

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 22, 2015

The Cass County Joint Water Resource District met on October 22, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Lance Yohe, Southeast Cass 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 and Chris McShane, Attorneys for the Board; Lee Beauvais and Kurt Lysne, Engineers for the Board; Eric Dodds, Dustin Dale and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Brady Woodard and Pat Downs, Moore Engineering, Inc.; Greg Thompson, Houston Engineering, Inc.; Mary Scherling, Cass County Commissioner; Keith Berndt, Cass County Administrator; Stan Wolf, Cass County Weed Control; April Walker, Fargo City Engineer; Nathan Boerboom, Division Engineer - Storm Sewer Utilities City of Fargo; Trana Rogne, MnDak Upstream Coalition; and David Strand, Amenia resident. Absent was Rodger Olson; Maple River Water Resource District.

Minutes

It was moved by Manager Lougheed, seconded by Manager Wolfer and unanimously carried to approve the minutes of the October 8, 2015, meetings (three sets).

Agenda

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

Southwest Area Storm Sewer Master Plan presentation

Greg Thompson presented the *Southwest Area Storm Sewer Master Plan*, a study done by Houston Engineering, Inc., to provide storm water master planning, including comprehensive flood mitigation for the City of Fargo.

The proposed project consists of 15 miles of levee, 2,000 acres of land for storage and 30,000,000 cubic yards of excavation, at a total estimated cost of \$180 million. The storage area would be south of 52nd Avenue between Veterans Boulevard and 25th Street South. April Walker stated the study moves the City of Fargo closer to the certification process with FEMA.

The current model does not account for obstruction in urban areas, such as buildings and streets, so the next step of the study is to obtain more detailed modeling to better reflect the isolated project area.

Metro Flood Diversion Project – access update

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve the *General Conditions of Representation* with Larkin Hoffman Daly & Lindgren, Ltd. 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.

Chris McShane and Lee Beauvais updated the Board on access. Cultural resource surveys will be done on the south end in the staging area and along the western alignment of the diversion channel. The Corps of Engineers will continue with soil borings for the next couple of months.

Brief discussion was held on soil boring surveys in Mapleton Township. Chairman Brodshaug asked that the consultants continue to monitor where the contractors are placing the material after the surveys have been completed.

Eric Dodds stated *Right of Entry Agreements* will be sent to property owners from the Rush River to the Metro Flood Diversion Project outlet, which will consist of approximately 100 properties. It was moved by Manager Wolfer and seconded by Manager Yohe to authorize the Water Resource District attorney and project management consultants to draft *Right of Entry* letters for land survey access to property owners from the Rush River to the Metro Flood Diversion Project outlet and to authorize the Secretary-Treasurer to sign and send out the same. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / In Town Levees Project – relocation benefits

It was moved by Manager Lougheed and seconded by Manager Yohe to approve the Relocation Payment, as outlined in the letter dated October 19, 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 Lougheed and seconded by Manager Wolfer to approve and authorize Chairman Brodshaug to sign the *Amended 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 was carried unanimously.

Chris McShane stated a closing will occur on November 2, 2015, for property at Lot 3, Block 2 of the North Dakota R-1 Urban Renewal Addition, City of Fargo, regarding the In Town Levees Project.

Eric Dodds reported a landscape architect has been hired as a subcontractor to AE2S to establish inventory and obtain estimates on the remaining properties to be purchased regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Discussion was held on the process of home acquisition and replacement versus moving the homes in Oxbow. Mr. Dodds stated he has met with a home architect contractor to discuss the details of evaluating and obtaining an estimate for the replacement value on the remaining

properties to be purchased. Mr. Dodds will continue to meet with the home architect contractor to work out specific details. Commissioner Scherling and Keith Berndt stated they agree with hiring a home architect contractor to value remaining property. Mr. Berndt stated an obligation exists to the taxpayers and also to the City of Oxbow to keep the land acquisition process moving forward. Manager Lougheed stated he believes the home acquisition process currently being used is the right thing to do because people are being displaced.

It was moved by Manager Lougheed and seconded by Manager Wolfer to authorize CH2M HILL Engineers, Inc., and AE2S to hire a home architect subcontractor to review and obtain estimates on remaining proposed property acquisitions, not to exceed \$50,000, for the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously. A Task Order Amendment for this work will be considered at the next meeting.

It was moved by Manager Yohe and seconded by Manager Lougheed to approve Work Directive CWD-00002 to Houston-Moore Group, LLC to provide a re-appraisal of OIN #9215, OIN #9216, OIN #9217 and OIN #9218. Upon roll call vote, the motion carried unanimously.

The use of an escrow company for construction financing was discussed. The Water Resource District attorney stated the cost would be nominal to utilize the escrow company and the Board asked that he draft the appropriate agreement.

Metro Flood Diversion Project – property management

Mr. Dodds stated Paul Breen has taken care of the lawn care service and weed control in Oxbow and recently received cost estimates to hire a contractor for snow removal this winter.

The future demolition schedule for property at Lot 3, Block 2 of the North Dakota R-1 Urban Renewal Addition, City of Fargo, was discussed. Security services will be provided by Sentry Security, Inc.

Manager Lougheed received a telephone call from the Fargo Police Department regarding possible activity at 724 North River Road and 26 North Terrace North. Closings have occurred on both properties, and only a garage remains on one of the properties.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project - project updates

It was moved by Manager Wolfer and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign and the Secretary-Treasurer to send the comment letter on the *Draft Environment Impact Statement* to the Minnesota Department of Natural Resources, as presented. Upon roll call vote, the motion carried unanimously.

Maple River Dam

Kurt Lysne presented the *2015 Habitat Mitigation Report*. It was moved by Manager Wolfer and seconded by Manager Lougheed to approve and authorize the Secretary-Treasurer to submit the *2015 Habitat Mitigation Report* for the Maple River Dam to the Corps of Engineers for approval. Upon roll call vote, the motion carried unanimously.

Brady Woodard reviewed the *Operations Summary* for the Maple River Dam. Mr. Woodard stated dead trees located close to the river were marked for removal. Stan Wolf reviewed the weed control completed this year on the Maple River Dam and presented pictures to show the results from spraying.

Watershed Detention Studies

Pat Downs reviewed the planning structure for the Watershed Planning Project Work Teams for the Rush River Watershed, Swan Creek Watershed and Upper Maple River Watershed Detention Studies.

Bills

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve the payment of Checks #12318 through #12334, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Lougheed, Wolfer, and Yohe. Manager Olson was absent. The Chairman declared the motion passed.

Office – copy machine

It was moved by Manager Yohe and seconded by Manager Wolfer to authorize the Secretary-Treasurer to purchase a copy machine for the Water Resource Districts' office, not to exceed a cost of \$3,500. Upon roll call vote, the motion carried unanimously.

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