

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
MAY 22, 2014

The Cass County Joint Water Resource District met on May 22, 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; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer and Dick Sundberg, 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, Chad Engels and Kurt Lysne, Engineers for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Vern Bennett, Cass County Commission; Eric Dodds, Advanced Engineering and Environmental Services, Inc.; Dirk Draper, CH2M HILL Engineers, Inc.; and Pat Downs, Red River Retention Authority. Manager Rodger Olson, Maple River Water Resource District, was absent.

**Minutes**

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve the minutes of the May 22, 2014, meeting, as presented. Upon roll call vote, the motion carried unanimously.

**Approval of agenda**

It was moved by Manager Wolfer 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 – project update**

Eric Dodds updated the Board on the Water Resources Reform and Development Act (WRRDA) bill and said the House passed the bill on Tuesday. He hopes the bill will be voted on by the Senate today.

Lee Beauvais said the design of the in-town levees is progressing and the appraisals for the project should be completed mid-summer.

**Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access issues relating to the Metro Flood Diversion Project. The Board discussed that *Access Agreements* from landowners where access is required for the project. Follow-up communications will begin soon with landowners who have yet to return an *Access Agreement* or contacted the Water Resource District office.

The Corps of Engineers has requested that access be obtained to an additional 3 parcels for the inlet structure into the Metro Flood Diversion Project along Cass County Highway 17 in the Country Acres area south of Horace. Letters requesting access to those parcels will go out today or tomorrow.

Mr. McShane reviewed the schedule for surveying that remains for the project. He said URS Corporation has completed cultural survey work regarding the Wild Rice Dam removal / rehabilitation and will not be recommending the Wild Rice Dam as a cultural resources site.

The Corps of Engineers will be performing hydrographic surveys at bridge locations on the Maple River and Red River. Vern Bennett asked if biotic surveys have been completed for the project. Mr. McShane said initial biotic surveys were completed, and will be re-surveyed throughout the years to check for impacts on species that will need to be mitigated.

Phase I cultural survey work remains to be completed in areas north of the Maple River where work was not completed in the fall of 2013.

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

Lukas Andrud presented information regarding farmland acquisition.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve two separate *Purchase Agreements* for the SW 1/4 of Section 11 in Raymond Township and the NW 1/4 of Section 14 in Raymond Township. Upon roll call vote, the motion carried unanimously.

#### **Metro Flood Diversion Project and Oxbow-Hickson-Bakke Ring Levee Project – Second Amendment to Joint Powers Agreement**

The Board discussed the proposed updates to the three-party *Joint Powers Agreement* to outline reimbursement procedures regarding the Diversion Project Assessment Committee and the Oxbow-Hickson-Bakke Ring Levee Project.

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve and authorize the Chairman to sign the *Second Amendment to Joint Powers Agreement* regarding the Metro Flood Diversion Project and Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

#### **Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – CH2M HILL Engineers, Inc. Agreement and Task Order**

Mr. Draper distributed agreements and Task Orders for consideration.

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve the *Amended Standard Master Services Agreement* with CH2M HILL Engineers, Inc. regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve Task Order No. 2 for CH2M HILL Engineers, Inc. to provide construction management services for up to 5 construction contracts in the amount of \$85,000 a month through March 2015, for a total of \$935,000 regarding the Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve the *Agreement for Professional Services, Amendment No. 1*, with Houston-Moore Group, LLC. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve Task Order No. 3 for Houston-Moore Group, LLC, with the exclusion of items #4 and #5 under item 1C, for services during bid and construction of the Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project in the amount of \$153,965. Upon roll call vote, the motion carried unanimously.

### **Oxbow-Hickson-Bakke Ring Levee Project**

Mr. McShane informed the Board the URS Corporation was not able to complete all of the surveying required for the Oxbow-Hickson-Bakke Ring Levee Project during their last visit to the area, and will return to do so.

Dirk Draper said the Corps of Engineers is completing preliminary review of residential appraisals for the project. The appraiser has made minor revisions, and he expects that the appraisals will be formally submitted within the next couple of weeks.

The Board discussed that fair market value, as defined by North Dakota Century Code, will be used for the appraisals for the project, and that they are open to negotiations with landowners on an individual case basis.

Mr. Draper distributed a letter on behalf of CH2M HILL Engineers, Inc. to recommend awarding a contract to Trio Environmental Consulting, Inc. to conduct a survey at 333 Schnell Drive, Oxbow, for the presence of asbestos containing material (ACM). He said Work Package 43E.2 requires demolition of the property for the Oxbow-Hickson-Bakke Ring Levee Project, and the bid documents require to specify whether ACM are present in the structure before demolition.

It was moved by Manager Jacobson and seconded by Manager Buringrud to approve the recommendation presented by CH2M HILL Engineers, Inc. to award the contract to Trio Environmental Consulting, Inc. to test for the presence of asbestos at 333 Schnell Drive in Oxbow for Work Package 43E.2 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Mr. Draper distributed a letter on behalf of CH2M HILL Engineers, Inc. recommending that Riley Bros. Construction be awarded the Oxbow-Hickson-Bakke Ring Levee Phase A, Work Package 43A project. The Board discussed the importance of obtaining the Section 404 permit from the Corps of Engineers and the state permit before work begins. Eric Dodds said a meeting is planned with the Colonel in Omaha the first week in June.

It was moved by Manager Buringrud and seconded by Manager Jacobson to award the contract for the Oxbow-Hickson-Bakke Ring Levee Project Phase A, Work Package 43A to Riley Bros. Construction, Inc., with the intent that the *Notice to Proceed* is not issued until the necessary project permits have been received from the State Engineer and Corps of Engineers. Upon roll call vote, the motion carried unanimously.

### **Maple River Dam – Agreement with Highland Township**

Kurt Lysne said he and Brady Woodard met with Highland Township Officials in March to discuss road closure procedures regarding the Maple River Dam.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the *Agreement* with Highland Township regarding the Maple River Dam. Upon roll call vote, the motion carried unanimously.

### **Flood risk reduction / development of retention projects**

Chad Engels distributed a draft schedule for 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. Mr. Engels drafted a letter to landowners to notice the meeting and will distribute to the Board for their review.

Pat Downs discussed the Farm Bill with the Board.

### **Reimbursement request #27 from the City of Fargo from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Wolfer and seconded by Manager Buringrud to approve Reimbursement request #27 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.

### **Bills**

It was moved by Manager Buringrud and seconded by Manager Jacobson to approve payment of Checks #11246 through #11254, and the electronic funds transfer, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Jacobson, Buringrud and Wolfer. Manager Olson was absent. Motion passed.

**Adjournment**

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