

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 13, 2014

The Cass County Joint Water Resource District met on February 13, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer and William A. Hejl, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean M. Fredricks and Chris McShane, Attorneys for the Board; Lee Beauvais, Engineer for the Board; Pat Downs, Red River Retention Authority; Dirk Draper, John Albrecht and Bruce Spiller, CH2M HILL Engineers, Inc.

**Minutes**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the minutes of the January 23, 2014, meeting, as presented. Upon roll call vote, the motion carried unanimously.

**Approval of agenda**

It was moved by Manager Olson and seconded by Manager Buringrud to approve the order of the agenda, as amended. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access issues relating to the Metro Flood Diversion Project. Property owners near the Wild Rice Dam have signed *Access Agreements* to allow access to their property required for surveying.

Right-of-entry for the Oxbow-Hickson-Bakke Subdivision Ring Levee Project was discussed. *Right-of-Entry Agreements* for 7 properties will be required to perform cultural resources surveys. Mr. McShane explained the surveying will be minimally invasive, and will only include photographic documentation of buildings.

Lee Beauvais displayed a map depicting the Oxbow-Hickson-Bakke Subdivision Ring Levee Project. The Corps of Engineers has requested letters be sent to property owners regarding right-of-entry for the project no sooner than April 2014. Right-of-entry will be requested from those property owners for a 20-24 month period.

Mr. McShane said that Phase II cultural resources surveys have been completed around the Maple River. Some shovel testing remains to be done on the north side of the river.

Dirk Draper reviewed Task Orders needed for the project.

It was moved by Manager Jacobson and seconded by Manager Olson to approve and authorize the Chairman to sign Task Order No. 1 with Houston-Moore Group, LLC regarding rights-of-entry and other land management services for the Metro Flood Diversion Project, at a cost not to exceed \$140,000. Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project – project update**

Bruce Spiller said the Water Resources Reform and Development Act bill continues to work its way through the Conference Committee. Diversion Authority Board members will be heading to Washington D.C. the week of February 24th to promote the project.

Mr. Spiller said that value engineering (VE) is wrapping up today on the in-town levees. Construction is expected to begin on the in-town levees this summer.

The environmental impact statement (EIS) is underway for the project. Mr. Spiller reported that the Minnesota Department of Natural Resources has questioned if the Diversion Authority can continue progress on the Oxbow-Hickson-Bakke Subdivision Ring Levee Project while the review is ongoing. The response will set out that the ring levee is an independent utility and would have merit with or without the Metro Flood Diversion Project.

Manager Olson reviewed discussions from a past MNDak Upstream Coalition meeting where an alternative to the project was presented. Mr. Spiller explained the Corps of Engineers has looked at that option and found it would cost an additional \$50 million and would affect approximately 200 more structures.

### **Metro Flood Diversion Project – land acquisition**

Dirk Draper updated the Board on issues regarding land acquisition for the Metro Flood Diversion Project. He informed the Board that appraisals on the Oxbow Country Club and Golf Course are expected to be completed at the end of the month. Homeowners in the area of the Oxbow-Hickson-Bakke Subdivision Ring Levee Project will be contacted today and tomorrow regarding appraisal of residential properties. A Notice of Intent letter was approved by the City of Fargo to distribute to property owners regarding the in-town levees.

Mr. Draper said CH2M HILL Engineers, Inc. has begun developing a scope of work and estimate to appraise and acquire farmland around the perimeter of the Oxbow-Hickson-Bakke Subdivision Ring Levee Project.

The Board reviewed an updated map and information on proposed farmland purchases for the Metro Flood Diversion Project.

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve and authorize the Chairman to sign a *Purchase Agreement* for the following properties for the Metro Flood Diversion Project, at an amount not to exceed the recommended purchase price, as presented:

- The NW 1/4 of Section 36 in Berlin Township;
- The E 1/2 SW 1/4 of Section 2 in Raymond Township;
- The SW 1/4 of Section 11 in Raymond Township, closing in 6 months;
- The NW 1/4 of Section 14 in Raymond Township, closing in 6 months;
- Part of the SE 1/4 of Section 25 in Warren Township; and
- Part of the SW 1/4 of Section 2 in Pleasant Township.

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve and authorize the Chairman to sign a *Purchase Agreement*, with rent-back provisions for the years 2014-2016, for the NE 1/4 of Section 11 in Raymond Township for the Metro Flood Diversion Project, at an amount not to exceed the recommended purchase price, as presented. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Jacobson to approve an amendment to the *Purchase Agreements* for land previously purchased for the Metro Flood Diversion Project in the SW 1/4 and SE 1/4 of Section 2 in Pleasant Township, to include the execution of a Quit Claim Deed to the Diversion Authority. Upon roll call vote, the motion carried unanimously.

Mr. Draper distributed an updated Land Management Summary for the Board's review.

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve Task Order No. 2 with Houston-Moore Group, LLC for land acquisition services regarding the in-town levees for the Metro Flood Diversion Project, at an amount not to exceed \$894,593. Upon roll call vote, the motion carried unanimously.

Mr. Draper distributed the selection results for the closing services Request for Proposals (RFP) regarding the Metro Flood Diversion Project for the Board's review. The Title Company was recommended for real estate closing services by the Selection Committee.

It was moved by Manager Buringrud and seconded by Manager Olson to approve hiring The Title Company for closing services for the Metro Flood Diversion Project acquisitions. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve and authorize the Chairman to sign the *Agreement* with The Title Company for closing services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Draper distributed the selection results for the farmland management services Request for Proposals (RFP) for the Board's review. The Selection Committee recommended Pifer's Land Management to provide farmland management services for acquired farm land, until disposition of the property is required for implementation of the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Jacobson to recommend Pifer's Land Management to the Land Management Committee, to be considered by the Diversion Authority, to provide farmland management services for acquired farmland for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Manager Buringrud left the meeting at this time.

**Maple River Dam – tree removal project**

Lee Beauvais said that the tree removal project on the Maple River Dam is complete, and cleanup has finished. Property owners have been notified that additional cleanup may be necessary after the snowmelt. Mr. Beauvais recommended the Board consider starting tree removal work at the Maple River Dam earlier in the year. This would allow the contractors time to cut and pile the dead trees before snowfall.

**Amenia Township Improvement District No. 74 – cost-share on Gebeke eminent domain action**

Chris McShane reviewed information regarding the eminent domain action on Amenia Township Improvement District No. 74. Bill Hejl of the Rush River Water Resource District was present to request participation from the Cass County Joint Water Resource District.

It was moved by Manager Olson and seconded by Manager Jacobson to participate in the Gebeke eminent domain action regarding Amenia Township Improvement District No. 74 with 50% cost-share for a settlement solution, not to exceed \$5,000. Upon roll call vote, the motion carried unanimously.

Mr. Beauvais will bring a list of costs regarding Amenia Township Improvement District No. 74 to the next meeting.

**State Water Plan for the 2015-2017 biennium – projects / programs to submit**

Mr. Beauvais said a list is being compiled of projects and programs to submit for the State Water Plan for the 2015-2017 biennium for discussion at the next meeting.

**Development of retention projects**

Mr. Hejl reported on the status of retention funding through the Farm Bill. Funding could be available by September or October. Pat Downs is working with the Natural Resources Conservation Service (NRCS) to gain support for the Red River Retention Authority to become an eligible partner. An NRCS briefing was held yesterday.

Local cost share on retention projects was discussed. Manager Olson said the policy on cost share from the Diversion Authority for retention project development is in final draft form.

**Requests for flood risk reduction project funding assistance from Cass County sales tax**

It was moved by Manager Olson and seconded by Manager Wolfer to authorize the Secretary-Treasurer to sign and send a letter to the Cass County Administrator regarding Cass County Joint Water Resource District's request for flood risk reduction project funding assistance from Cass County sales tax. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve payment of Checks #11147 through #11158, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Jacobson, Olson and Wolfer. Manager Buringrud was absent. The Chairman declared the motion passed.

**Diversion Project Assessment Committee (DPAC)**

Manager Brodshaug said the next DPAC meeting may be the last until further notice. Members of the DPAC will compile a Memorandum explaining the decisions made to-date and begin meeting with different government entities.

**Red River Retention Authority – office issues**

Pat Downs updated the Board on Red River Retention Authority office issues.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manger Olson and unanimously carried to adjourn the meeting.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer