

MINUTES OF SPECIAL MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 5, 2015

The Cass County Joint Water Resource District met on February 5, 2015, 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; Ken Lougheed, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean Fredricks, Chris McShane, Lukas Andrud, and John Shockley, Attorneys for the Board; Chad Engels and Mike Opat, Engineers for the Board; Bruce Spiller and Ty Smith, CH2M Hill Engineers, Inc.; Eric Dodds, Rocky Schneider, Tanaya Reitz, and Dustin Dale, Advanced Engineering and Environmental Services, Inc. (AE2S); Greg Wilson, Barr Engineering Company (by phone); Mary Scherling, Cass County Commissioner; Pat Downs, Red River Retention Authority; Brooks Whitmore, Cass County Soil Conservation District; Steve Faught, Arnold and Lloyd Knight, Amenia Township property owners; and Tim Iwen, Arthur resident.

**Agenda**

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

**Metro Flood Diversion Project – review of assessment district mailing documents**

The FM Flood Risk Management District No. 1 Notice of Hearing packet of information was presented by Eric Dodds. He gave a brief overview of the information contained in the packet. Each packet will contain the *Notice of Hearing*, cover letter, ballot information and instructions, the preliminary assessment list on disc, the Engineer's Report on disc, and applicable maps. The public hearing regarding the creation of the district will be held on Tuesday, March 31, 2015, at 6:00 p.m., at the Fargodome. Three cover letters were presented which will be mailed to either the landowner(s), 21 jurisdictions (counties, cities, and townships), or impacted landowners, all within the proposed FM Flood Risk Management District No. 1.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the *Notice of Hearing* and cover letters to landowners, counties, cities, townships and impacted landowners regarding the proposed FM Flood Risk Management District No. 1, subject to minor grammatical revisions. Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project - bonding**

John Shockley gave a review of the necessary steps involved to issue bonds regarding the Metro Flood Diversion Project. Agreements would be needed between the Water Resource District, City of Fargo and Cass County due to the sales tax pledge. A bond holder would need to review the agreement, sales tax projections, strength of the district, population, etc. The bond would then be placed on the market for public sale. How the bond is issued will determine the purchase and the agreements. Mr. Shockley will put together a memorandum to explain the difference between a municipal and a financial advisor, the rules and process involved with the financial transactions, the people responsible for making alternative tax levy determinations, future processes and procedures, and direction to avoid duplication of costs. Chairman Brodshaug asked that bond counsel for the City of Fargo and the Financial Advisor hired by the Diversion Authority be included in any discussion relating to bonding for the project. It was explained and understood Ohnstad Twichell, P.C. will present a fee schedule estimate, with the final invoice to be determined based on how bonds are issued. The Board tabled the official hire of Ohnstad Twichell, P.C. as bond counsel until after a review of the fee schedule. The Board directed Mr. Shockley to proceed with drafting the memorandum and to put together a fee schedule for review at the next meeting.

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

It was moved by Manager Olson and seconded by Manager Loughheed to approve the appraisal of 1318 Elm Street North, Fargo, North Dakota, with an effective date of December 8, 2014, as just compensation for acquisition of the property for the In Town Levees Project and to approve the *Purchase Agreement* for the same. Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project - relocation benefits**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the residential moving costs claim in the amount of \$3,043.59 and the closing cost claim in the amount of \$3,825.85 for 345 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the request for advance relocation payment in the amount of \$8,170.60 for replacement housing costs and incidental closing costs and a request for advance relocation payment in the amount of \$7,020.00 for moving costs for 1330 Elm Street, Fargo, North Dakota, regarding the In-Town Levees Project. Upon roll call vote, the motion carried unanimously.

Tanaya Reitz presented an *Analysis of Comparable Properties* for 326 Schnell Drive, Oxbow, North Dakota, for purposes of a one-time cost incurred price housing differential payment and special assessment fee. Payment is issued only when costs are incurred.

It was moved by Manager Olson and seconded by Manager Loughheed to approve the maximum replacement housing price differential, not to exceed \$159,624.74, and the

special assessment reimbursement, not to exceed \$53,753.18, for construction of a new residence to replace 326 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 - land acquisition**

An updated *Land Management Summary* was presented to the Board.

Mr. Dodds shared a *Land Acquisition Directive* listing two new properties along Elm Street which need to be acquired due to geotechnical stability issues at the temporary closure structure on Elm Street. The closure needs to be moved south from where it was originally proposed to meet long-term steady-state factor of safety required by USACE standards, which results in significant impacts to those properties. The finance committee has approved the acquisition. No action was taken on land acquisition.

The Board requested AE2S put together a packet of appraisal, relocation and land acquisition items to send out for the Board to review prior to the meetings. It was determined last minute documents will be held for future meetings unless absolutely necessary.

### **Detention Site Development**

Mike Opat and Chad Engels presented *Proposal Maple River Watershed Comprehensive Detention Plan Phase II* and *Proposal Rush River Watershed Comprehensive Detention Plan Phase II* to the Board for the Swan Creek Watershed, Upper Maple River Watershed and the Rush River Watershed Comprehensive Detention Plans. Letters will be submitted to the Office of the State Engineer to request cost-share. Upon approval of the contract for Engineering Services, these projects will be attached as Task Orders. The proposal outlines four main tasks with subparts, along with a schedule. Manager Brodshaug requested Moore Engineering, Inc. make it clear in the contract which entity is responsible for making decisions. It was also suggested Moore Engineering, Inc. point out the environmental benefits involved in storing water and for water quality. Brief discussion was held on the process and benefit of the decision making to occur within the local watersheds.

It was moved by Manager Olson and seconded by Manager Wolfer to submit cost-share request letters for *Upper Maple River Watershed Detention Study – Phase II*, *Rush River Watershed Detention Study – Phase II*, and *Swan Creek Watershed Detention Study – Phase II* to the Office of the State Engineer, Red River Joint Water Resource District and the Cass County Flood Sales Tax Committee. Upon roll call vote, the motion carried unanimously.

### **Water Quality Pilot Project**

Greg Wilson from Barr Engineering Company was contacted by the conference telephone and asked to give an outline summary of the feasibility study. Mr. Wilson explained the study was commissioned to evaluate the potential application of an innovative passive treatment system that can improve the water quality of agricultural drainage and stormwater runoff. Mr. Wilson presented a conceptual design along with alternatives.

Photographs in the feasibility study and the costs allocated were explained.

The feasibility study will be placed on the agenda for the next meeting.

**Adjournment**

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