

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 8, 2015

The Cass County Joint Water Resource District met on October 8, 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; Lyndon Pease and Kurt Lysne, Engineers for the Board; Bruce Spiller and John Albrecht, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Pat Downs, Moore Engineering, Inc.; April Walker, Fargo City Engineer; Nathan Boerboom, Division Engineer - Storm Sewer Utilities City of Fargo; Scott T. Stenger and Pat Roberts, ProSource Technologies, Inc.

Minutes

It was moved by Manager Lougheed, seconded by Manager Jacobson and unanimously carried to approve the minutes of the September 24 and October 2, 2015, meetings.

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 and Lyndon Pease updated the Board on access. Mr. McShane stated cultural resource surveys are needed by the Corps of Engineers on two properties for the I-29 road raise. Mr. Pease stated the Corps of Engineers is doing soil borings in Mapleton Township and soil borings surveys will continue for the next couple of months.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – appraisal review/approval

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

- The appraisal of OIN #9383, with an effective date of July 10, 2015, for acquisition of property regarding the Metro Flood Diversion Project; and
- The appraisal of OIN #9503, with an effective date of August 11, 2015, for acquisition of property regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson seconded by Manager Lougheed to approve a second appraisal by Gary Bock of OIN #9502, OIN #9602, and OIN #9603 for acquisition of property regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds, Scott Stenger, and Pat Roberts presented and reviewed *Oxbow Property Acquisition and Relocation Detail*. Mr. Stenger and Mr. Roberts will provide specific property acquisition details on property purchased for the Metro Flood Diversion Project at a future meeting

The Finance and Land Management Committees have requested more detail on the property acquisitions in Oxbow, North Dakota. The property acquisition team has been diligent in providing the requested information with detailed explanations.

Discussion was held on property acquisition and replacement housing costs, including the process currently used for determining the cost of landscaping. Suggestions were given by Mr. Roberts, Mr. Stenger, and April Walker.

It was moved by Manager Jacobson and seconded by Manager Olson to authorize CH2M HILL Engineers, Inc. to hire a subcontractor for landscaping estimates on remaining properties to be purchased for the Oxbow-Hickson-Bakke Ring Levee Project, subject to review by the Water Resource District Attorney. Upon roll call vote, the motion carried unanimously. A Task Order Amendment for this work will be considered at the next meeting.

Brief discussion was held on the difference between the assessed value, typically used for tax purposes, and the appraised value used when property is purchased, based on current market value and comparable property sales. Research will be done on builder financing costs.

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 Lougheed to approve the Relocation Payment, as outlined in the letter dated October 5, 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

Dustin Dale presented the *Land Management Summary* and the *FM Area Diversion Land Acquisition Property Atlas*. Construction bids were opened for demolition of Park East Apartments, LLC. Negotiations continue for commercial properties regarding the In Town Levees Project. The North Dakota State Historic Preservation Office is helping to mitigate the removal of five homes in the Mickelson historic district.

Metro Flood Diversion Project – property management

Paul Breen gave an update on property management to the Board. The City of Fargo is coordinating property relocation in the El Zagel area. The City of Oxbow requested weed control on vacated property.

Mr. Dodds will coordinate with Pifer Group, Inc. on the potential for land rental in the staging area next season.

It was moved by Manager Olson and seconded by Manager Lougheed to approve reimbursement for the cost to hire a Cass County Sheriff's Deputy to patrol the City of Oxbow, as well as the Oxbow-Hickson-Bakke Ring Levee Project and Metro Flood Diversion Project construction sites, and to reimburse the City of Oxbow under the existing *Memorandum of Understanding*, not to exceed \$40,000 a year, for three years. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Oxbow-Hickson-Bakke Ring Levee Project - project updates

Discussion was held on the Minnesota Department of Natural Resources *Draft Environmental Impact Statement*. Eric Dodds will draft a letter to submit with comments from the Board. A public hearing will be held in Moorhead, Minnesota, on October 14, 2015, at Courtyard by Marriot, with an open house at 5:00 p.m. and a formal presentation at 7:00 p.m.

Temporary and permanent easements are required on OIN #8926, #8927, #8928, #8929, #8930, and #8931 for the In Town Levees Project.

It was moved by Manager Olson and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign Task Order No. 2, Amendment 5, for Houston-Moore Group, LLC to increase the budget \$246,225 for a total of \$2,234,047 for land acquisition services regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Maple River Dam – Letter of Credit renewal

Kurt Lysne reported to the Board the mitigation report for the Maple River Dam is nearly complete. Brief discussion was held on weed management and surveys. Mr. Lysne will review the report and check list with the Board at the next meeting.

It was moved by Manager Jacobson and seconded by Manager Olson to renew the *Letter of Credit* with Bell State Bank and Trust for the Maple River Dam Project, as conditioned by the Corps of Engineers. Upon roll call vote, the motion carried unanimously.

Manager Jacobson recently toured the Maple River Dam. He stated removal of the dead trees and recent weed control work has made a tremendous improvement on the beautification of the Maple River Dam.

Western Cass Flood Insurance Study

Kurt Lysne updated the Board on the response from FEMA regarding the Western Cass Flood Insurance Study. FEMA stated they are working closely with Moore Engineering Inc. to understand the technical concerns and plan to delay release of the new, preliminary maps until the end of the year. Community outreach meetings are proposed for January or February of 2016.

Watershed Detention Studies

It was moved by Manager Wolfer and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the letters of request to the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to be Cooperating Agencies in the Watershed Protection and Flood Prevention Program Planning for the Rush River Watershed, Swan Creek Watershed, and the Upper Maple River Watershed Detention Studies.

Pat Downs stated the watershed planning project work teams will meet at the end of November to plan community outreach meetings.

Manager Olson left the meeting at this time.

Reimbursement request #19 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize the Secretary-Treasurer to review and sign reimbursement request #19 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 Manager Jacobson and seconded by Manager Lougheed to approve the payment of Checks #12272 through #12286, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson, Lougheed, and Wolfer. Manager Olson was absent. The Chairman declared the motion passed.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – relocation benefits

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

- *Purchase Agreement and Construction Contract Addendum* for 341 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Purchase Agreement and Construction Contract Addendum* for 330 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Purchase Agreement and Construction Contract Addendum* for 329 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project;

- *Purchase Agreement and Construction Contract Addendum* for 317 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- *Purchase Agreement and Construction Contract Addendum* for 805 Riverbend Road, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer