

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 26, 2015

The Cass County Joint Water Resource District met on February 26, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug (by phone) 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, and Lukas Andrud, Attorneys for the Board; Lee Beauvais, Kurt Lynse, and Lyndon Pease, Engineers for the Board; Bruce Spiller and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale, and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Ken Demmons, HDR, Inc.; Brady Woodard, Moore Engineering, Inc. (by phone); Mary Scherling, Cass County Commissioner; Jason Benson, Cass County Engineer; Kim Idso, Amenia Auditor; Steve and Kyle Faught, Amenia Township residents; Paul Breen, Fargo resident; and Tim Iwen, Arthur resident.

Minutes

It was moved by Manager Jacobson, seconded by Manager Lougheed, and unanimously carried to approve the minutes of the February 5 (2 sets) and February 12, 2015, meetings.

Agenda

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

Amenia 100-year floodplain

Lyndon Pease reviewed the Amenia 100-Year Floodplain Mapping proposal to conduct road crossing surveys, modeling of the Rush River, and mapping of the 100-year floodplain near Amenia, North Dakota. A map was presented showing the location of the potential flood depths. Mr. Pease met with the Mayor of Amenia to obtain the background and history of flooding on the lower and upper Rush River. Kim Idso, Amenia Auditor, also presented flood history and background to the Board. It was determined a 3' dike on the north side would help alleviate flooding. Mr. Pease will continue working on the matter with the Mayor.

Metro Flood Diversion Project – access update

Chris McShane updated the Board on access issues. An Order was obtained on the Leiseth property in Pleasant Township to survey and allow the Corp of Engineers to do soil borings.

Access is still needed to 13 properties that was requested last year. A Court date has not yet been set. A Resolution of Necessity will be presented for approval at a future meeting for USGS surveys on the Maple River, if necessary.

Right of Entry requests will be sent out to landowners from the Red River, back to the Rush River, for boundary surveys to determine legal descriptions for properties needed for the Metro Flood Diversion Project. A public meeting for landowners will be set for late March or early April.

The Corps of Engineers has Right of Entry requests for 380 properties to do cultural, geotechnical, biotic and geomorphology surveys in North Dakota and Minnesota.

The use of Right of Entry Agreements versus Access Easements where access is needed for indefinite periods of time was discussed. Surveys will be required for a number of years for the project and after flood events. Compensation would be based on the details of the access required. Due to the timeline, Right of Entry Agreements will be used at this time and the use of Access Easements will be drafted for future consideration. Water Resource District staff will make follow-up calls to landowners in an attempt to obtain the agreements if they are not returned within a couple of weeks.

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

It was moved by Manager Jacobson, seconded by Manager Brodshaug to approve the following:

- The appraisal of 313 Schnell Drive, Oxbow, North Dakota, with an effective date of value of December 1, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 317 Schnell Drive, Oxbow, North Dakota, with an effective date of value of December 1, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 321 Schnell Drive, Oxbow, North Dakota, with an effective date of value of December 1, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 337 Schnell Drive, Oxbow, North Dakota, with an effective date of value of December 1, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 816 Riverbend Road, Oxbow, North Dakota, with an effective date of value of December 3, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.

- The appraisal of 821 Riverbend Road, Oxbow, North Dakota, with an effective date of value of December 3, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 840 Riverbend Road, Oxbow, North Dakota, with an effective date of value of December 1, 2014, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 1 North 2nd Street, Fargo, North Dakota, with an effective date of value of November 17, 2014, as just compensation for acquisition of the property for the In Town Levees Project.
- The appraisal of 2595 171st Avenue SE, Argusville, North Dakota, with an effective date of September 26, 2014, as just compensation for acquisition of the property for the Metro Flood Diversion Project.

Upon roll call vote, the motion carried unanimously.

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 In Town Levee Project and the Oxbow-Hickson-Bakke Ring Levee Project. Moving costs, rental assistance, and landscaping down payments were requested. Discussion was held on rental assistance payments and the process of price rental differential. It was suggested people who qualify for last resort housing be given a detailed explanation regarding the price rental differential and the Federal Housing Act 42-month time limit.

Discussion was held on the potential amount of compensation for property located at 1318 Elm Street North, Fargo, North Dakota. An update was given on the Park East Apartment building acquisition. Two properties have been approved as medical hardships by the Hardship Review Committee.

Eric Dodds presented information and options to the Board on fair and reasonable disposal of property. Habitat for Humanity, legal concerns, demolition, and the anti-gifting clause were discussed.

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

- Payment for moving costs in the amount of \$1,420.00 for Park East Unit #1-203, regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,420.00 for Park East Unit #1-303 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,091.25 and rental assistance in the amount of \$12,054.00 for Park East Unit #1-403 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,595.00 and rental assistance in the amount of \$4,830.00 for Park East Unit #1-406 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,420.00 and rental assistance for \$5,040.00 for Park East Unit #1-408 regarding the In Town Levees Project;

- Payment for moving costs in the amount of \$2,980.68 and rental assistance in the amount of \$9,450.00 for Park East Unit #3-202 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,015.00 for Park East Unit #3-203 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$595.00 for Park East Unit #3-301 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,330.00 for Park East Unit #3-307 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$3,034.50 for Park East Unit #3-402 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$2,803.02 for Park East Unit #3-404 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,330.00 for Park East Unit #3-409 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,330.00 and rental assistance in the amount of \$4,620.00 for Park East Unit #5-102 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,192.50 and rental assistance in the amount of \$19,386.36 for Park East Unit #5-202 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,420.00 and rental assistance in the amount of \$5,880.00 for Park East Unit #5-304 regarding the In Town Levees Project;
- Payment for rental assistance in the amount of \$9,252.60 for Park East Unit #5-305 regarding the In Town Levees Project;
- Payment for rental assistance in the amount of \$10,500.00 for Park East Unit #5-308 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,140.00 and rental assistance in the amount of \$12,022.50 for Park East Unit #5-409 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$9,176.34 for 1341 Oak Street North, Fargo, North Dakota.
- Payment for landscaping down payment in the amount of \$17,928 for 748 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project.
- Payment for landscaping down payment in the amount of \$20,386.41 for 752 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

Bruce Spiller stated there may be interest in Park East Apartments from the City of Fargo Fire and Police Departments for training.

Discussion was held on a request by a property owner to purchase a buyout home and move it to a lot he owns down the block. Eric Dodds will look into the request.

Lukas Andrud gave an update on four opportunistic land acquisitions, three of which are in the process of signing and closing.

Metro Flood Diversion Project – assessment district

Eric Dodds gave a brief update on the assessment process. Discussion was held on the upcoming public meetings, 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 Board was invited to attend and asked to help answer questions. The ballot packets are being finalized. The presentation will be brief, leaving time for a lengthy question and answer session.

Metro Flood Diversion Project – bonding

Sean Fredricks explained John Shockley has been in touch with PFM to coordinate a time when a representative can meet with the Board to discuss bonding for the Metro Flood Diversion Project.

Metro Flood Diversion Project – project updates

Bruce Spiller presented a draft Request for Proposals (RFP) on the Oxbow Job Development Authority housing relocation project. Discussion was held on the process of the purchase, insurance, bonding, the timing of the move, relocation, and the cost of demolition. The Oxbow Job Development Authority would like the houses moved by summer of 2016.

It was moved by Manager Brodshaug and seconded by Manager Lougheed to approve and authorize CH2M HILL Engineers, Inc. to survey and obtain estimates for lead and asbestos surveys on houses that are part of the Oxbow Job Development Authority housing relocation project, not to exceed a cost of \$25,000. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize CH2M HILL Engineers, Inc. to advertise the Oxbow Job Development Authority housing relocation project. Upon roll call vote, the motion carried unanimously.

Ty Smith gave an update on the Oxbow-Hickson-Bakke Ring Levee Project. The Oxbow Golf Course and Country Club submitted seven invoices for reimbursement. Discussion was held on the Landscapes Unlimited, LLC invoice and pump station construction work. Gary Killebrew, KillerGolf, LLC, was hired as the construction project manager consultant to oversee the construction of the golf course.

It was moved by Manager Brodshaug seconded by Manager Jacobson to the approve payment to reimburse Oxbow Golf Course and Country Club in the amount of \$174,650.61 for various engineering and construction services, including the hire of Gary

Killebrew, KillerGolf, LLC, for no more than 13 months and no more than \$13,000 per month. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Brodshaug and seconded by Manager Jacobson to approve Task Order No. 2, Amendment No. 1 for CH2M HILL, Engineers, Inc. to extend services through September 25, 2015, and to increase the budget \$780,000 for a total of \$1,715,000 for construction management on pre-diversion channel services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Maple River Dam - water quality monitoring

Kurt Lysne will contact Michael Ell, Manager of Surface Water Quality at the North Dakota Department of Health, to speak to the Board on reduction of phosphorus and nitrates up-stream and down-stream of the Maple River Dam.

Maple River Dam – tree removal project

Brady Woodard have a brief review of the tree removal project in Sections 21 and 28 of Highland Township regarding the Maple River Dam. The area west of the dam was completed a year ago. A small area remains to clear along with a few small fingerlings. An occasional controlled spring burn was suggested to reduce weeds. The area will be sprayed in the spring.

Maple River Dam - land management / operations summary / 2015 rental contracts

Kurt Lysne presented and reviewed the Operations Summary for Maple River Dam. It was suggested an easement map be added.

Mr. Lysne reported on meetings held with the townships. The township officers reviewed the procedures and maps related to road closures.

It was moved by Manager Wolfer and seconded by Manager Brodshaug to approve a \$5 per acre increase for rent on tillable acres and a \$2 per acre increase on pasture land in the lease agreements on property acquired for the Maple River Dam. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Lougheed to authorize Moore Engineering, Inc. to hire a seeding contractor to seed 21 acres in Section 11 in Highland Township, and adjust acreage on rental contracts accordingly. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Jacobson, and seconded by Manager Wolfer to approve the payment of Checks #11640 through #11674, as presented. Upon roll call vote, the motion carried unanimously.

Legislative update

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

Adjournment

There being no further business for the Board to consider, it was moved by Manager Wolfer, seconded by Manager Lougheed, and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer