

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 9, 2015

The Cass County Joint Water Resource District met on July 9, 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 (by phone); Rodger Olson, Maple River Water Resource District; Ken Lougheed, North Cass 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, and Kurt Lysne, Engineers for the Board; John Albrecht and Ty Smith, CH2M HILL Engineers, Inc.; Dustin Dale and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Mary Scherling, Cass County Commissioner; Brady Woodard; Moore Engineering, Inc.; David Stand, Amenia resident; and Jacob Gust, Reed Township resident. Absent was Raymond Wolfer, Rush River Water Resource District.

Minutes

It was moved by Manager Lougheed, seconded by Manager Olson and unanimously carried to approve the minutes of the June 25, 2015, meeting.

Agenda

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

Metro Flood Diversion Project – access update

Chris McShane gave an access update to the Board. Brief discussion was held on surveys needed in the fall.

Metro Flood Diversion Project / In Town Levees Project – appraisal review and approval

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

- The appraisal of 2 North Terrace North and 6 North Terrace North, Fargo, North Dakota, with an effective date of April 8, 2015, as just compensation for acquisition of the property for the In Town Levees Project;
- The appraisal of 1314 Elm Street North, Fargo, North Dakota, with an effective date of value of April 8, 2015, as just compensation for acquisition of the property for the In Town Levees Project; and

- The appraisal of 12 North Terrace North, Fargo, North Dakota, with an effective date of May 7, 2015, as just compensation for acquisition of the property for the In Town Levees 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 and gave a brief review of the relocation benefit requests for the In Town Levees Project.

It was moved by Manager Lougheed and seconded by Manager Olson to approve the Relocation and Replacement Housing payments as outlined in the letter dated July 6, 2015, regarding the Oxbow-Hickson-Bakke Ring Levee Project and In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Ms. Reitz will review the Relocation and Replacement Housing payment process for the Fargo City Commission, Cass County Commission, and the Land Management Committee.

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

It was moved by Manager Lougheed and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign the following:

- The *Addendum to Purchase Agreement* for 357 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- The *Second Addendum to Purchase Agreement* for 349 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 Lougheed to approve and authorize Chairman Brodshaug to sign the *Agreement for Entry and Construction* for the south 50 feet of the east 19.5 feet of Lot 2, Block 7, North Dakota R-1 Urban Renewal Addition to the City of Fargo, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *Real Estate Purchase and Sale Agreement* for property in Parcel 7, Section 6, Barnes Township, City of Fargo, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Lukas Andrud informed the Board the Finance Committee approved the process to escrow the purchase price and the relocation and replacement housing payments in cases where builders have either entered into negotiations or already signed contracts for construction of replacement homes in Oxbow. Mr. Andrud reviewed a memorandum outlining how the acquisition and relocation process could incorporate the escrow of

funds. The Board will take action on each agreement for holdback of funds in escrow when presented.

It was moved by Manager Lougheed and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign the *Amendment to Purchase Agreement* for that Part of Lot 4, Block 4, North Dakota R-2 Urban Renewal Addition to the City of Fargo, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Tanaya Reitz reviewed the *Land Management Summary*.

Discussion was held on the information that will be presented to the City of Fargo and Cass County Commission on property acquisition. Mary Scherling and Manager Lougheed expressed the importance of the property acquisition process being fair for all property owners. Manager Olson stated another process will be used for future acquisition of farmsteads. AE2S is developing a philosophy and policy statement to explain the property acquisition process for input and discussion at the next Land Management Committee meeting.

Partial acquisition was discussed for 301 3rd Avenue North, Fargo, North Dakota, as part of the In Town Levees Project. The acquisition will include a narrower purchase agreement and multiple agreements may be needed. Chris McShane is working with Bruce Spiller to complete the agreement.

Metro Flood Diversion Project – project updates

It was moved by Manager Olson and seconded by Manager Lougheed to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$148,925.56 for various engineering, architecture, and construction services. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Olson to approve payment to HCI Commercial Landscape Contractors in the amount of \$13,902.75 for erosion control services under Work Package 43D.3.A at the surcharge installation construction site regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Assessment District – Jonathan Garaas appeal of creation of FM Flood Risk Management District No. 1

Sean Fredricks updated the Board on the appeal filed by Jonathon Garaas. A Motion to Dismiss has been filed. Timelines for the response pleadings were briefly discussed.

Maple River Dam – proposal from ALO Environmental Associates LLC to complete Year 9 (2015) archaeological monitoring

A proposal was presented to complete the Year 9 archaeological monitoring, as required. It was moved by Manager Olson and seconded by Manager Lougheed to accept the

proposal for the Year 9 archaeological monitoring at the Maple River Dam. Upon roll call vote, the motion carried unanimously.

Maple River Dam – 2015 maintenance levy assessment

The Board reviewed costs for regular maintenance and needs for the Maple River Dam. It was moved by Manager Olson and seconded by Manager Jacobson to set the 2015 maintenance levy assessment for the Maple River Dam at the \$1.00 level. Upon roll call vote, the motion carried unanimously.

Maple River Dam – tree removal

Brady Woodard updated the Board on the Maple River Dam tree removal project. Discussion was held on the condition of the trees, the tree removal process, the possible planting of new trees, and spraying for weeds.

Upper Maple River Dam

The Maple-Steele Joint Water Resource District will be holding a tour of the Upper Maple River Dam construction site in Section 35 of Carpenter Township, Steele County, North Dakota. The tour will be held on Friday, July 17, 2015, at 2:00 p.m.

Wild Rice River Comprehensive Retention Plan – Amendment I to the State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize Richland Cass Joint Water Resource District Chairman, Don Moffet, to sign Amendment I to the State Water Commission *Agreement for Cost-Share Reimbursement* for the Wild Rice River Watershed Comprehensive Retention Plan. Upon roll call vote, the motion carried unanimously.

Chairman Brodshaug will contact Mr. Moffet to set up a meeting.

Reimbursement request #15 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manger Olson and seconded by Manager Jacobson to approve and authorize the Secretary-Treasurer to sign reimbursement request #15 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 Manger Lougheed and seconded by Manager Olson to approve the payment of Checks #11995 through #12037, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, and Lougheed. Manager Wolfer was absent. The Chairman declared the motion passed.

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:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer