

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

The Cass County Joint Water Resource District met on March 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, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas D. Andrud, Attorneys for the Board; Lee Beauvais and Chad Engels, Engineers for the Board; Eric Dodds, Advanced Engineering and Environmental Services, Inc.; Bruce Spiller and John Albrecht, CH2M HILL Engineers, Inc.; and Pat Downs, Red River Retention Authority.

**Minutes**

It was moved by Manager Olson and seconded by Manager Buringrud to approve the minutes of the February 27, 2014, meeting, as presented. Upon roll call vote, the motion carried unanimously.

**Approval of agenda**

It was moved by Manager Jacobson 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. One remaining *Access Agreement* outside of the project footprint to perform cultural resources surveys has not been signed. That property owner has contacted the Water Resource District office stating they will allow access to their property if they are contacted before access is required.

Lee Beauvais said the data base of all right-of-entry required along the southern alignment, including types of right-of-entry, is being updated by Houston-Moore Group, LLC, and will be submitted to the Board when complete. After the data base is complete, the process of sending out letters and agreements to landowners is expected to begin in the middle of April. An article in the next Diversion Authority newsletter will include information about the upcoming survey work.

### **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. Bids for construction on the first section of the ring levee will be advertised this spring or in early summer, with construction set to start this summer. Mr. Spiller distributed maps showing additional right-of-way needs for the project. He and the Water Resource District Attorney meet to discuss the issue further.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Task Order No. 1, Amendment No. 1, for Ulteig Engineers, Inc., which includes the new estimated cost of agricultural appraisals, negotiations, acquisition and on call services, for a total amount of \$130,500, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Buringrud to authorize the Chairman to sign for use of on call services dollars as set out in Task Order No. 1, Amendment No. 1, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve Task Order No. 1, Amendment No. 1, for CH2M HILL Engineers, Inc., which extends the time for rendering services 6 months and increases the budget by \$190,000 for a total of \$430,000 for land acquisition management services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Sean Fredricks discussed the letter from the Minnesota Department of Natural Resources (DNR) which had questioned if the Diversion Authority can continue progress on the Oxbow-Hickson-Bakke Subdivision Ring Levee Project while the review of the environmental impact statement (EIS) is ongoing. He said a letter was sent to the DNR stating that the ring levee is an independent utility and would have merit with or without the Metro Flood Diversion Project.

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

Lukas Andrud updated the Board on issues regarding land acquisition for the Metro Flood Diversion Project.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve and authorize the Chairman to sign a *Quit Claim Deed* to the Diversion Authority for the following properties regarding the Metro Flood Diversion Project:

- The NW 1/4 of Section 1 in Raymond Township;
- The NW 1/4 of Section 11 in Raymond Township; and
- The S 1/2 of Section 25 in Berlin Township

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve and authorize the Chairman to sign a *Like-Kind Exchange Escrow Agreement* regarding

the purchase of the NE 1/4 of Section 11 in Raymond Township regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Jacobson to purchase the SW 1/4 of Section 11 in Raymond Township, and 153.87 acres in the NW 1/4 of Section 14 in Raymond Township; to authorize the Chairman and the Secretary-Treasurer to execute a *Purchase Agreement* and all other documents necessary to consummate the acquisition; to include a lease-back provision in the *Purchase Agreement* under which Wayne Hoglund may rent the property for the crop years 2014 through 2018, subject to the execution of a flex-rent lease agreement following closing at a rate of \$100 per acre as base rent, with additional flex rent under the terms of the lease agreement; and to authorize the Chairman and the Secretary-Treasurer, following the acquisition, to execute a *Quit Claim Deed* and other related documents as necessary to transfer the property to the Diversion Authority. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Wolfer to recommend the concept and following motion to the Land Management Committee and Diversion Authority for adoption:

“I move that the Metro Flood Diversion Authority authorize and appoint Carol Harbeke Lewis in her capacity as Secretary-Treasurer of the Cass County Joint Water Resource District, whose post office address is 1201 Main Avenue West, West Fargo, North Dakota 58078-1301, and Dwight Hofland of The Pifer Group, Inc., whose post office address is 1506 29th Avenue South, Moorhead, Minnesota 56560, in its capacity as Agent under the Agreement Between Owner and Agent for Farmland Management Services as its representatives to execute all documents necessary on its behalf for all FSA (Farm Services Agency), CCC (Commodity Credit Corporation), and NRCS (Natural Resources Conservation Service) programs or any other program operated by the U.S. Department of Agriculture. Furthermore, each such representative may exercise the authority and powers granted independently of the other representative.”

Upon roll call vote, the motion carried unanimously.

Eric Dodds said 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. Mr. Dodds said initial contact with a few property owners remain.

Mr. Dodds said the contract between the Diversion Authority and Pifer's Land Management regarding farmland management services for the Metro Flood Diversion Project is in final review. Manager Brodshaug requested that Pifer's Land Management submit comparable sales of agricultural land to the Cass County Joint Water Resource District periodically for reference.

Mr. Dodds reviewed a discussion at the Diversion Authority Agricultural Policy Subcommittee meeting with Alex Offerdahl from Watts & Associates regarding the development of a crop insurance product for the Metro Flood Diversion Project. Mr. Offerdahl presented 6 different options to the Subcommittee for consideration and pointed out that a combination of the options could also be used. He will be at the Land Management Committee meeting tomorrow to give a summary of his presentation. Manager Olson said he thought the discussion went well and was very informative.

Mr. Dodds distributed a draft *Letter Agreement* between Cass County Joint Water Resource District and Advanced Engineering and Environmental Services, Inc. (AE2S) regarding assessment district development and implementation services. Mr. Dodds reviewed the scope of services and 2014 hourly fee and expense schedule with the Board. He will bring an updated scope and fee schedule for the Board's review and consideration at the next meeting.

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

Mr. Engels distributed a list of Cass County Joint Water Resource District projects to be submitted to the State Water Plan for the 2015-2017 biennium. The Board discussed the importance of prioritizing detention projects.

#### **Bills**

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve payment of Checks #11176 and #11177, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Olson, Jacobson, Buringrud and Wolfer. The Chairman declared the motion passed.

#### **Maple River Dam**

It was moved by Manager Olson and seconded by Manager Buringrud to approve and authorize the Chairman to sign the *2014 Lease Agreements* with Dean Sprunk and Steven Fleischfresser. Upon roll call vote, the motion carried unanimously.

The Board discussed the process of road closures near the dam. Brady Woodard will meet with Highland Township officials about taking over the responsibilities of closing roadways when necessary.

It was moved by Manager Jacobson and seconded by Manager Wolfer to authorize Carol Harbeke Lewis, Secretary-Treasurer, and Kurt Lysne, Engineer for the Board, to sign United States Department of Agriculture Farm Service Agency documents on behalf of the Cass County Joint Water Resource District regarding the Maple River Dam. Upon roll call vote, the motion carried unanimously.

**Development of retention projects**

Chad Engels reviewed a draft PowerPoint presentation regarding Watershed Comprehensive Detention Planning Phase II for the Swan Creek, Buffalo Creek, Upper Maple River, Rush River and Lower Rush River Watersheds. The Board discussed the importance of providing information regarding localized problems for each watershed. A meeting on the development of retention projects will be held on Tuesday, April 8, at the Governors' Inn in Casselton for the Rush River Watersheds at 9:00 a.m., Swan Creek Watershed at 10:30 a.m. and Buffalo Creek Watershed at 1:00 p.m.

**Adjournment**

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