

CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JANUARY 22, 2015

The Cass County Joint Water Resource District met on January 22, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Maple River Water Resource District; Raymond Wolfer, Rush River Water Resource District; Ken Lougheed; North Cass Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean Fredricks, Chris McShane, Lukas Andrud, and John Shockley, Attorneys for the Board; Mike Opat, Engineer for the Board; Bruce Spiller and Ty Smith, CH2M Hill Engineers, Inc.; Dustin Dale and Jacob Strombeck, Advanced Engineering and Environmental Services, Inc. (AE2S); Pat Downs, Red River Retention Authority; Curt Knutson and Brooks Whitmore, Cass County Soil Conservation District; Mike Eslinger, Dirt Pro; Kyle Faught, Amenia resident; Adrian Kieffer, Wheatland resident; and Tim Iwen, Arthur resident.

Present by phone were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Lee Beauvais and Chad Engels, Engineers for the Board; Mary Scherling, Cass County Commissioner; Eric Dodds, Rocky Schneider, and Tanaya Reitz, AE2S; and Jacob Gust, Reed Township resident.

**Minutes**

It was moved by Manager Jacobson, seconded by Manager Olson and unanimously carried to approve the minutes of the January 8, 2015, meeting.

**Agenda**

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

**Appoint Diversion Authority representative and alternate representative for 2015**

It was moved by Manager Jacobson and seconded by Manager Brodshaug to appoint Rodger Olson as the Diversion Authority representative and Mark Brodshaug as the Diversion Authority alternate representative for calendar year 2015. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – access update**

Chris McShane reported to the Board that court action has been filed for *Right of Entry* on two properties at the control structure south of town. The process of serving by publication was explained and a hearing date will be scheduled.

The Corps of Engineers will provide a list of approximately 500 properties where access will be needed for the 2015-2016 seasons for geotechnical, cultural, and biotic surveys. Access will be needed to several properties along the river for a longer period of time to allow for the biotic surveys required.

Access is needed along the north end of the Metro Flood Diversion Project to determine the legal description of properties for land acquisition. Eric Dodds is working with Mr. McShane on the cover letter to the property owners involved.

Lee Beauvais reported that the Corps of Engineers is doing soil borings on the southern embankment, URS is looking at cemetery information, and Jason Benson, Cass County Engineer, is following up on property needed for the Oxbow-Hickson-Bakke Ring Levee Project.

**Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – relocation benefits**

Eric Dodds and Tanaya Reitz presented a rent reimbursement summary estimate for residents of the Park East Apartments. Residents will have a short time frame to move and will need rental assistance payments in a timely manner.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the rental assistance payments to Park East residents regarding the In Town Levees Project, as specified in the *Park East Rent Reimbursement Summary Estimate*, with the 20% contingency, and to authorize the Program Management team to approve payments to the tenants, as requested, up to the amount specified for each tenant, plus 20%; these funds may be used for such items as down payments, rent reimbursements and moving costs. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Olson to approve the request for advance relocation payment in the amount of \$69,712.90 for 1341 Oak Street, Fargo, North Dakota, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Olson to approve the request for advance relocation payment in the amount of \$39,073.94 for 1330 Elm Street, 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 Wolfer to approve the *Purchase Agreement*, the *Preliminary Relocation Housing Agreement*, and *Compensation Summary* for 336 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 Jacobson and seconded by Manager Olson to approve the *Construction Contract Addendum* for 336 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 *Purchase Agreement*, the *Preliminary Relocation Housing Agreement*, and *Compensation Summary* for 350 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 / In Town Levees Project – land acquisition**

Lukas Andrud reported on an opportunistic acquisition at the north end of the Metro Flood Diversion Project. The landowner has requested the option to purchase land back that is not used for the construction of the diversion after a five year period. The Board discussed and agreed to extend the right of first refusal from 5 to 7 years. The property owner would also like to continue renting the land until it is needed for the project.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the new *Purchase Agreement* for 1330 Elm Street, Fargo, North Dakota, which provides an additional week for the property owners to move personal property out of the home after closing, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Coldwell Banker currently manages properties owned by the Diversion Authority and the Cass County Joint Water Resource District relating to the Metro Flood Diversion Project, the In Town Levees and Oxbow-Hickson-Bakke Ring Levee Project. The Board discussed options for property management. Sean Fredricks and Eric Dodds with review the options and bring the matter back to the Board at a future meeting for a decision.

It was moved by Manager Olson and seconded by Manager Wolfer to approve the *Rental Reimbursement Agreement* with Park East Apartments LLC, 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 the purchase of an additional .35 acre parcel from Fercho Family Farms, LLLP, in the amount of \$3,500 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 approve payment for additional expenses, not to exceed \$16,000, for the purchase of additional property from Fercho Family Farms, LLLP, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – assessment district**

John Shockley reviewed a memo outlining a bond counsel proposal and key considerations regarding the Metro Flood Diversion Project. Discussion included inter-

governmental agreements, timing issues, project ownership, disbursement of bond proceeds, and the role of bond counsel. The matter will be addressed further at a future meeting.

Jacob Strombeck reported to the Board that 50,129 ballots will be mailed regarding the proposed Metro Flood Diversion Project assessment district. The ballot format was reviewed and changes were requested. It was moved by Manager Wolfer and seconded by Manager Olson to approve the ballot for the proposed Metro Flood Diversion Project assessment district, with requested changes. Upon roll call vote, the motion carried unanimously.

Additional minutes relating to the proposed Metro Flood Diversion Project assessment district are attached hereto.

### **Metro Flood Diversion Project – project updates**

It was moved by Manager Olson and seconded by Manager Jacobson to approve Task Order No. 1, Amendment 1, for Houston-Moore Group LLC to extend services into fiscal year 2015 and to increase the budget \$180,000 for a total of \$320,000 for land management 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 Jacobson to approve Change Order No. 3 for Riley Bros. Construction, Inc. in the amount of \$82,301.44 regarding Oxbow-Hickson-Bakke Ring Levee Project Work Package-43A. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Contractor's Application for Payment No. 4 for Riley Bros. Construction, Inc. in the amount of \$279,074.52 regarding Oxbow-Hickson-Bakke Ring Levee Project Work Package-43A. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Contractor's Application for Payment No. 3 – Recommendation of Reimbursement to the Oxbow Golf and Country Club in the amount of \$245,910.47 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

### **Detention Site Development**

Mike Opat presented a draft proposal of the Maple River Watershed Comprehensive Detention Plan Phase II to the Board. The current draft is written for the Swan Creek Watershed. Project teams will be tasked with identifying the local problems facing the watershed and sorting through the practical alternatives for addressing those problems. Once a solution is identified, cost estimates will be completed, and public outreach meetings will be scheduled with impacted landowners.

Chairman Brodshaug left the meeting at this time.

**Reimbursement request #9 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 Jacobson to approve and authorize the Secretary-Treasurer to sign the reimbursement request #9 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 Jacobson and seconded by Manager Wolfer to use the following time percentages as a guideline to separate expenses relating to all four Water Resource Districts in 2015:

Southeast Cass	60%
Maple River	20%
North Cass	8%
Rush River	12%

Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Wolfer, and seconded by Manager Jacobson to approve the payment of Checks #11583 through #11596, and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, and Wolfer. Manager Brodshaug was absent. Motion passed.

**Introduction of new North Cass Water Resource District Manager**

The Secretary-Treasurer introduced Ken Lougheed as the newly appointed Manager on the North Cass Water Resource District Board.

**Adjournment**

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