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These are DRAFT minutes, subject to amendment before final approval by the Southeast Cass Water Resource District.

MINUTES OF SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
MAY 13, 2025
8:30 A.M.

A meeting of the Southeast Cass Water Resource District (SECWRD) was held on May 13, 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, David C. Piper, and Katie J. Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Levi Hanson, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Kris Bakkegard and Tom Fuchs, Metro Flood Diversion Authority; Nathan Boerboom, Donald Kress, Jim Hausauer, and Jody Bertrand, City of Fargo; Joel Luing, City of Horace; Kellen Grubb, AE2S; and Jon Youness, EagleRidge Development.

Approval of agenda

It was moved by Manager Branson, seconded by Manager Steen, 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 April 8 and 17, 2025, meetings as presented.

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

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

Drain #53 – Eagle Ridge Development discussion regarding drain extension and levee improvements to 76th Ave S

Jon Youness discussed development plans for Selkirk Place Third Addition. The development includes a crossing of Drain #53 at 67th Avenue south and there is a future crossing planned for 73rd Avenue south. Discussion was held on the future alignment and extension of Drain #53 in this area. Mr. Youness noted he will return to the Board with additional information in the future.

DRAFT

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

Levi Hanson reviewed the Conditional Use Permit for signage at 1950 Sheyenne Street. The Board had no comments.

Mr. Hanson then reviewed Greenworks 1st Addition and Planned Unit Development. The Board requests the property owner include a 10-foot utility easement along the east property boundary on the plat, because dry utilities are not allowed along Sheyenne-Maple Flood Control Projects Nos. 1 and 2.

Mr. Hanson reviewed the replat of Halvorson's Industrial Park 6th Addition. The Board had no comments.

Kurt Lysne discussed the Zoning Ordinance Amendment relating to encroachment of the building control line in the Sheyenne River Corridor. The Board had previously sent a letter to the City of West Fargo encouraging an amendment of their setback zoning ordinance on the Sheyenne River. The Board appreciated the amendment however they expressed concerns about the weight and saturation of snow piles on parking lots near the river.

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

Mr. Hanson discussed the Donat First and Second Subdivisions regarding Cass County Planning. The subdivisions are near the Southern Embankment of the Metro Flood Diversion Project. Kris Bakkegard stated the Metro Flood Diversion Authority is not a zoning authority and has provided information to zoning authorities regarding developments near the Metro Flood Diversion Project.

A motion was made by Manager Steen and seconded by Manager Branson to authorize the Secretary to submit comments to the Cities of Fargo, Horace, West Fargo, and Cass County regarding planning and development items as discussed. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Project No. 1 – Press Release

Brady Woodard reported the gates on Sheyenne-Maple Flood Control Project No. 1 were closed for approximately one week based on the flows in the Sheyenne River. The City of West Fargo was notified of the closure of the gates and distributed a press release for the public's information. The gates are now open again.

Sheyenne-Maple Flood Control Project No. 1 – City of Mapleton – Section 408 request

Mr. Lysne reviewed a request from the City of Mapleton to install a sanitary sewer force main on Water Resource District property owned for Sheyenne-Maple Flood Control Project No. 1. The City of Mapleton is working on a geotechnical report and determining a connection location to the City of West Fargo sanitary sewer. Once those items are

DRAFT

completed the City will request the Water Resource District submit a letter of non-objection for a Section 408 permit to the Corps of Engineers for their project.

Sheyenne-Maple Flood Control Project No. 2 – Cass Rural Water Users District – Section 408 requests

Kellen Grubb reviewed the Reservoir D Supply Pipeline Project. The project previously included four crossings of Sheyenne-Maple Flood Control Project No. 2 at 64th Avenue S, 76th Avenue S, Wall Avenue W and Dogwood Drive. Cass Rural Water Users District has determined the Dogwood Drive crossing is no longer feasible. The crossing will be on the north side of 52nd Ave south instead of Dogwood Drive. Cass Rural Water Users District is requesting a revised Section 408 modification request letter reflecting this change.

It was moved by Manager Branson and seconded by Manager Steen to authorize the Secretary-Treasurer to send a Section 408 modification request letter to the Corps of Engineers regarding the updated crossings of Sheyenne-Maple Flood Control District No. 2 for the Cass Rural Water Users District Reservoir D Supply Pipeline Project. Upon roll call vote, the motion carried unanimously.

Drain #10 – Construction Update

Mr. Woodard reported the contractor for the Drain #10 Improvement Project No. 2021-01 will be starting construction soon.

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

Ms. Ducioame reported Moore Engineering, Inc. will prepare a cost estimate for the Drain #21 slide repairs between 12th and 19th Avenues NW for consideration at a future meeting.

Drain #21 – Slide north of Main Avenue W

Discussion was held on the quotes received for the Drain #21 slide repair north of Main Avenue W. There are rip rap and drain tile repair options. The lowest quote is for the rip rap option.

A motion was made by Manager Steen and seconded by Manager Branson to select the rip rap repair option and award the Drain #21 slide repair project north of Main Avenue W to DL Barkie Construction Inc. Upon roll call vote, the motion carried unanimously.

The Board inquired if the weep holes in the Drain #21 channel liner are regularly inspected. Mr. Woodard noted they are included in the biannual inspections of the Water Resource District facilities. The Board directed Moore Engineering, Inc. to inspect the Drain #21 weep holes in the channel liner.

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *Agreement* with DL Barkie Construction Inc regarding the Drain #21 slide repair project north of Main Avenue W. Upon roll call vote, the motion carried unanimously.

DRAFT

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

Mr. Woodard reported that the contractor for the Drain #27 slide repair west of I-29 and west of the 45th Street S is working on site. They have repaired one of the remaining three slides.

Drain #27 – Improvement Project No. 2024-01 (64th Avenue S to 100th Avenue S)

Mr. Woodard reported that the contractor for the Drain #27 Improvement Project No. 2024-01 is working on site. They are going to begin work on the channel bottom.

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

Mr. Woodard discussed the quotes received for the Drain #27 slide repair near the confluence of Drain #53. The lowest quote was DL Barkie Construction Inc. Brief discussion was held on the impacts of the adjacent bike path to the project.

A motion was made by Manager Branson and seconded by Manager Steen to award the Drain #27 slide repair near the confluence of Drain #53 to DL Barkie Construction Inc. and to approve and authorize the Chairman to sign the *Agreement* with DL Barkie Construction Inc. for the project. Upon roll call vote, the motion carried unanimously.

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

Mr. Woodard met with the City of Fargo Forester and a contractor to discuss snagging and clearing of fallen trees and debris in the Drain #27 channel near Timberline Drive. The contractor has availability to complete the amount of work the Board wishes to complete. Discussion was held on monitoring, managing, and funding of the project. The Board tabled the project until funding for the project is determined.

Drain #27 – Willow Grove Second Addition

Sean Fredricks and Jon Youness discussed the *Permanent Easement Agreement* and Willow Grove Second Addition Plat.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Permanent Easement Agreement* with BT Investments, LLC for the Willow Grove Second Addition. Upon roll call vote, the motion carried unanimously.

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

Alexa Ducioame reported that Braun Intertec Corporation is drafting the geotechnical report for the Drain #40 slide south of County Road 20 at 38th Avenue North.

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

Sean Fredricks updated the Board on the encroachment agreement with the West Fargo School District for the playground regarding Drain #45. The West Fargo School District is currently reviewing the agreement. Once the School District has approved the agreement and provided a signed survey the Board can consider approving the agreement.

Drain #45 – Cargill Access Agreement term extension

A motion was made by Manager Steen and seconded by Manager Branson to approve

DRAFT

and authorize the Chairman to sign an *Access Agreement* with Cargill regarding Drain #45. Upon roll call vote, the motion carried unanimously.

Drain #47 – Request from R.J. Zavoral to install a temporary intercept culvert east of 173rd Ave SE

Mr. Woodard discussed the request to install a temporary intercept culvert east of 173rd Ave SE. R.J. Zavoral & Sons Inc. is working on the Metro Flood Diversion Project in this area and are requesting to pump water from their project site directly into Drain #47 to avoid any impacts to adjacent farmland. Discussion was held on repair of the site following removal of the temporary culvert.

A motion was made by Manager Branson and seconded by Manager Steen to approve and authorize the Chairman to sign the *Access Agreement* with R.J. Zavoral & Sons Inc. to install a temporary intercept culvert regarding Drain #47. Upon roll call vote, the motion carried unanimously.

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 stated design work is ongoing.

Metro Flood Diversion Project – First Amendment to Memorandum of Understanding

A motion was made by Manager Steen and seconded by Manager Branson 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 *First Amendment to Memorandum of Understanding* for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Fredricks reviewed the *First Amendment to Memorandum of Understanding* regarding the Metro Flood Diversion Project. The amendment contemplates reimbursement of installation of erosion control at various locations as well as post operation repairs.

A motion was made by Manager Steen and seconded by Manager Branson to approve and authorize the Chairman to sign the *First Amendment to Memorandum of Understanding* with the Metro Flood Diversion Authority regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Wild Rice River low head dam hazard mitigation project

Ms. Ducioame reported that Moore Engineering, Inc. is preparing the model for the Wild Rice River low head dam hazard mitigation project. Brief discussion was held on the construction timeline for the project.

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

Manager Steen moved to approve the *Utility Permit* for Xcel Energy to install three phase primary cable under Drain #40 south of 2nd Avenue S with input from the Water Resource

DRAFT

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

Manager Branson moved to receive and file the following *Temporary Water Permits*:

- *Temporary Water Permit* for ASN Constructors from the Sheyenne River in the NE 1/4 of Section 25 in Warren Township
- *Temporary Water Permit* for ASN Constructors from the Sheyenne River in the SE 1/4 of Section 25 in Warren Township
- *Temporary Water Permit* for RJ Zavoral & Sons, Inc. from the Wild Rice River in the SW 1/4 of Section 2 in Pleasant Township
- *Temporary Water Permit* for Red River Valley Fair Association from the West Fargo Aquifer in the E 1/2 of Section 12 in Mapleton Township
- *Temporary Water Permit* for Red River Valley Fair Association from Drain Tile/Pond in the E 1/2 of Section 12 in Mapleton Township
- *Temporary Water Permit* for Park Construction Company from the Wild Rice River in the SE 1/4 of Section 35 in Stanley Township

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

North Dakota Water Resource Districts Association – Summer Meeting

The Secretary noted that the North Dakota Water Resource Districts Association and North Dakota Water Users Association joint summer water meeting is scheduled for July 9-10, 2025, at the Spirit Lake Casino in Devils Lake. The Board discussed attendance at the summer meeting. The Secretary noted that registration is due in June, if any Managers wish to attend, they can contact the Water Resource District office.

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

Sean Fredricks updated the Board on the conclusions of the legislative session. Mr. Fredricks discussed legislative items that impact water resource districts including cost-share percentages, economic analyses, and an interim study regarding watershed districts.

2026 Budget

The Secretary noted work has begun on the 2026 budget. A draft budget will be presented at a future meeting for review.

2024 Audit Update

The Secretary briefly updated the Board on the progress of the 2024 audit.

DRAFT

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