

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  
DECEMBER 10, 2024  
8:30 A.M.

A virtual / conference call meeting of the Southeast Cass Water Resource District was held on December 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; 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; Jim Hausauer, Donald Kress, and Jody Bertrand, City of Fargo; Joel Luing, City of Horace; Andrew Thill, Lowry Engineering; Jack Dwyer, Dwyer Law Office, PLLC; and Roger Haberman, Industrial Builders, Inc.

**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 Steen, seconded by Manager Branson, and unanimously carried to approve the minutes of the November 12 and 18, 2024, meetings as amended.

**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 January preliminary packet. Donald Kress briefly reviewed the Craig's 16<sup>th</sup> Street Addition, Edgewood Second Addition, Beardsley's Addition, EagleRidge Plaza Addition, AAB Addition, Cottonwood Corner Addition, and Skyline Addition.

Kurt Lysne briefly reviewed the proposed Hope Lutheran Addition and the 12<sup>th</sup> Avenue Industrial Addition regarding West Fargo Planning and Zoning. The Board held discussion on the 12<sup>th</sup> Avenue Industrial Addition. Mr. Lysne noted that this land is owned by the City of Fargo. The Water Resource District owns adjacent property to the development for the Sheyenne-Maple Flood Control District #1 tieback levee. The Board directed the Secretary to submit comment to West Fargo Planning and Zoning regarding 12<sup>th</sup> Avenue Industrial Addition.

Joel Luing discussed the Horace Energy Park Addition regarding the City of Horace Planning and Zoning. Joel noted the City of Horace is looking to get feedback from the Board for the building setback from Drain #27 for the development. Mr. Thill discussed the proposed layout of the development and suggested a setback of 80 feet from the daylight of Drain #27. The Board expressed concerns about access to the property for future maintenance within the 80 foot setback suggestion. Mr. Lysne expressed concerns regarding slope stability and requested a slope stability study be done for the requested setback with a report on the study results at a future meeting.

#### **Wild Rice River Estates – Slope stabilization**

Mr. Lysne updated the Board on the status of the slope stabilization regarding the Wild Rice River Estates. Moore Engineering, Inc. conducted the survey and will provide the information to Braun Intertec Corporation. Braun will be using the survey in their geotechnical evaluation of the Wild Rice River Estates slope stabilization study.

#### **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**

Mr. Lysne briefly updated the Board on the City of Mapleton's request for an *Access Easement* for a sanitary sewer force main along Sheyenne-Maple Flood Control Project #1. The City of Mapleton plans to pursue the project and will return to the Board at a later date seeking a letter of nonobjection for a Section 408 permit from the Corps of Engineers.

#### **Sheyenne-Maple Flood Control Project #1 – Maintenance**

Brady Woodard reported the trash racks for the Sheyenne-Maple Flood Control Project #1 have been repaired and general maintenance is wrapping up for the winter.

#### **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 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 the project. The Board encourages the parties to keep moving forward with the project as the timeline will soon exceed the 2025 construction season.

#### **Drain #3 – Main Avenue Improvements**

Mr. Lysne discussed a City of Fargo improvement project for Main Avenue from 25<sup>th</sup> Street to University Drive. The City of Fargo had a storm water study completed for the project. Mr. Lysne discussed the design of the portion of the project that ties into Drain #3.

A motion was made by Manger Branson and seconded by Manager Steen to authorize the Water Resource District Attorney to draft an Access Agreement with the City of Fargo for the Main Avenue Improvements project regarding Drain #3. Upon roll call vote, the motion carried unanimously.

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

Alexa Ducioame reported Moore Engineering, Inc. worked with Braun Intertec Corporation on the repair method of the Drain #21 slide repairs between 12th and 19th Avenues NW. The City of West Fargo is willing to lay back the side slopes adjacent to the lagoons and donate rip rap to assist with the project. Ms. Ducioame will report back to the Board when Braun has finished evaluating the project design.

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

Ms. Ducioame reported that Braun Intertec Corporation sent back preliminary design recommendations regarding the Drain #21 slide repair north of Main Avenue W. Braun discussed these recommendations with Moore Engineering, Inc. and Braun is preparing the final report with the recommended repair.

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

Mr. Woodard 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. Three of the five total slides are complete, and the contractor has paused work for the winter. Discussion was held on liquidated damages as the contractor did not meet the substantial completion date for the project. The Board decided to withhold liquidated damages of \$2,000 per day for 40 days including the retainage.

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. 2* for Dirt Dynamics in the amount of \$116,371.20 regarding the Drain #27 slide repair project west of I-29 and West of 45<sup>th</sup> Street S. Upon roll call vote, the motion carried unanimously.

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

Mr. Lysne reported the contract is being signed and the contractor plans to start some minor work on the project this winter. Mr. Fredricks updated the Board on the bond issue for the project. The Project is being financed with both funds on hand as well as a bond. The Board plans to proceed with the bond at their February meeting.

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

Ms. Ducioame stated Moore Engineering, Inc. discussed the preferred design of the Drain #27 slide repair project near the confluence of Drain #53 with the City of Fargo. The City of Fargo has approved of the design. Moore Engineering, Inc. is working with Braun Intertec Corporation to finalize the repair method and will bring more information back to the Board for review.

**Drain #27 - Willow Grove Second Addition**

Mr. Lysne stated he is working with the city of Horace regarding the setback from Drain #27 for the 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**

Mr. Woodard visited the site and took drone photos of the Drain #27 channel near Timberline Drive that showed debris and fallen trees in the channel. Chairman Weston suggested involving the City of Fargo forestry personnel. The Board directed Moore Engineering, Inc. to contact the City of Fargo to begin discussing the possibility of tree removal in the channel near Timberline Drive.

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

Mr. Lysne updated the Board on the status of the transitions between the Metro Flood Diversion Project and legal assessment drains. Moore Engineering, Inc. and the Water Resource District Attorney are working on an amendment to the *Memorandum Of Understanding* with the Metro Flood Diversion Authority and will bring more information back to the Board for consideration. The Drain #21C transition is being designed with construction estimated for 2025. The Drain #50 transition construction is expected to start early 2026. The Corps of Engineers is constructing the Drain #51 transition at their cost.

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

Brief discussion was held on the Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2024-2025.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the following regarding Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2024-2025:

- *Agreement* with Industrial Builders, Inc. for the Sheyenne River not to exceed \$170,000
- *Agreement* with Industrial Builders, Inc. for the Wild Rice River not to exceed \$170,000

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 and the Cass County Flood Sales Tax Committee. The local share of the project is less than \$10,000 for the project design.

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to proceed with design for the Wild Rice River low head dam hazard mitigation project. Upon roll call vote, the motion carried unanimously.

**2025 Meeting Dates**

The Board discussed its regular meeting dates for the year 2025. It was moved by Manager Steen and seconded by Manager Branson to adopt the following Resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Southeast Cass Water Resource District does hereby set the second Tuesday of January through October at 8:30 a.m., November 10<sup>th</sup> at 1:00 p.m., and December 9<sup>th</sup> at 8:30 a.m. all at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, times and place for the year 2025.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

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Keith Weston  
Chairman

ATTEST:

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Melissa Hinkemeyer  
Secretary

**Year-end issues**

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

- Authorize the Treasurer to make any minor year-end transfers to balance the Southeast Cass Water Resource District 2024 budget;
- Authorize the Treasurer to make transfers to and from obligated funds, if necessary; and
- Authorize the Treasurer to amend the Southeast Cass Water Resource District 2024 budget.

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:

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Keith Weston  
Chairman

ATTEST:

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Melissa Hinkemeyer  
Secretary