

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 8, 2014

The Cass County Joint Water Resource District met on May 8, 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 and Pamela Graff Corbin, Water Resource District staff; 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, Ty Smith and John Albrecht, CH2M HILL Engineers, Inc.; Jason Benson, Cass County Engineer; Pat Downs, Red River Retention Authority; Paul Breen, City of Oxbow; and Tim Iwen, Arthur resident.

Minutes

It was moved by Manager Olson and seconded by Manager Jacobson to approve the minutes of the April 24, 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. The Water Resource District office continues to receive *Access Agreements* from landowners where access is required for the project, and will begin to make follow-up communications with landowners soon. Mr. McShane reminded the Board that the Corps of Engineers will not need access in these areas until September 1, 2014.

Mr. McShane reviewed the schedule for surveying regarding the project. He said URS Corporation will be performing cultural survey work this week on the Wild Rice Dam removal / rehabilitation. Phase I cultural survey work will be completed in areas north of the Maple River where work was not completed in the fall of 2013.

The Board discussed compensation for soil borings on private property.

It was moved by Manager Buringrud and seconded by Manager Jacobson to update the policy on soil boring payments to property owners for the Metro Flood Diversion Project to \$250 per boring for all categories of private property and to consider any crop damage claims on a case by case basis. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – correspondence from Larry and Susan Richard

The Board discussed correspondence received from Larry and Susan Richard regarding the Metro Flood Diversion Project. Chairman Brodshaug spoke with Mr. Richard and invited him to attend the meeting today.

Oxbow-Hickson-Bakke Ring Levee Project

Bruce Spiller reported on the bid opening held on May 6, 2014, for Oxbow-Hickson-Bakke Ring Levee Phase A, Work Package 43A. The timing of the permits and awarding the contract was discussed. Mr. Spiller said they are working through the process for the Section 404 and state permits needed for the Project. The matter will be discussed further at the next meeting. Mr. Spiller said the City of Oxbow is opening bids today for rough grading of the golf course and infrastructure work.

Mr. Spiller distributed documents from utility companies regarding the relocation of utilities for the project.

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve the *Special Construction Proposal* from CenturyLink to relocate copper and fiber facilities for the Oxbow-Hickson-Bakke Ring Levee Project, contingent upon the review of the Water Resource District Attorney, and to authorize the Chairman and Secretary-Treasurer to sign the *Special Construction Proposal*. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Olson to approve the *Aid to Construction Estimate* from Cass County Electric Cooperative for the alternate feed of utilities regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve the *Relocation and Reimbursement Agreement* with Midcontinent Communications to relocate utilities for the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds distributed a Land Management Summary for the Board's review and updated the Board on land management issues. He said the initial offer letter to Oxbow Golf and Country Club will be delivered soon. Appraisals are underway for numerous properties for both the Oxbow-Hickson-Bakke Ring Levee Project and for the in-town levees. CH2M HILL Engineers, Inc. and ProSource Technologies, LLC participated in meetings with Oxbow residents, and he reported the meetings were well-received.

Mr. Spiller presented two Task Orders for consideration.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Task Order No. 1, Amendment No. 1 for ProSource Technologies, LLC to increase the budgets for residential, negotiation and acquisition services and on call services in the amount of \$59,400 for a total of \$844,100 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 approve Task Order No. 1, Amendment No. 2 for Ulteig Engineers, Inc. to increase the budgets for agricultural appraisals and negotiation and acquisition services in the amount of \$6,500 for a total amount of \$137,000 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – project update

Mr. Dodds updated the Board on the Water Resources Reform and Development Act (WRRDA) bill and said the Senate has voted on its compromised version. He hopes the bill will be voted on by the House next week.

Metro Flood Diversion Project – land acquisition

Lukas Andrud presented information regarding farmland acquisition.

Mr. Dodds distributed a draft land acquisition status map of the overall project for the Board's review.

Metro Flood Diversion Project – Second Amendment to *Joint Powers Agreement*

Sean Fredricks explained the need to amend the *Joint Powers Agreement* with the City of Fargo and Cass County to reflect the expanded responsibilities taken on by the Cass County Joint Water Resource District. The Board directed Mr. Fredricks to proceed with drafting the amendment for review and discussion at a future meeting.

Flood risk reduction / development of retention projects

The Board discussed the importance of holding a follow-up meeting with landowners to present the results of the comments received regarding flood risk reduction in the Buffalo Creek, Swan Creek and Rush River Watersheds. The Board will establish a date in June for a second landowner meeting soon. Mr. Engels will develop a draft PowerPoint presentation for the Board's review at the next meeting.

Manager Olson informed the Board that the vote for the Upper Maple River Dam has passed, and suggested using the project as an example of a flood risk reduction project at the meeting with landowners.

Mr. Opat updated the Board on discussions with the State Water Commission (SWC) regarding the permit for the Upper Maple River Dam, and said the SWC expects to have completed reviewing the permit within the next 90 days.

Manager Olson reminded those present that funding assistance for the development of flood risk reduction projects is available from the Cass County flood sales tax. He emphasized the funds are not just for the Metro Flood Diversion Project, but are also for funding the development of retention projects to benefit rural Cass County.

Pat Downs distributed information on the Red River Basin Regional Conservation Partnership Program (RCPP) projects. Fiscal year 2014 and 2015 funding will be combined together.

U.S. Fish and Wildlife (USFWS) – easements for wetland protection

It was moved by Manager Buringrud and seconded by Manager Olson to authorize the Secretary-Treasurer to send a letter regarding the USFWS Wetland Easement Program to landowners that have received information from the USFWS and to submit the letter to *The Forum*, the *Cass County Reporter* and *AgWeek* to be sure landowners are aware of potential consequences from signing USFWS easements. Upon roll call vote, the motion carried unanimously.

Cass County Weed Control

It was moved by Manager Jacobson and seconded by Manager Buringrud to approve the Cass County Weed Control Work Order form for spraying Cass County Joint Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Olson and seconded by Manager Wolfer to approve payment of Checks #11218 through #11223, and the wire transfer, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Olson, Jacobson, Buringrud and Wolfer. Motion passed.

Correspondence from Pleasant Township Officials

It was moved by Manager Olson and seconded by Manager Wolfer to authorize Ohnstad Twichell, P.C. to respond to correspondence from Pleasant Township Officials regarding floodplain development permitting. Upon roll call vote, the motion carried unanimously.

Diversion Authority Public Outreach Committee

Manager Olson updated the Board on the recent Diversion Authority Public Outreach Committee meeting and said the Committee has focused attention on how to handle misinformation in the media regarding the Metro Flood Diversion Project.

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:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer