

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 12, 2015

The Cass County Joint Water Resource District met on February 12, 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, Lukas Andrud, and John Shockley, Attorneys for the Board; Lee Beauvais, Chad Engels, and Mike Opat, Engineers for the Board; Bruce Spiller, John Albrecht, and Ty Smith, CH2M HILL Engineers, Inc.; Tanya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Greg Wilson, Barr Engineering Company; and Jacob Gust, Reed Township resident (by phone).

**Minutes**

It was moved by Manager Olson, seconded by Manager Lougheed and unanimously carried to approve the minutes of the January 22, 2015, meeting.

**Agenda**

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

**Metro Flood Diversion Project – access update**

Lucas Andrud reported that no response has been received from landowners in Auditor's Lot Three in the N 1/2 of Section 6 in Pleasant Township, and made the recommendation to proceed with a *Resolution of Necessity* to commence with court action for access to the property regarding the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the *Resolution of Necessity* regarding access for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached hereto.

Lee Beauvais said the Corps of Engineers continues to do soil borings.

Requests will be submitted to landowners for access to complete 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.

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

It was moved by Manager Jacobson, seconded by Manager Olson to approve the appraisal of 813 Riverbend Road, Oxbow, North Dakota, with an effective date of October 23, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.

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

Tanaya Reitz presented a summary of relocation payment requests for residents of the Park East Apartments. Moving costs, rental differential, rental assistance, and an advanced relocation of a builder down payment were requested. The rent differential could last 42 months according to the Federal Housing Relocation Act. Payment is submitted only when costs are incurred.

It was moved by Manager Lougheed and seconded by Manager Olson to approve the following:

- Payment for moving costs in the amount of \$3,095.80 for Park East Unit #1-101 regarding the In Town Levees Project;
- Payment for rental differential in the amount of \$7,782.60 for Park East Unit #1-101 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,015.00 for Park East Unit #1-401 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,883.25 for Park East Unit #1-409 regarding the In Town Levees Project; and
- To approve an *Advanced Payment Agreement* for a builder down payment in the amount of \$8,000.00 for 829 Riverbend Road, 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**

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the *Purchase Agreement, Replacement Housing Agreement, and the Construction Contract Addendum* 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 – assessment district**

Public meetings are scheduled March 10, 17 and 24, 2015, with a hearing regarding the creation of FM Flood Risk Management District No. 1 on March 31, 2015, at the Fargodome. The meetings will be held from 5:30–7:30 p.m. Brief discussion was held on the process and location of the meetings.

**Metro Flood Diversion Project – bonding**

John Shockley reviewed a memo outlining differences between Municipal Advisors and Dealer Financial Advisors regarding public bond transactions. Mr. Shockley will present

a fee schedule at the next meeting. He will also contact Public Finance Management (PFM) to invite a representative to the next meeting to discuss bond procedures with the board.

**Metro Flood Diversion Project – project updates**

Bruce Spiller reviewed Task Order No. 2, Amendment No. 1 for CH2M HILL, Engineers, Inc. Action will be taken on this task order at the next meeting.

The process of moving 10 houses in Oxbow, North Dakota, was discussed. Mr. Spiller will present options and recommendations for removal of and salvage of homes at the next meeting.

Mr. Spiller presented information on a *Geotechnical Exploration and Consulting Services Proposal* for the proposed Oxbow Golf and Country Club clubhouse building from Northern Technologies, Inc. (NTI).

Mr. Spiller presented *An Insurance Proposal Prepared For: Oxbow Country Club* completed by Dawson Insurance Agency in which the Diversion Authority and the Cass County Joint Water Resource District will be named as additional insured's.

Ty Smith provided a construction status report on the Oxbow-Hickson-Bakke Ring Levee Project and the In Town Levees Project.

It was moved by Manager Olson and seconded by Manager Wolfer to approve and authorize the Chairman to sign *Change Order No. 1* for Meyer Contracting in the amount of \$6,815.84 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 Lougheed to approve and authorize the Chairman to sign the *Contractor's Application for Payment No. 3-Final* for Meyer Contracting in the amount of \$49,342.49 for Work Package 43D.3.A on the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

**Water Quality Pilot Project**

Greg Wilson and Chad Engels presented and explained the *Feasibility Study for Spent Lime Treatment of Agricultural Drainage in SE Cass County, North Dakota*. Potential locations under consideration for the pilot project. Cost and other funding sources were also discussed. Mr. Engels will contact other possible cost-share partners.

**Reimbursement request #9 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 #10 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Olson, and seconded by Manager Lougheed to approve the payment of Checks #11597 through #11602, Checks #11625 through #11639, and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

**Reimbursement request #35 from the City of Fargo 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 #35 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.

**Legislative update**

Sean Fredricks gave the board an update on the eminent domain HB 1332 and the community facilities districts SB 2375.

Chairman Brodshaug left the meeting at this time.

**Adjournment**

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