

MINUTES OF SPECIAL MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
AUGUST 14, 2015

The Cass County Joint Water Resource District met on August 14, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District (by phone); 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 Mike Opat, Engineers for the Board; Eric Dodds, Rocky Schneider, Dustin Dale, and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Pat Downs, Moore Engineering, Inc.; Scott Stenger, ProSource Technologies; and Jacob Gust, Reed Township resident. Absent were Dan Jacobson, Southeast Cass Water Resource District and Ken Lougheed, North Cass Water Resource District.

**Minutes**

It was moved by Manager Wolfer, seconded by Manager Brodshaug and unanimously carried to approve the minutes of the July 23 and July 31 (two sets), 2015 meetings.

**Agenda**

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

**Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access and outlined the court hearing schedule. Soil borings will begin in early September.

Property acquisition at the northern end of the diversion channel may resume in the near future. Eric Dodds stated *Notice of Intent to Acquire* letters will be sent to property owners this fall.

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

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

- The appraisal of 856, 860 and 864 Riverbend Road, Oxbow, North Dakota, with an effective date of January 2, 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.

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

- The appraisal of 4989 Klitzke Drive, Hickson, North Dakota, with an effective date of July 1, 2015, as just compensation for acquisition of the property regarding the Oxbow-Hickson-Bakke Ring Levee 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 regarding 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**

Dustin Dale and Eric Dodds presented and gave a brief review of the relocation benefit requests.

It was moved by Manager Wolfer and seconded by Manager Olson to approve the Relocation and Replacement Housing payments, as outlined in the letter dated August 10, 2015, regarding 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 – land acquisition**

It was moved by Manager Wolfer and seconded by Manager Olson to approve the listed offers for utility easements in Hickson, North Dakota, as set out in the letter dated August 4, 2015, with a minimum of \$500 per parcel, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds reviewed the previous land acquisition approval process and updated the Board on the Diversion Authority Land Management and Finance Committee meetings.

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

- *Purchase Agreement and Replacement Housing Agreement* for 332 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Purchase Agreement and Replacement Housing Agreement* for 309 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Purchase Agreement and Replacement Housing Agreement* for 833 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;

- *Purchase Agreement and Replacement Housing Agreement* for 810 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- *Purchase Agreement* for 828 Riverbend Road, 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 Wolfer to approve and authorize the Secretary-Treasurer to sign the *Notice of Termination* letter to Coldwell Banker First Realty-Encore, Inc. regarding property management for the Metro Flood Diversion Project, Oxbow-Hickson-Bakke Ring Levee Project and In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds presented the Board with *Property Acquisition Philosophies*, which will be discussed at a future meeting. The Land Management and Finance Committees will be reviewing property acquisitions and making recommendations to the Board. A report from Gary Bock entitled *Property Valuation: Tax Assessment vs. Appraisal* will also be distributed to the Board.

Dustin Dale presented and reviewed the *Land Management Summary*. Habitat for Humanity will complete salvage of Park East Apartments, LLC by the end of the week.

Brief discussion was held on notifying the North Dakota Insurance Reserve Fund (NDRF) upon closing of properties. AE2S will provide the properties to be submitted to Carol Harbeke Lewis and she will submit them to the NDRF.

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

Eric Dodds stated the Public Private Partnership (P3) is moving forward. The administration and technical teams were in St. Paul, Minnesota for a recent meeting. A *Notice of Intent* will be taken to the market place in the near future. Lieutenant General Thomas P. Bostick, U.S. Army Corps of Engineers, will meet with the Diversion Authority on September 2, 2015, to discuss the Metro Flood Diversion Project.

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

Sean Fredricks updated the Board on the timeline and the process of the appeal.

### **Watershed Detention Studies**

Mike Opat and Pat Downs updated the Board on watershed detention studies. Documents needed for the funding applications were reviewed. Mr. Opat explained the increase of estimated costs are due to additional modeling needed, which would be beneficial taking the project to construction and potential federal funding. It may also be helpful to go through the National Resources Conservation Service process for permitting. Project teams will meet in the fall after harvest.

It was moved by Manager Wolfer and seconded by Manager Olson to approve and authorize the Secretary-Treasurer to sign the preliminary budget and the funding applications to the Natural Resources Conservation Service to request federal funding through the Regional Conservation Partnership Program for Swan Creek Watershed, Rush River Watershed, and Upper Maple River Watershed Detention Studies. Upon roll call vote, the motion carried unanimously.

**Upper Maple River Dam**

Mr. Opat updated the Board on the status of the Upper Maple River Dam. The concrete work continues and one of the concrete structures is currently being backfilled.

**Clean Water Act laws**

Sean Fredricks updated the Board on the civil action for declaratory and injunctive relief brought by thirteen states, including North Dakota, against the Environmental Protection Agency (EPA) and Corps of Engineers. The Waters of the United States (WOTUS) rules go into effect on August 28, 2015, and give federal authorities jurisdiction over state land and water resources.

**Reimbursement request #17 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 Wolfer to approve and authorize the Secretary-Treasurer to sign reimbursement request #17 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 #12107 through #12137, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, and Wolfer. Managers Jacobson and Lougheed were absent. The Chairman declared the motion passed.

**Adjournment**

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