

CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 8, 2015

The Cass County Joint Water Resource District met on January 8, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Dan Jacobson, and Lance Yohe, 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, 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. (AE2S); Paul Breen, Fargo resident; and Tim Iwen, Arthur resident. Present by phone: Jacob Gust, Reed Township resident.

Reorganization of the Board for calendar year 2015

It was moved by Manager Olson and seconded by Manager Jacobson to appoint the following individuals to serve in the designated capacities for calendar year 2015:

Mark Brodshaug	Chairman
Rodger Olson	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Dan Jacobson	North Dakota Water Coalition Representative
Raymond Wolfer	North Dakota Water Coalition Alternate Representative

Upon roll call vote, the motion carried unanimously.

2015 meeting dates

The Board discussed its regular meeting dates for the year 2015. It was moved by Manager Olson and seconded by Manager Wolfer to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Cass County Joint Water Resource District does hereby set the 22nd of January at 8:00 a.m., the second and fourth Thursdays of February through October at 8:00 a.m., the 12th of November at 8:00 a.m., and the 17th of December at 8:00 a.m. in the Cass County Highway Department building, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, times and place for the year 2015.

BE IT FURTHER RESOLVED that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

Review of contract for legal services

It was moved by Manager Olson and seconded by Manager Jacobson to appoint Ohnstad Twichell, P.C. as legal counsel for the Cass County Joint Water Resource District for calendar year 2015. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Wolfer, seconded by Manager Jacobson and unanimously carried to approve the minutes of the December 11 (2 sets) and 18, 2014, meetings.

Agenda

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

Metro Flood Diversion Project – access update

Chris McShane updated the Board on access issues. Land surveys at the north end of the Metro Flood Diversion Project need to be done soon to help finalize the alignment

and to prepare legal descriptions for the appraisal process. Letters will be sent out soon to property owners requesting access. The Board discussed holding a meeting with the property owners involved to answer any questions they may have. Over 70 properties are involved. Access will be needed in the future for the western project alignment also.

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

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the appraisal of 805 Riverbend Road, Oxbow, North Dakota, with an effective date of August 14, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project and to authorize Chairman Brodshaug, Manager Olson, or Manager Jacobson to sign the *Purchase Agreement* for the same. Upon roll call vote, the motion carried unanimously.

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

It was moved by Manager Olson and seconded by Manager Jacobson to approve and authorize the Chairman to sign the *Purchase Agreement* for 1341 Oak 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 Jacobson to approve the *Purchase Agreement* for the S 1/2 NW 1/4 and Government Lot 4 in Section 2 of Raymond Township, North Dakota, subject to addendum to lease, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the *Purchase Agreement* for Tract A and Tract B in Section 31 of Pleasant Township, North Dakota, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Jacobson to approve the *Addendum to Purchase Agreement* for 353 Schnell Drive, Oxbow, North Dakota, 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 Jacobson to approve the following regarding the Oxbow-Hickson-Bakke Ring Levee Project:

- *Purchase Agreement* with Oxbow Golf and Country Club (existing clubhouse area);
- *Purchase Agreement* with Oxbow Golf and Country Club (7 holes);
- *Lease Agreement* with Oxbow Golf and Country Club (existing clubhouse property);
- *Lease Agreement* with Oxbow Golf and Country Club (existing 7 holes property);
- *Purchase Agreement* with Oxbow Golf and Country Club (replacement clubhouse lot);

- *Purchase Agreement* with Oxbow Golf and Country Club (replacement golf hole lot(s));
- *Easement* with Oxbow Golf and Country Club (Temporary Construction Easement); and
- *Mortgage-Collateral Real Estate Mortgage* with Oxbow Golf and Country Club.

Upon roll call vote, the motion carried unanimously.

Eric Dodds reported that 9 offers were presented to Oxbow area residents for land acquisition. Crown Appraisals, Inc. has been retained to conduct an appraisal of organic farmland in Clay County. Two offers have been presented for opportunistic farmland purchases, totaling approximately 170 acres. One site is near the Rush River and the other is near the Metro Flood Diversion Project outlet. One offer has been presented for a medical hardship.

A counteroffer from Park East Apartments LLC has been received and is being considered.

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

The approval process for relocation payments associated with the Metro Flood Diversion Project / In Town Levees Project was discussed. An analysis will be brought back to the next meeting on the matter and Sean Fredricks will review language for a suggested motion for consideration by the Board.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the request for advance relocation payment in the amount of \$3,990 for One Second Street South, Apt 3-307, Fargo, North Dakota, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Olson to approve the maximum replacement housing differential payment, not to exceed \$15,000, for 1326 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 Jacobson to approve the maximum replacement housing differential payment, not to exceed \$15,000, for 1330 Elm Street North, Fargo, North Dakota, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – assessment district

Eric Dodds stated that the draft assessment list regarding the Metro Flood Diversion Project will be ready for review and approval by the Board at the next meeting. A Hearing date will also need to be scheduled. A sample ballot was sent to Sean Fredricks for review and will also be available for review and approval at the next meeting. Information on the bond sale will be provided to the Board at a future meeting.

Metro Flood Diversion Project – project updates

Eric Dodds reported that the State Water Commission has a budget hearing on January 15, 2015. Fargo Mayor Tim Mahoney and Keith Berndt plan to speak on behalf of the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Wolfer to approve Task Order No. 1, Amendment 3, for CH2M Hill Engineers, Inc. to increase the budget \$850,000 for a total of \$2,030,000 for land acquisition management services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

A claim has been filed by a subcontractor against Meyer Contracting regarding Oxbow-Hickson-Bakke Ring Levee Project Work Package 43D.3.A - Prefabricated Vertical Drain and Surcharge Installation. The matter does not involve the Water Resource District.

Engineering Services Selection

It was moved by Manager Jacobson and seconded by Manager Olson to approve the *Agency Selection Committee – Second Report* to engage in the interview process for engineering services to comply with new State Water Commission cost share policy. Upon roll call vote, the motion carried unanimously.

Lee Beauvais gave a brief presentation regarding the history and services provided from Moore Engineering, Inc.

It was moved by Manager Jacobson and seconded by Manager Olson to approve the *Agency Selection Committee – Final Report* and to hire Moore Engineering, Inc. for Cass County Joint Water Resource District general engineering services. Upon roll call vote, the motion carried unanimously.

Detention Site Development

Chad Engels presented a proposed 2015-2016 Detention Project Development Schedule. First steps include identifying Project Teams, development of an engineering cost proposal, and cost share submittals to various agencies. A public meeting will be held when information is available, possibly in the fall.

Lake Bertha Flood Control Project No. 75

Mike Opat is working with the U.S. Fish and Wildlife Service as to what elevation would be acceptable regarding Lake Bertha Flood Control Project No. 75. The lowest acceptable elevation would be 1086.0 feet, with a bounce up to 1088.0 feet. It is still a worthwhile project and the cost would not change as a result of the elevation change. Plans are to proceed with an alternatives analysis and cost estimates.

Reimbursement request #8 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 and authorize the Secretary-Treasurer to sign the reimbursement request #8 from the

Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Administrative issues

It was moved by Manager Olson and seconded by Manager Jacobson to approve the salary increases of the Water Resource District staff, as discussed. Upon roll call vote, the motion carried unanimously.

The Board discussed staffing and space needs for the Water Resource District. Ads will be placed for an Administrative Assistant position to start as soon as possible.

Bills

It was moved by Manager Jacobson, and seconded by Manager Wolfer to approve the payment of Checks #11570 through #11582, 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.

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:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer