

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
AUGUST 28, 2014

The Cass County Joint Water Resource District met on August 28, 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, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Julie Norman, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas D. Andrud, Attorneys for the Board; Lee Beauvais, Engineer for the Board; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Eric Dodds and Dustin Dale, Advanced Engineering and Environmental Services, Inc.; Bruce Spiller and Ty Smith, CH2M HILL Engineers, Inc.; and David Strand, property owner in Empire Township. Manager Rodger Olson, Maple River Water Resource District, was absent.

Minutes

It was moved by Manager Buringrud, seconded by Manager Wolfer, and unanimously carried to approve the minutes of August 14, 2014, meetings.

Approval of Agenda

It was moved by Manager Jacobson, seconded by Manager Wolfer, and unanimously carried to approve the agenda, as amended.

Oxbow-Hickson-Bakke Ring Levee Project – access update

Mr. McShane reported on the right of entry hearing held on August 22, 2014. Right of entry was granted for 18 properties, subject to the provision of notice to the landowner/homeowner at least 24 hours prior to planned access.

Manager Brodshaug encouraged those involved in negotiations to maintain open lines of communication with the landowners.

Oxbow-Hickson-Bakke Ring Levee Project – appraisal review

Mr. Dodds updated the Board on the status of various appraisals. He stated that the City of Oxbow held a meeting earlier this week for the first 5 home relocations. The property owners expressed a strong desire to see negotiations concluded so that construction on their new homes can commence before weather constraints become an issue. The Board urged Mr. Dodds to ensure ProSource Technologies, Inc. step up activity to complete their negotiations as soon as possible.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – land acquisition

The City of Fargo has identified 3 additional properties on North River Road for acquisition. It was moved by Manager Jacobson and seconded by Manager Buringrud to authorize the Houston-Moore Group, LLC to proceed with the appraisal and acquisition process for three homes on the 700 block of North River Road in Fargo. Upon roll call vote, the motion carried unanimously. Mr. Dodds stated that an amendment to the Task Order for the Metro Flood Project will be developed and brought to the Board for action at a future meeting.

The importance of the acquisition of the Fercho property to the Oxbow-Hickson-Bakke Ring Levee Project was reiterated. Mr. McShane reviewed the options available to the Board to pursue this acquisition. Following discussion, the Board authorized Mr. McShane to move forward with the acquisition of the Fercho property through a declaration of eminent domain. A proposed timeline was discussed. Mr. Spiller was asked to comment on the adequacy of the proposed timeline in terms of project construction deadlines. Mr. Spiller replied that the proposed timeline would provide adequate time to address remaining project tasks.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project - updates and actions

- A letter has been received from the Corps of Engineers in support of the Board's decision to seek the use of Housing of Last Resort Act in pursuing the acquisition and replacement of homes affected by the Oxbow-Hickson-Bakke Ring Levee Project.
- A letter was also received from the Fargo Housing and Redevelopment Authority expressing concern with the design of the 2nd Street South levee and floodwall.

It was moved by Manager Jacobson and seconded by Manager Buringrud directing the Secretary-Treasurer to write a reply letter, copying all the individuals copied on the Fargo Housing and Redevelopment Authority letter, stating that project ownership for the construction of the 2nd Street South levee and floodwall resides with the City of Fargo and Diversion Authority. Any concerns should be directed to the attention of these organizations. Upon roll call vote, the motion carried unanimously.

- The letter issued by the office of Minnesota Governor Dayton to the Diversion Authority was discussed. No action by the Board was required in response to the letter.
- A productive meeting was held with the Oxbow Country Club last Thursday, August 21, 2014. Another meeting is scheduled for Thursday, September 4, 2014, to further communication and cooperation between the parties.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – appraisal review / approval

It was moved by Manager Buringrud and seconded by Manager Wolfer to approve the appraisal of property located in Sections 23 and 24 of Pleasant Township, Cass County, North Dakota, with an effective date of value of April 7, 2014, as just compensation for the acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Oxbow-Hickson-Bakke Ring Levee Project – construction update

Mr. Smith provided a construction status report on the Oxbow-Hickson-Bakke River Levee Project. He reported that base levee construction is nearing completion.

- Change Order No. 2 of Work Package 43A, the planned extension of the levee, is underway. Mr. Smith presented a proposal received from Riley Brothers Construction, Inc. recommending that the project funding be transitioned from a time and materials basis to a fee per cubic yard of unit rate methodology. It was moved by Manager Buringrud and seconded by Manager Jacobson to negotiate with Riley Brothers Construction on a unit rate for materials, departing from the current time and material fee structure. Upon roll call vote, the motion carried unanimously.
- Mr. Smith presented the Board with *Contractor's Application for Payment No. 2*. It was moved by Manager Jacobson and seconded by Manager Wolfer to approve payment in the amount of \$1,302,538.57 to Riley Brothers Construction, Inc. for *Contractor's Application for Payment No. 2* 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 Jacobson to hire American Enterprise, for the bid price of \$27,986.00, for the demolition of 333 Schnell Drive in Oxbow with a Notice to Proceed of approximately September 10, 2014, and substantial completion within 30 days. Upon roll call vote, the motion carried unanimously.
- Mr. Smith updated the Board on Work Package 43D.3.A. The bid has been awarded to Meyer Contracting. It is anticipated a limited Notice to Proceed will be issued the week of September 8, 2014. Full Notice to Proceed will be issued upon the finalization of land acquisition.
- It was moved by Manager Wolfer and seconded by Manager Buringrud to authorize the Chairman to sign the Cass County *Highway Access Permit Application* for access off of Cass County Highway 81 for the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.
- A site tour of the Oxbow-Hickson-Bakke Ring Levee Project is planned for 2:00 p.m. this afternoon.

- Mr. Andrud presented an agreement drafted to acknowledge right of entry approvals received from landowners for the In Town Levees Project. Approval has been received from the Park East Apartments LLC. It was moved by Manager Wolfer and seconded by Manager Jacobson to approve the *Agreement for Entry and Construction* with Park East Apartments LLC for the In Town Levees Project. Upon roll call vote, the motion carried unanimously.
- Manager Brodshaug reported receiving a request from landowners along the Rush River for a meeting with the Corps of Engineers to discuss the Metro Flood Diversion Project. The Board authorized the issuance of a letter to the Corps of Engineers by the Secretary-Treasurer requesting a meeting with the landowners along the Rush River. Mr. Dodds will assist with the coordination of the meeting and presentation of the overall plan for land acquisition.

Water Quality Pilot Project

Mr. Engels introduced Brian LeMon, Vice President of Barr Engineering Co. of Minneapolis, Minnesota. Mr. Engels is working with Mr. LeMon on new technology to increase the quality of run-off water and has been exploring potential sites in Cass County for a pilot project. A feasibility study has been approved by the Southeast Cass Water District Board.

Maple River Dam - proposal for AECOM to complete Year 8 (2014) archaeological monitoring

A proposal was presented to complete the Year 8 archaeological monitoring, as required. It was moved by Manager Jacobson and seconded by Manager Buringrud to accept the proposal for the Year 8 archaeological monitoring at the Maple River Dam. Upon roll call vote, the motion carried unanimously.

Maple River Dam - tree removal

The Board discussed the 2014 tree removal project at the Maple River Dam and facilitating an earlier start on the work this year. The same approach utilized last year will be deployed.

Reimbursement request #30 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 Jacobson to approve reimbursement request #30 from the City of Fargo, providing payment from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Reimbursement request #4 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve reimbursement request #4 from the Diversion Authority, providing payment 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 Jacobson and seconded by Manager Buringrud to approve payment of Checks #11355 through #11362 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer