

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 27, 2014

The Cass County Joint Water Resource District met on February 27, 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; Jurgen Suhr, Maple River Water Resource District; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer, 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 and Chad Engels, Engineers for the Board; Eric Dodds, Advanced Engineering and Environmental Services, Inc.; 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 February 13, 2014, meeting, as presented. Upon roll call vote, the motion carried unanimously.

**Approval of agenda**

It was moved by Manager Buringrud and seconded by Manager Wolfer 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. Right-of-entry for the Oxbow-Hickson-Bakke Subdivision Ring Levee Project was discussed. *Access Agreements* for 7 properties outside of the project footprint have been sent to property owners to perform cultural resources surveys. All but one have been returned so far.

**Metro Flood Diversion Project – project update**

Bruce Spiller said design work is ongoing for the Oxbow-Hickson-Bakke Subdivision Ring Levee Project and the in-town levees. Construction on the first section of the Oxbow-Hickson-Bakke Ring Levee Project is set to start this summer. Mr. Spiller hopes bids for construction on the first sections of the in-town levees will be advertised in late summer. *Notice of Intent to Acquire* letters have been sent to property owners affected by the in-town levees project.

Mr. Spiller said Diversion Authority Board members went to Washington D.C. to promote the Metro Flood Diversion Project and the Water Resources Reform and Development Act (WRRDA) bill. He said Diversion Authority Board members reported their meetings went well, and they remain optimistic for the WRRDA bill. Sean Fredricks said a new *Joint Powers Agreement* will need to be in place if the WRRDA bill passes and the Diversion Authority receives one of the three new construction starts. He encouraged moving ahead with drafting the agreement.

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

Eric Dodds updated the Board on issues regarding land acquisition for the Metro Flood Diversion Project. He informed the Board that the draft appraisals on the Oxbow Country Club and Golf Course have recently been submitted. The appraisal process of residential properties for the Oxbow-Hickson-Bakke Subdivision Ring Levee Project is underway, and responses have been positive.

Manager Brodshaug requested statistics be provided to the Board at each meeting regarding the appraisal of residential properties for the Oxbow-Hickson-Bakke Subdivision Ring Levee.

*Notice of Intent to Acquire* letters have been sent to property owners regarding acquisition for the in-town levees. Mr. Spiller said design for the in-town levees is still developing. There will be a meeting on Monday with City of Fargo officials and appraisers regarding the designs and location.

Mr. Dodds said a contract is being drafted for the Diversion Authority and Pifer's Land Management regarding farmland management services for farmland acquired for the project, until disposition of the property is required for implementation of the Metro Flood Diversion Project. The Cass County Joint Water Resource District will be acting as the designated representative to give direction to Pifer's Land Management regarding the project. The Board would like to keep local farmers operating the land as much as possible.

Lee Beauvais said there are 2 parcels near the outlet of Drain #30 that will be needed to mitigate a cultural site in the area. Mr. Spiller said some of the land purchased for the project will eventually be seeded with native grasses and trees for mitigation.

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve the *Purchase Agreement* for the NW 1/4 of Section 36 in Berlin Township, with Right of First Refusal and a Lease Back provision for crop years 2014-2018. Upon roll call vote, the motion carried unanimously.

**Reimbursement request #25 from the City of Fargo from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Buringrud and seconded by Manager Suhr to approve Reimbursement request #25 from the City of Fargo from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

**Development of retention projects**

Mr. Engels distributed a proposal on Watershed Comprehensive Detention Planning Phase II, Detention Project Development and Preliminary Engineering Design Report for the Swan Creek, Buffalo Creek, Upper Maple River, Rush River and Lower Rush River Watersheds. Mr. Engels explained the options for detention sites were designed as a network of projects that would work together to significantly control their respective drainage areas. The individual sites were sized and located for the purpose of storing 3 to 4 inches of runoff through gated control in each region. Multiple sites were needed in order to divide the watershed into smaller pieces so that the storage goal could be achieved.

It was moved by Manager Jacobson and seconded by Manager Wolfer to authorize Moore Engineering, Inc. to proceed with Part I of the Proposal for Watershed Comprehensive Detention Planning Phase II on 7 sites. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to submit requests for cost-share to the Red River Joint Water Resource District, Cass County Flood Sales Tax and to the State Water Commission, based on discussion with them about the matter. Upon roll call vote, the motion carried unanimously.

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

Mr. Engels said projects and programs must be submitted to the State Water Plan for the 2015-2017 biennium by the end of April 2014. A list of projects and programs is being compiled for further review at the next meeting.

**Dissemination Agent Agreement with Dougherty & Company LLC**

It was moved by Manager Buringrud and seconded by Manager Suhr to approve the *Dissemination Agent Agreement* with Dougherty & Company, LLC. Upon roll call vote, the motion carried unanimously.

**Office issues**

It was moved by Manager Jacobson and seconded by Manager Wolfer to authorize the Secretary-Treasurer to purchase storage solutions for the Cass County Water Resource Districts office, at a cost not to exceed \$5,000. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve payment of Checks #11159 through #11160, and the wire transfer, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Jacobson, Buringrud, Wolfer and Suhr. The Chairman declared the motion passed.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Wolfer, seconded by Manger Suhr 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