

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
APRIL 23, 2015

The Cass County Joint Water Resource District met on April 23, 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 M. Fredricks, Chris McShane and Lukas Andrud, Attorneys for the Board; Lee Beauvais, Engineer for the Board; Bruce Spiller and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Rocky Schneider, Dustin Dale and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Mary Scherling, Cass County Commissioner; Keith Berndt, Cass County Administrator; and Jacob Gust, Reed Township resident.

**Minutes**

It was moved by Manager Jacobson, seconded by Manager Lougheed, and unanimously carried to approve the minutes of the April 2, April 6, and April 9 (two sets), 2015 meetings.

**Agenda**

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

**Metro Flood Diversion Project – access update**

Chris McShane gave an update to the Board. A hearing date has been set for June 1, 2015, for right of way access to several properties along Interstate 29.

The Corps of Engineers plan to do surveys in May around the Sheyenne and the Red River. Surveys will be done around the Maple and Wild Rice River when the water level is higher.

The Corps of Engineers has set a deadline of September 1, 2015, for right of way access along the western alignment and along the southern end from the Sheyenne to the Maple River. The cultural resource surveys will be done as soon as the crops come off in the fall.

Lee Beauvais stated a list of soil borings has been compiled for payment to landowners.

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

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

- The appraisal of 808 Riverbend Road, Oxbow, North Dakota, with an effective date of value of January 21, 2015, as just compensation for acquisition of the property for the Oxbow-Hickson-Bakke Ring Levee Project.
- The appraisal of 817 Riverbend Road, Oxbow, North Dakota, with an effective date of value of January 21, 2015, as just compensation for acquisition of the property for 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 – relocation benefits**

Tanaya Reitz reviewed and presented a summary of requests for relocation and replacement housing payments.

It was moved by Manager Lougheed, seconded by Manager Wolfer to approve the following:

- Payment for moving costs in the amount of \$1,420.00 for Park East Unit #1-304 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$845.00 and rental assistance in the amount of \$2,394.00 00 for Park East Unit #3-104 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$4,979.95, rental assistance in the amount of \$7,200.00, and Last Resort Housing costs in the amount of \$842.66 for Park East Unit #3-109 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$2,265.85 for Park East Unit #3-110 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,330.00 and rental assistance in the amount of \$3,990.00 00 for Park East Unit #3-201 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$2,063.38 for Park East Unit #3-309 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$710.00 and rental assistance in the amount of \$1,995.00 00 for Park East Unit #3-310 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,330.00 for Park East Unit #3-406 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,420.00 for Park East Unit #3-407 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,330.00 for Park East Unit #5-207 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,710.00 and rental assistance in the amount of \$2,310.00 00 for Park East Unit #5-301 regarding the In Town Levees Project;

- Payment for moving costs in the amount of \$2,832.00 for Park East Unit #5-302 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$2,645.82 for Park East Unit #5-305 regarding the In Town Levees Project;
- Payment for rental assistance in the amount of \$7,200.00 and Last Resort Housing costs in the amount of \$31,440.00 for Park East Unit #5-307 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$1,595.00 for Park East Unit #5-309 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$2,160.00 for Park East Unit #5-312 regarding the In Town Levees Project;
- Payment for moving costs in the amount of \$7,026.00 for 18 North Terrace, Fargo, North Dakota, regarding the In Town Levees Project;
- The maximum replacement housing differential payment, not to exceed \$30,000, for 724 North River Road, Fargo, North Dakota, regarding the In Town Levees Project;
- The maximum replacement housing differential payment, in the amount of \$43,104.75, for 1318 Elm Street North, Fargo, North Dakota, regarding the In Town Levees Project;
- A *Replacement Housing Agreement* for 334 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- A *Replacement Housing Agreement* for 749 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

Eric Dodds presented and reviewed *CCJWRD Owned Homes – Sale Price Justification*. Cass County Joint Water Resource District may be asked to sell properties that have been purchased for the Metro Flood Diversion Project. Home auction data from recent City of Fargo auction sales was used for the analysis and a comparison of the auction prices and assessed values of the properties was conducted.

It was moved by Manager Brodshaug and seconded by Manager Lougheed to approve the recommended policy of establishing the sale price for homes purchased by the Cass County Joint Water Resource District for the Metro Flood Diversion Project at 6% of the appraised value, on the structure only, and to establish a minimum sale price of \$10,000 per property. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on demolition and timelines. Lukas Andrud is working with Nancy Morris, Assistant City Attorney for the City of Fargo, on moving requirements, permits and *Purchase Agreements*.

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

Chris McShane updated the Board on property at 354 Schnell Drive, 358 Schnell Drive, and 365 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Negotiation procedure was briefly discussed.

It was moved by Manager Jacobson and seconded by Manager Brodshaug to approve the *Resolution of Necessity* regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached hereto.

It was moved by Manager Brodshaug and seconded by Manager Lougheed to approve the *Written Statement and Summary of Just Compensation in Accordance with N.D.C.C. §§ 32-15-06.1 and 61-16.1-09* regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously. A copy of the *Written Statement and Summary* is attached hereto.

It was moved by Manager Lougheed and seconded by Manager Jacobson to approve the *Resolution of Offer to Purchase Permanent Right of Way Easement* regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached hereto.

Discussion was held on property needed for the In Town Levees Project. The appraiser will determine the value of the entire property. If a portion of the property is not needed for the In Town Levee Project, it will be offered back to the landowner.

Mr. Dodds and Ms. Reitz will be coordinating with the appraisers for appraisals on property in Hickson, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project. A Task Order will be presented for consideration at a future meeting.

Brief discussion was held on a hardship property in Clay County, Minnesota. The Board plans to continue negotiation and will present information on the matter to the Diversion Authority for a determination.

An organic farmer in Clay County, Minnesota, would like to move forward with the sale of farmland, but the value was lower than expected. The appraisal set out that organic farming is a management decision and has no bearing on the price of the land.

The Board will invite those working on property negotiations to attend future meetings to keep the Board up-to-date as to ongoing negotiations.

**Metro Flood Diversion Project – assessment district**

FM Flood Risk Management District No. 1 ballots are due in the office by 5:00 p.m. on April 30, 2015. The Cass County Water Resource District is receiving approximately 300 ballots per day now.

Jacob Gust expressed concern regarding public support for FM Flood Risk Management District No. 1 and the Metro Flood Diversion Project. Public outreach was discussed.

### **Metro Flood Diversion Project – bonding**

Sean Fredricks gave a brief update on bonding. John Shockley is working on a draft of the *Intergovernmental Agreement* to present to the Diversion Authority Finance Committee in May. Mr. Fredricks sent bond information to the Board.

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

Bruce Spiller briefly updated the Board on Work Package 43D and Work Package 43D.4 regarding the Oxbow-Hickson-Bakke Ring Levee Project and the In Town Levees Project.

Brief discussion was held on landowner access for tree removal and the Oxbow Golf Course and County Club intake and outfall construction timeline.

Manager Olson stressed the importance for timely management of land acquisition needed for the various work and outlined the Board's expectations from the consultants hired.

It was moved by Manager Jacobson and seconded by Manager Brodshaug to award Work Package 43D.4 to S & A Land Clearing, Inc. in the amount of \$67,500 regarding the Oxbow-Hickson-Bakke Ring Levee and In Town Levees Projects. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Jacobson to approve payment to reimburse Oxbow Golf Course and Country Club in the amount of \$14,400 for various engineering and construction services. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve payment to Midcontinent Communications for utility work regarding Oxbow-Hickson-Bakke Ring Levee Project Phase 1 in the amount of \$150,351.35. Upon roll call vote, the motion carried unanimously.

### **Reimbursement request #12 from Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize the Secretary-Treasurer to sign reimbursement request #12 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

### **Legislative update**

Mr. Fredricks updated the Board on HB 1095. The Conference Committee turned the quick-take portion of HB 1095 into an interim study by the Water Topics Overview Committee. However, at the very end of the legislative session, an amendment was added to SB 2015, a completely unrelated appropriations bill. The amendment eliminated

quick-take authority for Water Resource Districts, unless federal funds are appropriated or unless state funds have been appropriated by the legislative assembly for a specific project. Attendance at future Water Topics Overview Committee meetings will be needed to address the issue.

**Bills**

It was moved by Manager Wolfer and seconded by Manager Lougheed to approve the payment of Checks #11783 through #11842, and the electronic funds transfer, as presented. Upon roll call vote, the following Manager voted in favor: Brodshaug, Jacobson, Olson, Lougheed, and Wolfer. The Chairman declared the motion passed.

**Cass County Weed Control**

It was moved by Manager Wolfer and seconded by Manager Brodshaug to approve the Cass County Weed Control Work Order form for spraying Cass County Joint Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

**Adjournment**

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