

MINUTES OF SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
FEBRUARY 11, 2025
8:30 A.M.

A meeting of the Southeast Cass Water Resource District was held on February 11, 2025, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Melissa Hinkemeyer, Director, Secretary-Treasurer; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean Fredricks and Katie Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard, Levi Hanson, and Zach Cormican, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Kris Bakkegard, Metro Flood Diversion Authority; Donald Kress, Jim Hausauer, Jody Bertrand, and Nathan Boerboom, City of Fargo; Joel Luing, City of Horace; John Lundby, Colliers Securities, LLC; Ken Helvey, SRF Consulting Group, Inc.; and Christine Holland, River Keepers.

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, seconded by Manager Steen, and unanimously carried to approve the minutes of the January 14, 2025, meeting as presented.

Appointment of Treasurer

It was moved by Manager Steen, seconded by Manager Branson and unanimously carried to appoint Melissa Hinkemeyer as Treasurer of the Southeast Cass Water Resource District for the remainder of calendar year 2025. Upon roll call vote, the motion carried unanimously.

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

Sean Fredricks provided a brief overview of the funding for the Drain #27 Improvement Project No. 2023-01. A portion of the project is being financed with a bond. John Lundby presented the results of the sale of the bond. The bond had an AA3 rating as confirmed by Moody's and cleared the market at a favorable interest rate. The bond closes Tuesday, February 25, 2025.

Additional minutes regarding the bond for the Drain #27 Improvement Project No. 2023-01 are attached here.

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

Donald Kress reviewed the Fargo Department of Planning and Development March preliminary packet. Discussion was held on the Brakke 64th Addition, AAB Addition, and Valley View Third Addition.

Kurt Lysne reviewed the proposed variance request for a swimming pool at 3110 Sheyenne River Way regarding West Fargo Planning and Zoning. Mr. Lysne noted the geotechnical study that was done does not take into account the Sheyenne River bank stability over time, only as it is today. The Board discussed submitting comment recommending the City of West Fargo firmly hold to the 100-foot setback on the Sheyenne River. The Sheyenne River is a young river geologically and it is prone to movement.

It was moved by Manager Steen and seconded by Manager Branson to authorize the Secretary to work with the Water Resource District Engineer to send a letter to the City of West Fargo encouraging a firm 100-foot setback from the Sheyenne River. Upon roll call vote, the motion carried unanimously.

Joel Luing discussed the City of Horace Planning and Zoning activities that impact Water Resource District facilities. Discussion was held on the El Dorado Addition, West Creek First Addition and Sparks 2nd Addition. Mr. Lysne noted if the developer of the El Dorado Addition wishes to use the land east of Drain #27 as a stormwater pond, it would need a stability analysis completed to determine the stability of Drain #27 and the pond of that design. Mr. Luing agreed. Mr. Lysne noted in the West Creek First Addition plat, it is highly recommended the developer add a 10-foot utility easement on the west side of the plat as the Water Resource District does not allow dry utilities on right of way for Sheyenne-Maple Flood Control Project #2. If any grading or drainage modifications are planned for Sheyenne-Maple Flood Control Project #2 right of way, the developer will need to obtain a Section 408 Permit from the Corps of Engineers.

A motion was made by Manager Branson and seconded by Manager Steen to authorize the Secretary to submit comment on the following subdivision applications to City of Horace Planning and Zoning:

- El Dorado Addition
- West Creek First Addition
- Sparks 2nd Addition

Upon roll call vote, the motion carried unanimously.

River Keepers 2025 drain cleanup program

Christine Holland gave an overview of the River Keepers 2024 drain cleanup volunteer program. River Keepers had 42 volunteers participate who collected approximately 750 pounds of garbage in 68 hours. Ms. Holland reported that she updated the volunteer waiver and the maps that are provided to the volunteers and inquired if the Board is interested in River Keepers continuing the program in 2025.

A motion was made by Manager Steen and seconded by Manager Branson to authorize River Keepers to conduct drain cleanup efforts along Southeast Cass Water Resource District facilities in 2025. Upon roll call vote, the motion carried unanimously.

Discussion was held on the timeline of the 2025 drain cleanup program. The drain cleanup program will take place between April and December depending on the weather and spring melt.

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 prepared two agreements with the North Dakota Department of Transportation (NDDOT) to allow work in Water Resource District right of way and connection of infrastructure to Drain #3. NDDOT is currently reviewing the agreements.

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

Mr. Lysne reported Moore Engineering, Inc. continues to work on the design of the Drain #21 slide repairs project between 12th and 19th Avenues NW. Moore Engineering, Inc. will bring a cost estimate for the project to a future meeting.

Drain #21 – Slide north of Main Avenue W

Zach Cormican discussed the 90% complete plans for the Drain #21 slide repair north of Main Avenue. Mr. Cormican stated there are two methods of repair that have similar cost estimates. One method incorporates drain tile and the other method incorporates rip rap. Once contractor's prices are known for each repair method, it can be determined which method is preferred.

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to hire a contractor and authorize the Water Resource District Attorney to draft a construction contract for the Drain #21 slide repair project north of Main Avenue W. Upon roll call vote, the motion carried unanimously.

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

Mr. Cormican reviewed a cost estimate for the Drain #27 slide repair near the confluence of Drain #53. Mr. Cormican also gave a brief description of the repair design.

A motion was made by Manager Steen and seconded by Manager Branson to authorize Moore Engineering, Inc. to hire a contractor and authorize the Water Resource District Attorney to draft a construction contract for the Drain #27 slide repair project near the confluence of Drain #53. Upon roll call vote, the motion carried unanimously.

Drain #27 - Willow Grove Second Addition

Mr. Fredricks stated the developer is updating the proposed plat for Willow Grove Second Addition. Mr. Fredricks is drafting an easement that will include a 20-foot limited use area in the drain setback similar to other developments adjacent to Drain #27.

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

Mr. Woodard has reached out to the City of Fargo Forester and is hoping to meet with him on-site to discuss the proposed removal of fallen trees and debris in the Drain #27 channel near Timberline Drive.

Drain #27 – Public outreach

Discussion was held on ways to inform the public about the status of Drain #27 and answer commonly asked questions as there will be construction along Drain #27 particularly in the City of Horace this year. Mr. Luing suggested sharing information with the City to post on their social media pages to reach the largest audience. The Board directed the Secretary to work with Moore Engineering, Inc. to prepare information to be distributed to the public via social media for the Board to review at a future meeting regarding Drain #27.

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

Chairman Weston stated he has reached out to the Mayor of Horace to introduce himself and discuss matters relating to Sheyenne-Maple Flood Control Project #2 and Drain #27. Mr. Luing noted the Mayor has been busy traveling but will reach out to Chairman Weston soon.

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

Mr. Woodard reported that Moore Engineering, Inc. is waiting for the report of the geotechnical study of the Drain #40 slide south of County Road 20 at 38th Avenue North from Braun Intertec Corporation before moving forward. Brief discussion was held on right of way for Drain #40 in this area. Moore Engineering, Inc. continues to monitor the slide while the Water Resource District pursues a long-term repair.

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

Mr. Fredricks noted the *Access Agreement* with Integrity Windows, LLC regarding Drain #40 is now ready for the Board to consider. Integrity Windows, LLC has provided the necessary survey for the Agreement and indicated they will sign the Agreement.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Access Agreement* with Integrity Windows, LLC d/b/a Integrity Windows, Inc. and the Marvin Companies, Inc. regarding Drain #40. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project transitions – Drains #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* (MOU) with the Metro Flood Diversion Authority and will bring the updated MOU back to the Board for consideration at a future meeting. The Board discussed language in the MOU regarding remedies of any damages that may occur to Water

Resource District facilities from the Upstream Mitigation Area pool during operation of the Metro Flood Diversion Project.

Mr. Lysne indicated the Drain #50 transition design is nearly complete. Ken Helvey briefly updated the Board on the status of right of way acquisition for the Drain #50 transition to the Metro Flood Diversion Channel.

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

Brady Woodard updated the Board on the Sheyenne River and Wild Rice River Snagging and Clearing efforts for 2024-2025. The contractor has made great progress with the cold weather and anticipates having funding through the first week in March. The projects highly depend on weather conditions.

Discussion was next held on removal of a bridge on behalf of the Metro Flood Diversion Authority, with reimbursement provided by the Metro Flood Diversion Authority. Kris Bakkegard indicated a former railroad bridge needs to be removed as the potential pedestrian path use for the bridge did not materialize. The Water Resource District's contractor for the snagging and clearing work is in the area of the bridge and has provided a fair price to remove the bridge. Mr. Bakkegard inquired if the Water Resource District would be amenable to removing the bridge using their contractor, with 100% reimbursement by the Diversion Authority. The cost estimate is below the state bidding threshold. This plan would save time and money on mobilization and other costs. Mr. Bakkegard indicated the Diversion Authority has acquired the necessary permits for the project and the project would be added to the MOU between the parties. The Board indicated they are amenable to the project to minimize the costs to the public.

A motion was made by Manager Branson and seconded by Manager Steen to approve an Agreement with Industrial Builders, Inc. to remove the former railroad bridge on behalf of the Metro Flood Diversion Authority, with the understanding that the Metro Flood Diversion Authority will provide reimbursement of 100% of the project costs and the project will be added to the MOU between the parties. 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.

Alexa Ducioame reported that the survey for the Wild Rice River low head dam hazard mitigation project was collected in January. Moore Engineering, Inc. is working with Braun Intertec Corporation as they do their analysis.

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.

Legislative update

Mr. Fredricks briefly updated the Board on legislative items that impact water resource districts including cost-share, economic analyses, and an interim study regarding watershed districts.

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