

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 9, 2014

The Cass County Joint Water Resource District met on October 9, 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 (by phone); Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas Andrud, Attorneys for the Board; Lee Beauvais, Chad Engels, and Mike Opat, Engineers for the Board; Bruce Spiller, Ty Smith and John Albrecht, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc.; Brady Woodard, Moore Engineering, Inc.; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Pat Downs, Red River Retention Authority; Stan Wolf, Cass County Weed Control; and David Strand, property owner in Empire Township. Absent was Rodger Olson, Maple River Water Resource District.

Minutes

It was moved by Manager Jacobson, seconded by Manager Wolfer, and unanimously carried to approve the minutes of the September 25, and September 29, 2014, meetings.

Approval of Agenda

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

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project - access update

Chris McShane updated the board on access issues. More than 30 right of entry requests have been sent to landowners for various types of surveys. Access is still needed from 8 property owners on 15 different properties. Mr. McShane made the recommendation to proceed with a *Resolution of Necessity* to commence with court action for access to these properties.

It was moved by Manager Jacobson and seconded by Manager Wolfer 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.

Letters have been sent to the cemetery points of contact requesting *Right of Entry* for survey work. One signed agreement has been received to-date. Letters will be sent to property owners near the Maple River structure for United States Geographical Survey monitoring and topographical surveys.

URS Corporation will be starting cultural work next week. The Corps of Engineers will also begin dozens of soil borings next week.

Lyndon Pease will follow up with a property owner regarding crop damage near the Maple River.

Surveys are needed on culverts and bridges in the staging area. *Right of Entry* from landowners is needed to access the ditches and roadways. The Corps of Engineers is in the process of identifying where surveys are needed. The Corp of Engineers will be encouraged to request access for all surveys needed on a parcel at one time in order to prevent multiple requests on each parcel and to complete the work on a timely basis.

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

It was moved by Manager Buringrud, and seconded by Manager Jacobson, to approve the following:

- The appraisal of property in Sections 13 and 14 in Pleasant Township, with an effective date of value of July 15, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 329 Schnell Drive, Oxbow, North Dakota, with an effective date of value of June 30, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 1 2nd Street North, Fargo, North Dakota, with an effective date of value of July 15, 2014, as just compensation for acquisition of the property for the In Town Levees Project.
- The appraisal of 475 2nd Street North, Fargo, North Dakota, with an effective date of value of July 14, 2014, as just compensation for acquisition of the property for the In Town Levees Project.

Upon roll call vote, the motion carried unanimously.

A re-appraisal is needed for the Fargo Public School District property located at 419 3rd Street North, Fargo, North Dakota. A 70 foot addition to the structure is the only portion that is needed.

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

Chris McShane updated the Board regarding the Court Hearing on the Fercho Family Farms, LLLP property regarding the Oxbow-Hickson-Bakke Ring Levee Project. The Order was signed by the Judge.

Lukas Andrud updated the board on the acquisition of various properties. Wayne Hognlund has requested to push back the closing date. It was moved by Manager Wolfer and seconded by Manager Jacobson to authorize the Chairman to sign the *Purchase Agreement* with Wayne M. Hognlund regarding the Metro Flood Diversion Project, extending the closing date to December 15, 2014, and keeping the rental date of October 15, 2014, as previously agreed upon. Upon roll call vote, the motion carried unanimously.

Eric Dodds presented a request for advance relocation payment for the In Town Levees Project. It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the advance relocation payment for moving expenses to Troy and Mandy Elseth, not to exceed \$6,982.43, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Mr. Dodds submitted a letter requesting authorization for Pifer Group Inc. to conduct a Comparative Market Analysis for property owners interested in selling their land. It was moved by Manager Jacobson and seconded by Manager Wolfer to authorize the Chairman to order a Comparative Market Analysis from Pifer Group Inc. for opportunistic acquisitions, not to exceed \$4,000 per parcel, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

A meeting was held with the City of Fargo to review concepts for the Mickelson Levee extension that is required as part of the In Town Levees Project. It was identified that 4 parcels will be required for full acquisition and 2 parcels will be required for easements or partial acquisition. A *Land Acquisition Directive* will be issued in the future.

An updated *Land Management Summary* was presented to the Board. ProSource Technologies, Inc. met with 7 homeowners in Oxbow to present initial purchase offers and to begin the relocation process. Numerous appraisals are underway for properties within the Oxbow-Hickson-Bakke Ring Levee Project and the In Town Levees Project. These appraisals are ready to be forwarded to the Corps of Engineers for review and approval.

Oxbow-Hickson-Bakke Ring Levee Project - project updates

Ty Smith provided a construction status report on the Oxbow-Hickson-Bakke Ring Levee Project.

- On Work Package 43A, Phase A of the Oxbow-Hickson-Bakke Ring Levee Project, the Century Link relocation issue has been resolved and the levee is complete. The remaining work includes finishing the gravel road, seeding, and the levee access ramp and security gate.
- On Work Package 43D.3.A, the Gatewell Preload Project, clearance has been received to begin construction on the Fercho Family Farms, LLLP property. Stripping is complete, tree removal has started, and wick drains are being installed. Construction is on track and the anticipated completion will be the beginning of November.

It was moved by Manager Jacobson and seconded by Manager Wolfer to authorize CH2M Hill Engineers, Inc. to obtain quotes for clean-up and demolition of 387 170th Avenue SW, Moorhead, Minnesota. Upon roll call vote, the motion carried unanimously.

Bruce Spiller informed the Board that the Oxbow Country Club has issued a Letter of Intent to Landscapes Unlimited, but a contract has not yet been executed.

The Diversion Authority is considering a Task Order to limit construction of the Oxbow-Hickson-Bakke Ring Levee Project at this time to a 100-year design. Plans are to bid out the next phase of the levee in the spring of 2015. The Minnesota Department of Natural Resources will complete an Environmental Impact Statement by July 31, 2015.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – Diversion Project Assessment Committee (DPAC) update

Eric Dodds provided a DPAC update. They are currently working to integrate the proposed assessment district with the Cass County tax system. They will meet with Sean Fredricks to develop a schedule. It is hoped that public meetings will begin by the end of the year.

Maple River Dam – weed control

Stan Wolf and Brady Woodard reviewed the grant application for weed control at the Maple River Dam. If approved, the grant would provide 50% cost share with a limit of \$10,000 per application. It was moved by Manager Jacobson and seconded by Manager Wolfer to approve and authorize the Secretary-Treasurer to submit a grant application for 50% cost share through the North Dakota Department of Health for weed control at the Maple River Dam in the spring of 2015. Upon roll call vote, the motion carried unanimously.

Maple River Dam – renewal of Letter of Credit

It was moved by Manager Wolfer and seconded by Manager Buringrud to renew the Letter of Credit with Bell State Bank and Trust for the Maple River Dam, as conditioned by the Corps of Engineers and to authorize Moore Engineering Inc. to send a letter to the Corps of Engineers to inquire about future requirements for a letter of credit. Upon roll call vote, the motion carried unanimously.

State Water Commission cost-share

Sean Fredricks reported on a new cost-share policy implemented by the State Water Commission requiring Water Resource Districts to conduct an engineering selection process for projects exceeding a cost threshold of \$50,000. It was suggested that the Cass County Joint Water Resource District appoint all five of its members as the Agency Selection Committee for purposes of conducting the requisite engineering selection process.

It was moved by Manager Wolfer and seconded by Manager Buringrud to appoint all five members of the Cass County Joint Water Resource District as the Agency Selection Committee, to publish a *Request for Qualifications* in the Fargo Forum, and to approve the *Agency Selection Committee Initial Report*. Upon roll call vote, the motion carried unanimously.

Establishment of Project Teams for detention in the Rush River, Swan Creek, Buffalo Creek, and Upper Maple River watersheds

Chad Engels and Mike Opat presented a *Detention Site Development Framework* draft for planning and development steps to establish project development teams for detention in the Rush River, Swan Creek, Buffalo Creek, and Upper Maple River watersheds. Potential membership options were considered and a communication plan was discussed. The proposal will be presented to all Cass County Water Resource Districts for consideration. The framework will be readdressed in approximately one month with updates.

Reimbursement request #31 from the City of Fargo 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 #31 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.

Reimbursement request #5 from the Diversion Authority 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 #5 from the Diversion Authority 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 #11408 through #11415 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