

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

The Cass County Joint Water Resource District met on July 23, 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 M. Fredricks, Chris McShane, and Lukas Andrud, Attorneys for the Board; Lee Beauvais and Chad Engels, Engineers for the Board; Martin Nicholson, Bruce Spiller and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale, and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Pat Downs; Moore Engineering, Inc.; Mary Scherling, Cass County Commissioner; Keith Berndt, Cass County Administrator; Jim Nyhof, Mayor of City of Oxbow; Paul Breen, Fargo resident; and Jacob Gust, Reed Township resident.

Minutes

It was moved by Manager Lougheed, seconded by Manager Jacobson and unanimously carried to approve the minutes of the July 9, 2015, meeting.

Agenda

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

Metro Flood Diversion Project – access update

Chris McShane updated the Board on access regarding the Metro Flood Diversion Project. Discussion was held on a policy to reimburse the tenant for crop damage from surveys needed in the fall. Manager Olson, Mr. McShane and Lyndon Pease will work on developing a policy.

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

Tanaya Reitz reviewed the appraisals presented to the Board. Ms. Reitz explained although the assessed property value is identified in the appraisal, the assessed property value is not part of the appraisal process.

Sean Fredricks stated the *Memorandum of Understanding* between the Corps of Engineers, City of Fargo, and City of Moorhead designates the Metro Flood Diversion Project as a federally mandated project and the Corps does not use assessed property values in its appraisals.

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

- The appraisal of 24 North Terrace North, Fargo, North Dakota, with an effective date of April 7, 2015, as just compensation for acquisition of the property for the In Town Levees Project; and
- The appraisal of 26 North Terrace North, Fargo, North Dakota, with an effective date of April 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 Oxbow-Hickson-Bakke Ring Levee Project and In Town Levees Project. Park East Apartments, LLC is now vacant.

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 20, 2015, regarding the Oxbow-Hickson-Bakke Ring Levee Project and 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 – land acquisition

Lukas Andrud reported two property closings will take place next week.

Extensive discussion was held on the property acquisition of Lot 3, Block 2 of the North Dakota R-1 Urban Renewal Addition, City of Fargo, North Dakota. The *Purchase Agreement* proposes taking the entire property. The negotiating process was reviewed. Eric Dodds explained the appraised value of a property is for real estate tax purposes, not for acquisition of the property. Bruce Spiller explained the income of the business was also considered.

The budget for property acquisition was discussed and a draft of the philosophy and policy statement to explain the property acquisition process will be completed early next week to be discussed at the next meeting.

Manager Olson encouraged a high level of scrutiny for property acquisition betterments.

It was moved by Manager Olson and seconded by Manager Wolfer to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for Lot 3, Block 2 of the

North Dakota R-1 Urban Renewal Addition, City of Fargo, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds stated Habitat for Humanity has finished its salvage of homes in the El Zagal neighborhood regarding the In Town Levees Project. Habitat for Humanity will begin its salvage of Park East Apartments, LLC next week.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *Addendum to Management Agreement Contract* with Coldwell Banker First Realty-Encore, Inc. for Park East Apartments, LLC an additional 30 days. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – project updates

Martin Nicholson updated the Board on a recent Public Private Partnership (P3) meeting. *Notice of Intent* will be taken to the market place in the near future.

Bruce Spiller stated the Minnesota Department of Natural Resources is still on schedule to release a draft of the Environmental Impact Statement for public comment on August 28, 2015.

It was moved by Manager Olson and seconded by Manager Wolfer to authorize CH2M HILL Engineers, Inc. to hire contractors at the best price rate for mowing and weed control 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.

It was moved by Manager Olson and seconded by Manager Jacobson to authorize CH2M HILL Engineers, Inc. to hire a contractor to hook-up the street lights for new homes under construction in the City of Oxbow regarding the Oxbow-Hickson-Bakke Ring Levee Project, contingent upon approval by Dorsey and Whitney, LLP. Upon roll call vote, the motion was carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$135,385.79 for various engineering, architecture, and construction services. Upon roll call vote, the motion carried unanimously.

Discussion was held on weed control for property in Pleasant Township. Manager Lougheed will coordinate with Ty Smith and Stan Wolf, Cass County Weed Control Officer, to oversee weed control under Work Package 43D.3.A at the surcharge installation construction site regarding the Oxbow-Hickson-Bakke Ring Levee Project.

It was moved by Manager Olson and seconded by Manager Lougheed to concur that a Change Order for the installation of a transfer line and removal of the land bridges are included in the reimbursable construction costs allowed under paragraph 5b, in the *Master Agreement* between the Cass County Joint Water Resource District and the Oxbow Golf and Country Club regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Sean Fredricks, Ty Smith, and Bruce Spiller will be reviewing the pump and the design specifications costs to determine a recommendation for the next meeting.

Watershed Detention Studies

Chad Engels and Pat Downs updated the Board on the Regional Conservation Protection Plan (RCPP) process through the Red River Retention Authority. The Natural Resources Conservation Service will begin local partnership agreement development.

A field tour is scheduled for Monday, July 27, 2015, with Natural Resources Conservation Service representatives and local Water Managers. Pictures and maps showing past flood damage will be shown and discussed.

The Cass County Joint Water Resource District has the discretion not to proceed with a project if it is determined the site is not feasible.

Chairman Brodshaug gave an update to the Board on his conversation with Don Moffet, Richland Cass Joint Water Resource Chairman, regarding the Wild Rice River Watershed Comprehensive Retention Plan.

Reimbursement request #16 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manger Jacobson and seconded by Manager Olson to approve and authorize the Secretary-Treasurer to sign reimbursement request #16 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 Olson and seconded by Manager Wolfer to approve the payment of Checks #12058 through #12106, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, Lougheed, and Wolfer. The Chairman declared the motion passed.

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:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer