

MINUTES OF SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
JANUARY 14, 2025
8:30 A.M.

A meeting of the Southeast Cass Water Resource District was held on January 14, 2025, 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; Rita Nelson, Accounting Assistant; David Piper, Katie Schmidt, and Lukas Andrud, Ohnstad Twichell, P.C.; Kurt Lysne and Alexa Ducioame, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Kyle Litchy, Cass County Highway Department; Donald Kress and Jody Bertrand, City of Fargo; Joel Luing, City of Horace; Ken Helvey, SRF Consulting Group, Inc.; Michael Stock and Wade Hanson, Dirt Dynamics.

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, seconded by Manager Steen, and unanimously carried to approve the minutes of the December 10, 2024, meeting as presented.

Reorganization of the Board for 2025

It was moved by Manager Steen and seconded by Manager Branson to appoint the following individuals to serve in the designated capacities for calendar year 2025:

Keith Weston	Chairman
Dave Branson	Vice Chairman
Melissa Hinkemeyer	Secretary
Leilei Bao	Treasurer
Keith Weston	Cass County Joint Water Resource District Representative
Rick Steen	Cass County Joint Water Resource District Representative

Dave Branson	Cass County Joint Water Resource District Alternate Representative
Keith Weston	Red River Joint Water Resource District Representative
Rick Steen	Red River Joint Water Resource District Alternate Representative
Dave Branson	Sheyenne River Joint Water Resource District Representative
Rick Steen	Sheyenne River Joint Water Resource District Alternate Representative

Upon roll call vote, the motion carried unanimously.

Designate depositories of Southeast Cass Water Resource District public funds

It was moved by Manager Branson and seconded by Manager Steen to designate the following as depositories of Southeast Cass Water Resource District public funds:

- Alerus Financial
- Bell Bank
- US Bank
- Bank of the West
- First International Bank & Trust
- Bremer Bank
- BankNorth (Casselton)

Upon roll call vote, the motion carried unanimously.

Approve the Pledge of Assets

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

Alerus Financial (as set out in the agreement dated March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Review of contract for legal services

A motion was made by Manager Steen and seconded by Manager Branson to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the 2025 billing rates presented for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

Review of contracts for engineering services

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Third Amendment to the Agreement between Owner and Engineer for Professional Services* with Moore Engineering, Inc. regarding

engineering services for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Branson and seconded by Manager Steen to approve the Moore Engineering, Inc. 2025 rate structures as presented for engineering services for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Frist Amendment to the Agreement between Owner and Engineer for Professional Services* with Houston Engineering, Inc. regarding engineering services for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Branson and seconded by Manager Steen to approve the Houston Engineering, Inc. 2025 rate structures as presented for engineering services for Southeast Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

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

Kurt Lysne briefly reviewed the proposed variance request at 49 35th Avenue E regarding West Fargo Planning and Zoning. The Board indicated the property owners should be aware and cautious that the Sheyenne River is a young river geologically and is prone to moving. A motion was made by Manager Branson and seconded by Manager Steen to authorize the Secretary to submit comment to West Fargo Planning and Zoning regarding the variance request at 49 35th Avenue E. Upon roll call vote, the motion carried unanimously.

Discussion was held on the Fargo Department of Planning and Development February preliminary packet. The Board had no comments on the items in the preliminary packet.

Joel Luing discussed the City of Horace Planning and Zoning activities that impact Water Resource District facilities.

Mr. Lysne briefly reviewed the Sheyenne Valley Farm Second Subdivision regarding Cass County Planning. The Board had no comments to submit.

Wild Rice River Estates – Slope stabilization

Alexa Ducioame updated the Board on the status of the Wild Rice River Estates Slope Stabilization Study. The Water Resource District Attorney is working on the agreement language with Braun Intertec Corporation related to the study.

Drain #3 – Main Avenue Improvements

Mr. Lysne discussed a City of Fargo improvement project for Main Avenue from 25th Street to University Drive. The Water Resource District Attorney is preparing an agreement to allow the contractor to work in Water Resource District right of way regarding Drain #3.

Drain #10 - Channel Improvements 2024 Project

Ms. Ducioame reported that the Drain #10 Channel Improvements 2024 Project will be constructed in the spring.

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

Ms. Ducioame reported Moore Engineering, Inc. is working with Braun Intertec Corporation on the repair method of the Drain #21 slide repairs between 12th and 19th Avenues NW. Braun Intertec Corporation is finishing the report for the project.

Drain #21 – Slide north of Main Avenue W

Ms. Ducioame reported that Braun Intertec Corporation sent back the finalized report with the recommended repair for the Drain #21 slide north of Main Avenue W. Moore Engineering, Inc. will bring cost estimates for the project to a future meeting.

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

Mr. Lysne reviewed the Drain #27 slide repair project west of I-29 and west of 45th Street S. Michael Stock gave an overview of the delays to their construction timeline for the project. Mr. Stock said Dirt Dynamics has a history of completing jobs on time and apologized for the situation. The Board indicated the Liquidated Damages withheld thus far are to ensure the project is completed in a timely manner. Mr. Stock stated they have equipment staged on site and are ready to resume the project as soon as weather conditions allow this spring.

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

The contractor has provided satisfactory bond and insurance documents for the Drain #27 Improvement Project No. 2023-01. Ms. Ducioame reported Moore Engineering Inc. had a preconstruction meeting with the contractor. The contractor may begin some clearing and grubbing activities this winter and plans to start construction of the Project this spring.

It was moved by Manager Steen and seconded by Manager Branson to authorize the Chairman to sign the contract and the *Notice to Proceed* regarding the Drain #27 Improvement Project No. 2023-01. Upon roll call vote, the motion carried unanimously.

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

Ms. Ducioame stated Moore Engineering, Inc. has received the final report from Braun Intertec Corporation regarding the Drain #27 slide near the confluence of Drain #53. Moore Engineering, Inc. will bring back preliminary design and cost estimate to a future meeting for the Board to review. Ms. Ducioame noted Moore Engineering, Inc. has been in contact with the City of Fargo regarding the project.

Drain #27 – Encroachment Agreement with 52nd Avenue Investments, LLC

It was moved by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Encroachment Agreement* with 52nd Avenue Investments, LLC regarding construction of a parking lot within the *Permanent Drain Easement* area regarding Drain #27. Upon roll call vote, the motion carried unanimously.

Drain #27 - Willow Grove Second Addition

Mr. Lysne stated there is a new consultant working on behalf of the developer regarding the Willow Grove Second Addition. Mr. Lysne indicated Moore Engineering, Inc. will provide plans to the developer for the adjacent Drain #27 Improvement Project 2023-01. The developer will need a Utility Permit from the Water Resource District for a stormwater outfall for the development into Drain #27. 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. Per the Board direction at the last meeting Mr. Woodard has reached out to the City of Fargo Forester and is waiting to hear back.

Joint Powers Agreement with the City of Horace regarding maintenance of urban legal assessment facilities

The Secretary noted the Water Resource District Attorney has drafted a *Joint Powers Agreement* with the City of Horace regarding maintenance of urban legal assessment facilities within Horace city limits.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Letter of Consent* for Ohnstad Twitchell, P.C. regarding representation of Southeast Cass Water Resource District and the City of Horace regarding a Joint Powers Agreement for maintenance of urban legal assessment facilities. Upon roll call vote, the motion carried unanimously.

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.

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

Mr. Lysne reported Integrity Windows, LLC provided a survey to attach to the *Access Agreement* regarding Drain #40. Mr. Lysne reviewed the survey and did not have any concerns. The Agreement will be brought to a future meeting for consideration.

Drain #53 – Letter from Bolton & Menk soliciting comments regarding the I-29 interchange ramps at the 64th Avenue S

Mr. Lysne reviewed the Letter from Bolton & Menk soliciting comments regarding the I-29 interchange ramps at the 64th Avenue S and did not have any concerns with the proposed project as it does not impact Drain #53.

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

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 to keep the project on Water Resource District property. For the Drain #50 transition SRF Consulting Group Inc. will be negotiating the right of way on behalf of the Water Resource District. The property owner of the right of way needed for the Drain #50 transition also owns right of way needed for the Sheyenne River Benching Project component of the Metro Flood Diversion Project.

Manager Steen moved to authorize SRF to negotiate the acquisition of right of way from Richard Horne regarding OIN 9345 to accommodate the Drain 50/FM Diversion transition, including the acquisition of 0.3 acres in fee for \$8,300 per acre and a permanent berm easement over 0.5 acres for \$1,500 per acre, as defined by the District's survey, for the total compensation amount of \$3,240. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously. Ken Helvey will report back to the Board regarding negotiations and the Board will ultimately consider and approve a purchase agreement with Mr. Horne at a later date.

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. Mr. Lysne reported the contractors have been diligently working on the project and will exhaust their funds within the next month. If the ice conditions remain suitable for the project, the contractor is willing to continue working on the project if the Board wishes.

It was moved by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Agreement* with Industrial Builders, Inc. not to exceed \$100,000 regarding Sheyenne River Snagging and Clearing efforts for 2024-2025. Upon roll call vote, the motion carried unanimously.

Wild Rice River low head dam hazard mitigation project – Task Order No. 27 with Moore Engineering, Inc.

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 approve and authorize the Chairman to sign *Task Order No. 27* with Moore Engineering, Inc. for design of the Wild Rice River low head dam hazard mitigation project. 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