

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

The Cass County Joint Water Resource District met on July 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; Bruce Spiller and John Albrecht, CH2M HILL Engineers, Inc.; Eric Dodds and Dustin Dale, Advanced Engineering and Environmental Services, Inc.

Minutes

It was moved by Manager Olson and seconded by Manager Buringrud to approve the minutes of the June 23 and 26, 2014, meetings, 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. Several *Access Agreements* have been returned to the office as a result of the second mailing that was recently sent to property owners. Access to these properties will be required by September 1, 2014. Mr. McShane provided the Board with a list of the remaining landowners who have not signed an *Access Agreement*, and made the recommendation to proceed with a *Resolution of Necessity* to commence with court action for access to the remaining properties.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the *Resolution of Necessity* regarding access for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached to these minutes.

Lee Beauvais said cultural resources surveys have been completed on the in-town levees and north of the Maple River where work was not completed last fall. He explained that several properties required for the in-town levees may be eligible for the historic registrar, so Phase II surveys may be performed on those properties. He added that the areas surveyed north of the Maple River will not be recommended as cultural resources sites.

Mr. McShane reviewed the different types of surveys being completed for the project, and said the *Access Agreements* acquired recently will not expire for more than 2 years. He informed the Board that Cass Rural Water Users has requested topographical surveys where they have wells along Cass County Highway 16.

Eric Dodds updated the Board on Minnesota right-of-entry issues, and discussed a meeting with project sponsors and Minnesota representatives. He added that the Buffalo-Red River Watershed District may take on the role of obtaining access needed to properties in Minnesota.

Oxbow-Hickson-Bakke Ring Levee Project

Bruce Spiller discussed construction of the Oxbow-Hickson-Bakke Ring Levee Project. He distributed aerial photos taken of the project on July 2, and said photos will be taken monthly for progress reference.

Sean Fredricks said there is nothing further to report regarding the action filed by the Richland-Wilkin Joint Powers Authority (JPA) in Wilkin County, Minnesota.

It was moved by Manager Jacobson and seconded by Manager Olson to authorize CH2M HILL Engineers, Inc. to advertise for bids regarding WP-43E.2.A and WP-43D.3.A regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Mr. Dodds distributed a draft Land Management Summary to review with the Board. Mr. McShane explained the appraisal review process for residential and commercial properties needed for the project. Mr. Dodds distributed correspondence from the Corps of Engineers stating that the appraisal for 748 Riverbend Road, Oxbow, North Dakota, complies with the technical appraisal requirements as described in the Statement of Work.

It was moved by Manager Olson and seconded by Manager Buringrud to approve the appraisal of 748 Riverbend Road, Oxbow, North Dakota, with an effective date of June 30, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – land acquisition

Mr. Spiller distributed Land Acquisition Directive (LAD) 00008 – Revision 1 regarding Phase 1 of the In-Town Levees Project. He explained that all or parts of the parcels need to be acquired to accommodate construction beginning shortly after Labor Day.

Lukas Andrud updated the Board on the status of land acquisition matters he has been working on for the project.

Metro Flood Diversion Project – Second Amendment to Joint Powers Agreement

Sean Fredricks said the *Second Amendment to Joint Powers Agreement* regarding the Metro Flood Diversion Project has now been signed by the City of Fargo and the Cass County Commission. The *Second Amendment to Joint Powers Agreement* includes language to reflect the expanded responsibilities taken on by the Cass County Joint Water Resource District.

Maple River Aqueduct tour

Eric Dodds reminded the Board that an open house will be held on July 24, 2014, at the facility in Rosemount, Minnesota, where the physical model of the Maple River aqueduct structure has been completed.

Drain right-of-way

It was moved by Manager Buringrud and seconded by Manager Olson to adopt the language set out in the *Purchase Agreement* and *Permanent Easement* forms, to use as a template for project development, as presented by the Water Resource District Attorney. The following Managers voted in favor: Brodshaug, Olson, Jacobson and Buringrud. Manger Wolfer voted “no”. Motion passed.

Website / Facebook

It was moved by Manager Jacobson and seconded by Manager Wolfer to authorize the Cass County Water Resource District office staff to create a Facebook page for Cass County Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Olson and seconded by Manager Buringrud to approve payment of Checks #11289 through #11294, and the electronic funds transfer, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Jacobson, Olson, Buringrud and Wolfer. Motion passed.

Meeting schedule

The next Cass County Joint Water Resource District meeting will be on Monday, July 21, 2014, at 8:00 a.m. at the Cass County Highway Department.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer