

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

A meeting of the Southeast Cass Water Resource District (SECWRD) was held on April 8, 2025, at 8:30 a.m.

Present were Keith Weston, Chairman; Dave Branson, Manager; Rick Steen, Manager; Melissa Hinkemeyer, Director, Secretary-Treasurer; Amy Hepper, Accountant; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks and David C. Piper, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, and Levi Hanson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Kris Bakkegard and Tom Fuchs, Metro Flood Diversion Authority; Donald Kress, Jim Hausauer, and Jody Bertrand, City of Fargo; Joel Luing, City of Horace; Andree Hayes, West Fargo Public Schools; Tony Eukel, MBN Engineering, Inc.; Shannon Roers Jones, Roers; Shawn Morten, Dakota Helicopters Inc.; Ryan Ottis, Ottis Contracting, LLC; Warren Solberg, Steve Loe, and Susan Loe, Stanley Township property owners.

**Approval of agenda**

It was moved by Manager Branson, seconded by Manager Steen, 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 March 11, 2025, meeting as presented.

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

Kurt Lysne reviewed the Conditional Use Permit and Variance Request for an accessory structure at 126 49th Avenue E. The Board stated they continue to encourage the City of West Fargo to update their watercourse setback ordinance as detailed in the letter that the Board recently sent to the City.

Mr. Lysne reviewed the Conditional Use Permit for shop condos at 320 8th Street West. The Board had no comments.

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

Donald Kress reviewed the Fargo Department of Planning and Development May preliminary packet. The Board had no comments on the items in the preliminary packet.

Mr. Lysne reviewed the Carpenter's Subdivision Application and the Solberg Pioneer Cemetery Application regarding Cass County Planning. Warren Solberg briefly discussed their intentions with the cemetery. The Board had no comments to submit.

**Drain #40 – Xcel Energy Easement Request for 45th Street Business Center**

Discussion was held on the Xcel Energy easement request for 45th Street Business Center. Shannon Roers Jones discussed the redevelopment of the area and stated Roers is asking for permission to encroach on the existing Drain #40 easement area. The development would also be within the 175-foot City of Fargo drain setback area. Sean Fredricks stated that they would need to execute a new agreement with SECWRD and seek a variance from the City of Fargo on their 175-foot drain setback.

A motion was made by Manager Branson and seconded by Manager Steen to direct the Water Resource District Engineer and Attorney to work with Roers regarding the redevelopment of the 45th Street Business Center with respect to Drain #40. Upon roll call vote, the motion carried unanimously

**Drain #45 – West Fargo School District playground encroachment at 311 1st Ave E**

Tony Eukel discussed the inclusive playground plans at 311 1st Ave E. Mr. Eukel noted a survey was completed and it was found that the existing playground encroaches into Drain #45 which is enclosed in this area. Mr. Eukel requested to maintain the encroachment with the new adjacent playground as it is the best location for the playground. Mr. Lysne indicated there are no stability concerns to Drain #45 regarding the playground as the drain is enclosed.

A motion was made by Manager Steen and seconded by Manager Branson authorize the Water Resource District Attorney to prepare an encroachment agreement with the West Fargo School District regarding the playground encroachment at 311 1st Ave E with respect to Drain #45. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control Project No. 1 – Consent Letter with the City of West Fargo – Proposed Bike Path**

Sean Fredricks discussed the City of West Fargo's proposed bike path along the Sheyenne-Maple Flood Control Project No. 1. Ohnstad Twichell P.C. represents both the Water Resource District and the City of West Fargo.

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 City of West Fargo proposed bike path along the Sheyenne-Maple Flood Control Project #1. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control Project No. 2 – Access Agreement for soil borings with WSB LLC**

Alexa Ducioame stated WSB LLC is requesting to complete soil borings for an Xcel Energy crossing of Sheyenne-Maple Flood Control Project No. 2. The Board indicated that WSB LLC is not authorized to cross the levee at this time. Brief discussion was held

on the Access Agreement for the soil boring activities. The Agreement states a representative of the Water Resource District is required to be present during the borings.

A motion was made by Manager Branson and Seconded by Manager Steen to approve and authorize the Chairman to sign the Access Agreement with WSB LLC regarding soil borings on Sheyenne-Maple Flood Control Project No. 2 property contingent on reimbursement for Water Resource District costs incurred regarding the matter. Upon roll call vote, the motion carried unanimously.

**Sheyenne-Maple Flood Control Project No. 2 – Drainage issue at 2108 12th St W**

The Secretary briefly discussed a public comment that was received regarding a drainage issue at 2108 12th Street W. Mr. Woodard reported that the City of West Fargo is going to resolve this issue. There is no action needed by the Water Resource District.

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

Ms. Ducioame reported Moore Engineering, Inc. continues to work with Braun Intertec Corporation on the repair method of the Drain #21 slide repairs between 12th and 19th Avenues NW.

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

Ms. Ducioame reported that Moore Engineering, Inc. is obtaining quotes from potential contractors for the slide repair north of Main Avenue W. Moore Engineering, Inc. will bring back the quotes to a future meeting for the Board's consideration.

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

Ms. Ducioame reported that Moore Engineering, Inc. is working with the City of Fargo on the Drain #27 slide near the confluence of Drain #53. A new slide has formed on the City of Fargo's levee in this area. The Board indicated it is preferred to coordinate with the City of Fargo to repair both slides concurrently for efficiency purposes.

**Drain #27 – Tree removal in the channel near Timberline Drive**

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

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

Ms. Ducioame reported that Moore Engineering, Inc. is waiting for Braun Intertec Corporation to complete the geotechnical analysis for the Drain #40 slide south of County Road 20 at 38th Avenue North before moving forward. Discussion was held on next steps for this project. Levi Hanson briefly discussed the existing Water Resource District right of way in this area.

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

Ms. Ducioame updated the Board on the status of the transitions between the Metro Flood Diversion Project and legal assessment drains. Ms. Ducioame reported the Drain #21C transition is projected to start construction November 2025 and the Drain #50 transition is projected to start construction February 2026.

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

Manager Branson moved to table the *Utility Permit* for Xcel Energy to install three phase primary cable under Drain #40 south of 2nd Avenue S until Xcel Energy can locate the depth of the utility. Manager Steen seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Steen moved to approve the following *Utility Permits* for Halstad Telephone Company with input from the Water Resource District Engineer:

- *Utility Permit* to install fiber optic cable and HDPE duct under Drain #65 in the SW 1/4 of Section 14 in Harwood Township
- *Utility Permit* to install fiber optic cable and HDPE duct under Drain #40 North of County Road 22 in Section 34 of Harwood Township

Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Steen moved to approve a one year extension of the *Utility Permit* for Midcontinent Communications to install fiber optics and conduits under the Sheyenne River south of 76th Avenue S with input from the Water Resource District Engineer. Manager Branson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Water Management System No. 20255 for Riley Braaten in the NW 1/4 of Section 18 in Pleasant Township**

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 20255*, filed April 3, 2025, by Applicant Riley Braaten. Under the Application, Applicant seeks to install a 150.46-acre drain tile system in the NW 1/4 of Section 18 in Pleasant Township, Cass County, North Dakota. The project will include two pump outlets; the first outlet will be along the north boundary of the NW 1/4 of Section 18, approximately 1,240 feet east of the northwest corner, in the south road ditch along 50th Street SE. The second pump outlet will be approximately 560 feet east and 520 feet south of the northwest corner. Both pumps will discharge into a natural watercourse, as that term is defined under N.D. Cent. Code § 61-01-06; the natural watercourse flows to the north, under 50th Street SE.

According to Cass County records supplied by Applicant, Riley Braaten owns the NW 1/4 of Section 18 in Pleasant Township, the property Applicant intends to tile. Because the project will discharge into a natural watercourse, no downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Branson moved, and Manager Steen seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20255*, filed April 3, 2025, for Riley Braaten regarding a proposed tile system in the NW 1/4 of Section 18 in Pleasant Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20255*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the natural watercourse in the NW 1/4 of Section 18 in Pleasant Township.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Southeast Cass Water Resource District.
4. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in the NW 1/4 of Section 18 in Pleasant Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20255* in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written permission from the Pleasant Township Board of Township Supervisors to install any project components within any of the Township's road right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board will provide copies of the Board's *Notice of Decision* and *Subsurface Water Management Permit No. 20255* to the Department of Water Resources, Pleasant Township, and Cass Rural Water Users District. Applicant's detailed project design map is an exempt record and the Board will not provide copies to any third parties.

### **Weed Control**

Brief discussion was held on the bids received for weed control efforts in 2025 regarding Water Resource District facilities. The Board indicated they would like Mr. Woodard and the Secretary to discuss the products and methods in the bids with the Cass County Weed Control Officer to determine the most effective and compatible products for Water Resource District use. Shawn Morten briefly discussed Dakota Helicopter, Inc.'s 2025 weed control bid and their work with SECWRD in the past. The Board directed the

Secretary to create a cost comparison of the bids received using previous years spraying data. The Board will continue discussion at a special meeting next week.

**North Dakota Insurance Reserve Fund (NDRF) – Annual Meeting Proxy**

The Secretary reported a letter was received from the North Dakota Insurance Reserve Fund providing notice of their upcoming annual meeting and proxy for the election of officers. The Board decided not to sign the proxy for the election of officers. The Board indicated they will contact the Cass County Commissioner that is on the NDRF board to discuss the election of officers.

**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 motion carried unanimously.

**Legislative Updates**

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

**Adjournment**

There being no further business to be considered by the Board, Manager Branson moved, and Manager Steen seconded to adjourn the meeting. The meeting adjourned without objection.

APPROVED:

---

Keith Weston  
Chairman

ATTEST:

---

Melissa Hinkemeyer  
Secretary