

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 10, 2015

The Cass County Joint Water Resource District met on September 10, 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 (by phone); 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 Kurt Lysne, Engineers for the Board; Bruce Spiller, John Albrecht, and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale, Tanaya Reitz, and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Mary Scherling, Cass County Commissioner; William A. Hejl, Rush River Water Resource District; 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 August 26, August 27, and September 2 (three sets), 2015, meetings.

**Agenda**

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

**Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access and the court hearing schedule. Over 40 soil boring surveys are needed and will begin in September. Cultural resource surveys will be done this fall along the I-29 road raise, southern and western alignments. The Corps of Engineers recently finished monitoring the flow measurements on the Maple River.

**Metro Flood Diversion Project – appraisal review and approval**

It was moved by Manager Jacobson and seconded by Manager Olson to approve the appraisal of *Object Identification Number 1953*, with an effective date of July 14, 2015, for acquisition of the medical hardship property regarding the Metro Flood Diversion 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 Lougheed and seconded by Manager Wolfer to approve the Relocation and Replacement Housing Payments, as outlined in the letter dated September 8, 2015, regarding the Oxbow-Hickson-Bakke Ring Levee Project and the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

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

- *Replacement Housing Agreement* for 341 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Replacement Housing Agreement* for 330 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Replacement Housing Agreement* for 329 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Replacement Housing Agreement* for 317 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- *Replacement Housing Agreement* for 805 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

Brief discussion was held on the draft of the *CCJWRD Oxbow Replacement Housing Summary* presented at the Finance Committee and the Land Management Committee to summarize and clarify the replacement housing process and provide a framework for the residential home mitigation plan. Ms. Reitz will provide the draft summary and it will be distributed to the Board.

It was moved by Manager Lougheed and seconded by Manager Jacobson to approve the reconciliation and *Replacement Housing Agreement*, not to exceed \$300,892, and to authorize Chairman Brodshaug and the Secretary-Treasurer to sign closing documents for 353 Schnell Drive, Oxbow, North Dakota, 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 – land acquisition**

It was moved by Manager Wolfer and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the revised *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.

It was moved by Manager Jacobson seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for 1314 Elm Street North, Fargo, North Dakota, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Tanaya Reitz presented and briefly reviewed the *Land Management Summary*. Habitat for Humanity has finished salvage of Park East Apartments, LLC. The fire department is using the building for training.

Bruce Spiller gave the Board a brief update on negotiations with commercial property owners regarding the In Town Levees Project.

#### **Metro Flood Diversion Project – property management**

Paul Breen reported on property management, rental properties, and the weed control project for property in Pleasant Township. Oxbow Golf and Country Club completed the work needed on the property.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *Amendment to Addendum to Management Agreement Contract* with Coldwell Banker First Realty for short term management of property located at 1 2nd Street South, Fargo, North Dakota regarding the In Town Levees 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 Olson to approve and authorize Chairman Brodshaug to sign Task Order No. 2, Amendment No. 2 for CH2M HILL Engineers, Inc., to extend services through March 25, 2016, and to increase the budget \$780,000 for a total of \$2,495,000 for construction management on pre-diversion channel services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on advertising for demolition bids regarding the Oxbow-Hickson-Bakke Ring Levee Project.

The Minnesota Department of Natural Resources will release the draft *Environmental Impact Statement* on Monday, September 14, 2015. A public hearing will be held in Moorhead, Minnesota, on October 14, 2015, with the open comment period to close on October 28, 2015.

Information relating to the *Notice of Intent* (NOI) for the Public Private Partnership (PPP) will be available on [FMDiversion.com](http://FMDiversion.com).

An Agricultural Policy Subcommittee meeting is scheduled for September 29, 2015, at 8:00 a.m. North Dakota State University researchers from the Department of Agribusiness will be presenting a draft report on the agricultural risk study and analysis of the financial impact of staging water as part of the proposed Metro Flood Diversion Project.

It was moved by Manager Wolfer and seconded by Manager Lougheed to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$77,228.01 for various engineering and construction services. 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 Jonathan Garaas. The Honorable Judge Kleven from Grand Forks County was assigned to the case due to the recusal of all Judges in the East Central Cass Judicial District.

**Western Cass Flood Insurance Study**

Kurt Lysne updated the Board on the status of the Western Cass Flood Insurance Study. Notice was mailed out at the end of August to affected jurisdictions and a meeting was held on September 2, 2015, to discuss technical concerns with the preliminary maps FEMA plans to release at the end of September. A letter will be sent to FEMA requesting correction of the technical issues before the release of the preliminary maps, with the signatory support from county and township officials, city leaders, and political jurisdictions.

Mr. Lysne has been in contact with FEMA to discuss the technical concerns with the preliminary maps and FEMA has given a positive response.

It was moved by Manager Wolfer and seconded by Manager Olson to authorize Moore Engineering, Inc. to continue to work on the technical issues with the FEMA preliminary floodplain maps regarding the Western Cass Flood Insurance Study, not to exceed \$25,000. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the payment of Checks #12200 through #12224, and the electronic funds transfers, 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 Lougheed, seconded by Manager Wolfer and unanimously carried to adjourn the meeting.

APPROVED:

\_\_\_\_\_  
Mark Brodshaug  
Chairman

ATTEST:

\_\_\_\_\_  
Carol Harbeke Lewis  
Secretary-Treasurer