

MINUTES OF SPECIAL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
AUGUST 27, 2015

The Cass County Joint Water Resource District met on August 27, 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; Wes Ecker, 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, Chad Engels, and Kurt Lysne, Engineers for the Board; Bruce Spiller and Ty Smith, CH2M HILL Engineers, Inc.; Dustin Dale, Tanaya Reitz, and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Pat Downs and Jim Guler, Moore Engineering, Inc.; Mary Scherling, Cass County Commissioner; Keith Berndt, Cass County Administrator; Jason Benson, Cass County Engineer; Shawn Bondly, KLJ; Jim Brownlee, West Fargo City Auditor; and Jacob Gust, Reed Township resident. Absent were Rodger Olson, Maple River Water Resource District, and Ken Lougheed, North Cass Water Resource District.

Minutes

It was moved by Manager Jacobson, seconded by Manager Wolfer and unanimously carried to approve the minutes of the August 13 (two sets) and August 14, 2015, meetings, as amended.

Agenda

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

Metro Flood Diversion Project – access update

Chris McShane updated the Board on access and explained the court process. A couple of landowners signed *Right of Entry Agreements*. Phase I cultural and vegetation survey work remains to be completed north of the Maple River. The Corps of Engineers will begin geotechnical exploration in September. Soil borings will need to be done at the center line of the diversion, but an effort will be made to avoid crop damage. Mr. McShane and Lyndon Pease are finalizing the form to be used if crop damage does occur.

It was moved by Manager Jacobson and seconded by Manager Wolfer to authorize Sean Fredricks to arrange for another attorney to represent the Cass County Joint Water Resource District at Right of Entry proceedings on properties to which Ohnstad Twichell, P.C., has a conflict regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously. Mr. Fredricks will bring the rates for other attorneys to the next meeting.

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

It was moved by Manager Jacobson and seconded by Manager Wolfer to proceed with the appraisal and authorize the start of negotiations on property located at One North Second Street, Fargo, North Dakota, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

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

- The appraisal of 92 and 93 Northern Pacific Avenue, Fargo, North Dakota, with an effective date of August 7, 2015, for acquisition of the property regarding the In Town Levees Project;
- The appraisal of 17471 49th Street Southeast, Horace, North Dakota, with an effective date of July 3, 2015, as just compensation for acquisition of the property regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- The appraisal of 17465 49th Street Southeast, Horace, North Dakota, with an effective date of July 3, 2015, as just compensation for acquisition of the property 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 – relocation benefits

It was moved by Manager Wolfer and seconded by Manager Jacobson to approve the Relocation and Replacement Housing Payments, as outlined in the letter dated August 24, 2015, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

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

- *Replacement Housing Agreement* for 748 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- *Replacement Housing Agreement*, not to exceed an additional \$265,000, for 361 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

AE2S will put together a construction change reconciliation summary packet for the Board to consider on future properties regarding the Oxbow-Hickson-Bakke Ring Levee Project.

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

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

- *Purchase Agreement, Replacement Housing Agreement, and Construction Contract Addendum* for 309 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- *Purchase Agreement, Replacement Housing Agreement, and Construction Contract Addendum* for 810 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

Chris McShane updated the Board on negotiations with property owners in Oxbow.

It was moved by Manager Wolfer and seconded by Manager Jacobson to approve and authorize Houston-More Group, LLC to hire Barr Engineering Company to perform geotechnical work and provide a report on property at 354 and 358 Schnell Drive, Oxbow, North Dakota for the Oxbow-Hickson-Bakke Ring Levee Project, not to exceed a cost of \$10,000. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Property Management Steps

Paul Breen presented and reviewed proposed *Property Management Steps*. The plan will be reviewed periodically.

It was moved by Manager Wolfer and seconded by Manager Jacobson to authorize CH2M HILL Engineers, Inc. to solicit quotes for lawn care, snow removal and handy man services associated with property management for the Metro Flood Diversion, In Town Levees and Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve Task Order No. 1, Amendment No. 4 for CH2M HILL Engineers, Inc., contingent on the further review and approval of the Cass County Joint Water Resource District attorney and Chairman, to extend services through March 31, 2016, and to increase the budget \$240,000 for a total of \$2,270,000 for land acquisition management services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – project updates

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$747,400.88 for various engineering, architecture, and construction services. Upon roll call vote, the motion carried unanimously.

Bruce Spiller stated Lt. General Thomas Bostwick, Commanding General of the Corps of Engineers, will be visiting with the Flood Diversion Authority Board on Wednesday,

September 2, 2015, at 12:10 p.m. The Diversion Authority will also consider a Public Private Partnership (PPP) Notice of Intent (NOI).

Brief discussion was held on the P3 and the effects it will have on companies and contractors working on the Metro Flood Diversion Project. The Diversion Authority asked Mr. Spiller to research and present successful P3 examples. Mr. Spiller will send the information to the Carol Harbeke Lewis to be distributed to the Board.

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

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

Western Cass Flood Insurance Study

Kurt Lysne updated the Board on the status of the Western Cass Flood Insurance Study. Even after submitting comments and suggestions on problems with the HEC-RAS model, the Federal Emergency Management Agency (FEMA) is planning to release preliminary maps by late September 2015. Mr. Lysne outlined the major concerns with the model, including a software error. The preliminary maps have been reviewed at a recent FEMA sponsored resiliency meetings.

Jim Brownlee suggested informing local entities of the concerns and problems with the FEMA HEC-RAS model. Cass County Joint Water Resource District and the Cass County Highway Department will coordinate a special meeting and invitation letters will be sent out to the affected jurisdictions and the congressional delegation. All will be encouraged to issue letters of concern to FEMA, along with the request to fix the errors in the model before release of the preliminary maps.

Bills

It was moved by Manger Jacobson and seconded by Manager Wolfer to approve the payment of Checks #12169 through #12173 and #12175 though #12192, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson, Wolfer, and Ecker. Manager Olson was absent. The Chairman declared the motion passed.

Watershed Detention Studies

Chad Engels and Pat Downs reviewed the Regional Conservation Partnership Program planning process for Swan Creek Watershed, Rush River Watershed, and Upper Maple River Watershed Detention Studies. Extensive discussion was held on the advantages and disadvantages of the program.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer