

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 13, 2014

The Cass County Joint Water Resource District met on November 13, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Southeast Cass Water Resource District; Rodger Olson, Maple River 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 and Kurt Lysne, Engineers for the Board; Vern Bennett, Cass County Commissioner; Bruce Spiller and John Albrecht, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale, and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Brady Woodard, Moore Engineering, Inc.; and Tim Iwen, Arthur resident. Absent was Dan Jacobson, Southeast Cass Water Resource District.

Minutes

It was moved by Manager Olson, seconded by Manager Wolfer and unanimously carried to approve the minutes of the October 23, 2014, meeting.

Agenda

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

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

Chris McShane reported to the Board that URS has completed approximately 70% of surveys and will be back in the spring to complete the rest. The focus has been on cemeteries and access has been a challenge due to change of ownership.

A Right of Entry is needed from Cass County for borings and will be sent to the County Engineer for signature. A redesign along County Road 25 for the Oxbow-Hickson-Bakke Ring Levee Project will be presented to landowners at an upcoming meeting. *Right of Entry* forms will be available for landowners to sign at that time. The meeting will be held at the Hickson Community Center on November 17, 2014.

The Corps of Engineers is still doing borings for cultural surveys and should be complete by the end of the year. No crop damage has been reported.

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

Six appraisals have been sent to the Corps of Engineers for review and one approval has been received to date.

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

The CH2M Hill and AE2S team has actively engaged with the residential property owners in Oxbow to present initial purchase offers and negotiate the replacement housing process. *Purchase Agreements* and *Replacement Housing Agreements* have been signed with six residential property owners in Oxbow. Three homes are under construction and three others will start in the next week. Purchase and relocation negotiations are underway with the Oxbow Country Club. Houston-Moore Group, LLC is conducting additional analysis of acquisition requirements for two commercial properties in downtown Fargo. Purchases closed on three agricultural parcels and one residential.

Park East Apartments LLC will be making a counteroffer based on rental information. They are in agreement to allow the Cass County Joint Water Resource District to pay rent on vacant units instead of re-renting and have agreed to discount the rental amount due to no maintenance needed on the units. A sunset clause will be established for the length of rent. The building needs to be vacant by May 1, 2015, at the earliest. Residents will begin relocating and are authorized to request relocation assistance from the Board.

Eric Dodds handed out copies of the presentation requested by Darrell Vanyo for the Land Management Committee meeting this afternoon. Mr. Dodds indicated that appraisers have been obtained from the Minneapolis area due to the shortage of appraisers locally.

Eric Dodds presented an updated Land Acquisition Directive (LAD) to the Board. Six properties are necessary for the construction of the Mickelson Levee Extension as part of the In Town Levees Project. Two properties have been approved as medical hardships by the Hardship Committee.

It was moved by Manager Olson, and seconded by Manager Wolfer to receive and file the LAD-00009 for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson, and seconded by Manager Wolfer to approve Task Order No. 2, Amendment 4, for Houston-Moore Group, LLC to increase the budget \$233,401 for a total of \$1,987,822 for land acquisition services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson, and seconded by Manager Wolfer to approve Task Order No. 1, Amendment 4, for Ulteig Engineers, Inc. to increase the budget \$18,800 for a total of \$550,000 for land acquisition services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Bruce Spiller updated the Board regarding negotiations with the Oxbow Golf and Country Club. A *Master Agreement* has been drafted between the Cass County Joint Water Resource

District (CCJWRD) and the Oxbow Golf and Country Club that will be reviewed by the attorneys. The country club has submitted expenses for reimbursement. A special meeting of the CCJWRD Board will be scheduled when the agreement has been finalized and reimbursement of expenses will be acted on at that time.

Luke Andrud submitted one signed *Purchase Agreement* and three *Access Agreements* to the Board for approval.

It was moved by Manager Wolfer, and seconded by Manager Olson to approve the Purchase Agreement for 1322 Elm Street North, Fargo, North Dakota regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson, and seconded by Manager Wolfer to approve three *Access Agreements* with the City of Fargo for utility relocation regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson, and seconded by Manager Wolfer to approve the *Purchase Agreement* and *Replacement Housing Agreement* for 361 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – project updates

Bruce Spiller updated the Board regarding a recent trip to Washington, DC to discuss the Metro Flood Diversion Project. A meeting with the Assistant Secretary of the Army was positive and good support was received for the project.

Eric Dodds reported to the Board that the Diversion Assessment Project Committee (DPAC) is working closely with the county tax department and plan to have a model complete by next Wednesday. A *Resolution of Necessity* needs to be approved, an engineer's report, and a draft assessment list are needed for the meeting on December 11, 2014.

Maple River Dam

Kurt Lysne reported to the Board that the cash rent due November 1, 2014, has been collected and the mitigation report is nearly complete. Adjustments may need to be made to cash rent agreements in the future.

Brady Woodard reported that concrete repairs on the spillway should be done by next week. Industrial Builders, Inc. has already started the removal of dead trees and American Enterprises, Inc. will also begin soon.

The grant proposal for weed control at the Maple River Dam has been approved through the North Dakota Department of Health.

Western Cass Flood Insurance Study (FIS)

Kurt Lysne reported that comments were submitted on the model for the Western Cass Flood Insurance Study. It will take several months to incorporate the comments to get a better calibration. FEMA will review and approve final maps. The new maps will need to be adopted in order to participate in the National Flood Insurance Program.

Reimbursement request #32 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 Olson to approve reimbursement request #32 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 #6 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Buringrud, and seconded by Manager Olson to approve reimbursement request #6 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Appointment to Cass County Road Advisory Committee

It was moved by Manager Olson, and seconded by Manager Wolfer to appoint Jurgen Suhr to represent the Cass County Water Resource Districts on the Cass County Road Advisory Committee for the next two-year term. 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 #11482 through #11491, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Buringrud, and Wolfer. Manager Jacobson was absent. The Chairman declared the motion passed.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer