to submit comment to the North Dakota Department of Water Resources regarding *Application to Construct No. 2766* for the city of Fargo. Upon roll call vote, the motion carried unanimously.

Drain #27 - Willow Grove Second Addition

Mr. Lysne stated he is working with the city of Horace regarding the setback of Drain #27 Willow Grove Second Addition. Mr. Fredricks is drafting an easement that will include a 20-foot limited use area similar to adjacent developments. The developer will prepare a survey to attach to the easement.

Drain #27 - Tree removal in the channel near Timberline Drive

The Board directed Moore Engineering, Inc. to bring back more information on the trees in the Drain #27 channel near Timberline Drive for discussion at a future meeting.

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

Ms. Ducioame stated Braun Intertec Corp. is working on the report for the geotechnical study of the Drain #40 slide south of County Road 20 at 38th Avenue North. The Board directed their Attorney and Engineer to determine the existing Drain #40 right of way in this area and where the recently planted trees are in relation to the existing right of way.

Metro Flood Diversion Project transitions – Drain #21C, Drain #50, and Drain #51

Ms. Ducioame updated the Board on the status of the transitions between the Metro Flood Diversion Project and legal assessment drains. The Drain #21C transition construction is expected to start winter of 2025. Moore Engineering, Inc. is working on the design and will begin looking into right of way needs soon. The Drain #50 transition construction is expected to start early 2026. Right of way has begun and Moore Engineering, Inc. continues to work on the project design. The Corps of Engineers will be constructing the Drain #51 transition at their cost. Construction is anticipated for late 2026.

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

It was moved by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to work with contractors to get the contracts drafted by the Water Resource District Attorney regarding Sheyenne Ricer and Wild Rice River Snagging and Clearing efforts for 2024. Upon roll call vote, the motion carried unanimously.

Wild Rice River low head dam hazard mitigation

Mr. Lysne reported that the Wild Rice River low head dam hazard mitigation project was approved for cost-share by the State Water Commission. The Cass County Flood Sales Tax Committee will be meeting on November 18, 2024, to discuss the Board’s cost-share request for the project.

It was motioned by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Agreement for Cost-Share Reimbursement* with the State Water Commission for the Wild Rice River low head dam hazard mitigation project. Upon roll call vote, the motion carried unanimously.

Warren Solberg thanked the Board for pursuing this project and mitigating the low head dam on the Wild Rice River.

Solicitation of View regarding *Application of Authorization to Construct a Project within Sovereign Lands No. SL2512* for Montana-Dakota Utilities to construct a natural gas service line under the Sheyenne River in the SE ¼ of Section 33 in Normanna Township

Mr. Lysne discussed the *Application of Authorization to Construct a Project within Sovereign Lands No. SL2512* for Montana-Dakota Utilities to construct a natural gas service line under the Sheyenne River in the SE ¼ of Section 33 in Normanna Township.

A motion was made by Manager Branson and seconded by Manager Steen to authorize the Secretary to submit comment on the North Dakota Department of Water Resources regarding *Application of Authorization to Construct a Project with Sovereign Lands No. SL2512*. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Steen and seconded by Manager Branson to approve 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