

MINUTES OF SPECIAL MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
DECEMBER 11, 2014

The Cass County Joint Water Resource District met on December 11, 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; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean Fredricks and Lukas Andrud, Attorneys for the Board; Lee Beauvais, Engineer for the Board; Brett Coleman, Corps of Engineers; Bruce Spiller and John Albrecht, CH2M Hill Engineers, Inc.; Eric Dodds, Dustin Dale, Rocky Schneider, Jacob Strombeck, and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Jason Benson, Cass County Engineer; and Pat Downs, Red River Retention Authority.

**Minutes**

It was moved by Manager Wolfer, seconded by Manager Olson and unanimously carried to approve the minutes of the November 5, 13, 19 and December 2, 2014, meetings.

**Agenda**

It was moved by Manager Jacobson, 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**

The Corps of Engineers is taking borings for cultural surveys along the southern embankment and shallow borings in town regarding the Metro Flood Diversion Project. The process continues for obtaining access to properties from the outlet structure to the Rush River. A court date is pending for access on properties to which *Access Agreements* have not yet been signed.

**Metro Flood Diversion Project / In Town Levees Project – appraisal review / approval**

It was moved by Manager Jacobson and seconded by Manager Olson to approve the appraisal of 1326 Elm Street North, Fargo, North Dakota, with an effective date of November 18, 2014, as just compensation for acquisition of the property for the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project / In Town Levees Project – relocation benefits**

Tanaya Reitz updated the Board on price differential payments regarding relocation benefits for two properties within the In Town Levees Project.

It was moved by Manager Olson and seconded by Manager Wolfer to approve the maximum Replacement Housing Differential Payment for 1333 Oak Street and 1341 Oak Street regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

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

Tanaya Reitz reported that the CH2M Hill and AE2S team have actively engaged with the residential property owners in Oxbow to present initial purchase offers and negotiate the replacement housing process. The Corps of Engineers have approved 13 residential appraisals. Vacant lot appraisals in Oxbow have been reassigned to Ulteig Engineers, Inc. in order to expedite completion. Appraisals continue for properties regarding the Oxbow-Hickson-Bakke Ring Levee Project and the In Town Levees Project and 8 offers are scheduled to be presented in early December.

Lukas Andrud updated the Board regarding land acquisition for the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Wolfer to approve and authorize Manager Jacobson to sign *Quit Claim Deeds* for the following properties:

- The SW 1/4 of Section 2 in Raymond Township
- The NW 1/4 of Section 14 in Raymond Township

Upon roll call vote, the motion carried unanimously.

Eric Dodds reported to the Board that an appraiser has been found that is qualified to appraise organic farms.

The Board previously approved a *License Agreement* form for purposes of allowing various types of activities on property that is acquired by the Cass County Joint Water Resource District for the Metro Flood Diversion Project. The Land Management Committee is expected to take similar action at its meeting on December 14, 2014. Pifers Group, Inc. would coordinate and manage the agreements and Carol Harbeke Lewis would be authorized to sign the forms on behalf of the Diversion Authority and the Cass County Joint Water Resource District.

The Corps of Engineers has submitted a plan for the Diversion Inlet Area, including a 2015 preload project, bridge construction at Cass County Highways 17 and 16 in 2015 and roadway re-alignments in 2016. Access will be needed to properties for the projects and initial inquiries will begin with property owners.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Task Order No. 1, Amendment 2, for ProSource Technologies, LLC to reduce the budget

\$10,000 for re-assignment of vacant lot appraisals for a total of \$834,100 for land acquisition services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project - assessment district for FM Flood Risk Management District No. 1**

Additional minutes relating to FM Flood Risk Management District No. 1 assessment district are attached hereto.

**Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – Master Agreement with Oxbow Golf and Country Club**

It was moved by Manager Olson and seconded by Manager Jacobson to approve the *Master Agreement* between the Cass County Joint Water Resource District and the Oxbow Golf and Country Club 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 reported that December 9, 2014, was the last day to file motions for the lawsuit filed by the Richland-Wilkin Joint Powers Authority against the Corps of Engineers. Attorneys are working on a response to the Motion filed to stop construction on the Oxbow-Hickson-Bakke Ring Levee Project.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve Meyer Contracting Pay Application No. 2 for Work Package 43D.3.A, Gatewell Project - Prefabricated Vertical Drain and Surge Installation, in the amount of \$307,094.56 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Wolfer to approve Landscapes Unlimited Pay Application No. 2 – Recommendation for Reimbursement to the Oxbow Golf and Country Club, in the amount of \$57,735.00 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Olson to not make payment on the invoice submitted by Landscapes Unlimited at this time and to direct Bruce Spiller and Sean Fredericks to provide any notices or claims as per the construction contract regarding the Oxbow Golf and Country Club golf course construction project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – Ag Risk Economic Evaluation**

Manager Brodshaug and Manager Olson met with AE2S and North Dakota State University representatives regarding the study of water in the staging area. Comparisons were discussed regarding flowage easement costs and flood insurance costs.

**Maple River Dam – Notice of Grant Award – Federal Source for weed control**

It was moved by Manager Wolfer and seconded by Manager Olson to approve and authorize the Chairman to sign the *Notice of Grant Award – Federal Source* with the North Dakota Department of Health in the amount of \$5,928.00 for weed control at the Maple River Dam. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Olson, and seconded by Manager Jacobson to approve the payment of Checks #11524 through #11535, the debit card transaction, and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson, Olson, and Wolfer. The Chairman declared the motion passed.

**Red River Retention Authority**

Pat Downs reported on the status of USDA funding for detention.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Olson, seconded by Manager Jacobson, 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