

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 14, 2016

The Cass County Joint Water Resource District met on January 14, 2016, 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; Ken Lougheed, North Cass Water Resource District; Jacob Gust, Rush River Water Resource District (by phone); Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Chris McShane and Lukas Andrud, Attorneys for the Board; Mike Opat and Lyndon Pease, Engineers for the Board; John Albrecht, CH2M HILL Engineers, Inc.; Eric Dodds, Tanaya Reitz and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Brady Woodard, Moore Engineering, Inc.; Robert Thompson, North Cass Water Resource District; Nathan Boerboom, Division Engineer – Storm Sewer Utilities City of Fargo; Scott T. Stenger, ProSource Technologies, Inc.; and Lindsay Koffler, American Enterprises, Inc. Absent was Dan Jacobson, Southeast Cass Water Resource District.

Reorganization of the Board for calendar year 2016

It was moved by Manager Lougheed and seconded by Manger Olson to appoint the following individuals to serve in the designated capacities for calendar year 2016:

Mark Brodshaug	Chairman
Rodger Olson	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Rodger Olson	Diversion Authority Representative
Mark Brodshaug	Diversion Authority Alternate Representative
Dan Jacobson	North Dakota Water Coalition Representative

Jacob Gust

North Dakota Water Coalition
Alternate Representative

Upon roll call vote, the motion carried unanimously.

2016 meeting dates

The Board discussed its regular meeting dates for the year 2016. It was moved by Manager Olson and seconded by Manager Gust to adopt the following Resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Cass County Joint Water Resource District does hereby set the 28th of January at 8:00 a.m., the second and fourth Thursdays of February through October at 8:00 a.m., the 10th and 17th of November at 8:00 a.m., and the 8th and 15th of December at 8:00 a.m. in the Cass County Highway Department building, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, times and place for the year 2016.

BE IT FURTHER RESOLVED that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

Contract review - legal services

It was moved by Manager Olson and seconded by Manager Lougheed to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the billing rates, as presented, and to make a recommendation to the Diversion Authority for approval of the Ohnstad Twichell, P.C. litigation billing rates. Upon roll call vote, the motion carried unanimously.

Contract review - engineering services

It was moved by Manager Olson and seconded by Manager Lougheed to approve Appendix 1 (Reimbursable Expenses Schedule) and Appendix 2 (Standard Hourly Rates Schedule) to Exhibit C regarding the *Agreement between Owner and Engineer for Professional Services – Task Order Edition* with Moore Engineering, Inc., as presented. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Lougheed, seconded by Manager Olson and unanimously carried to approve the minutes of December 15, 16, 17 (3 sets), 21 and 22, 2015, meetings.

Agenda

It was moved by Manager Olson, seconded by Manager Lougheed 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 issues and the recent Corps of Engineers right of entry status meeting. Discussion was held on right of entry requests for surveys needed in the staging area and the diversion inlet structure for the Metro Flood Diversion Project. Approximately 30 to 40 right of entry requests are needed on property for the north end of the diversion alignment. Mr. Pease stated the Corps finished soil boring surveys in December.

Mr. McShane also updated the Board on the appeal filed by Jonathon Garaas.

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

It was moved by Manager Olson and seconded by Manager Gust to approve the Relocation Payments, as outlined in the letter dated January 12, 2016, 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 Olson and seconded by Manager Lougheed to authorize Houston-Moore Group LLC to hire a geotechnical firm currently under contract to provide material testing services on OIN #9505, not to exceed \$10,000, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on developing an informal appeal process for relocation and replacement housing payment disputes. The Cass County Joint Water Resource District Attorneys will draft the informal appeal process and policy recommendation for the Diversion Authority. The informal appeal process does not eliminate the right of the property owner to bring the dispute to the district court.

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

It was moved by Manager Olson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for OIN #8926, #8927, #8928, #8929, #8930 and #8931 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Tanaya Rietz presented and reviewed the *Land Management Summary*. Negotiations continue on property for the In Town Levees Project. Demolition activities have begun on Park East Apartments LLC and are expected to be complete by March 1, 2016. There are eight property appraisals waiting review and approval by the Corps of Engineers.

Eric Dodds updated the Board on the land acquisition timeline and boundary surveys for the diversion inlet control structure. The Corps of Engineers is communicating with the Minnesota Department of Natural Resources to coordinate the timeline of potential land surveys and property acquisition. The Locally Preferred Plan and the Northern Alignment Alternative both include the diversion inlet control structure for the Metro Flood Diversion Project. Discussion was held on the reimbursement submittal process.

An update was given to the Board from the contractor on the demolition and house removal for OIN #9590 regarding the Oxbow-Hickson-Bakke Ring Levee Phase E.2.B Project. The deadline was extended to February 1, 2016, due to the delayed move out by the tenant. A change order on the project will be presented at a future meeting.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – property management

Brief discussion was held on income received from the sale of items on property owned by the Cass County Joint Water Resource District regarding the Metro Flood Diversion Project. The Secretary-Treasurer will coordinate with the City of Fargo and CH2M HILL, Inc. to determine accounting protocol.

It was moved by Manager Olson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *Bill of Sale* agreements for items purchased from OIN #9785 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on property management in the City of Oxbow.

Metro Flood Diversion Project – project updates

Eric Dodds gave the Board an update on the Diversion Authority's recent approval of the Fiscal Year 2016 Budget, news provided by the Congressional Delegation of potential federal funding and a summary of Chairman Vanyo's *Diversion Authority Goals for 2016* document.

Mr. Dodds stated Bruce Spiller has been working on the P3 implementation plan. Mr. Dodds discussed the P3 timeline and the role of the consultants. Martin Nicholson, CH2M HILL Engineers, Inc., will be acting as Interim Program Manager. Mr. Dodds has been designated as Deputy Program Manager.

Reimbursement request #22 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Lougheed and seconded by Manager Gust to approve and authorize the Secretary-Treasurer to sign reimbursement request #22 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Maple River Dam - tree removal and lease agreements

Brady Woodard stated contractors will begin removing dead trees from the Maple River Dam pool area. Property owners have been notified.

Mr. Woodward updated the Board on two *Lease Agreements* on Maple River Dam property. It was moved by Manager Olson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *2016 Lease Agreements* with Dean Sprunk and Steven Fleischfresser. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on the cost-share responsibility for weed control on Maple River Dam property. More information will be presented at the next meeting.

Swan Creek, Upper Maple River and Rush River Watershed Planning Teams

Mike Opat updated the Board on the Swan Creek, Upper Maple River and Rush River Watershed Planning Teams.

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

- *Amendment I to Agreement for Cost-Share Reimbursement* for Swan Creek Watershed Detention Study Phase II;
- *Amendment I to Agreement for Cost-Share Reimbursement* for Upper Maple River Watershed Detention Study Phase II; and
- *Amendment I to Agreement for Cost-Share Reimbursement* for Rush River Watershed Detention Study Phase II.

Upon roll call vote, the motion carried unanimously.

Research / photocopying policy

It was moved by Manager Olson and seconded by Manager Gust to adopt the following policy:

POLICY RELATING TO RESEARCH/PHOTOCOPYING

Requests for photocopies of Water Resource District files/materials shall be provided in a prompt manner at the rate of \$.25 per copy, with the first hour of research being free and each additional hour at the rate of \$25 per hour. Upon request, electronic media will be provided at cost. Prepayment, as estimated by the Secretary-Treasurer will be required for the above services.

Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Lougheed and Gust. Manager Jacobson was absent. The Chairman declared the motion carried.

Administrative issues

It was moved by Manager Gust and seconded by Manager Lougheed to use the following percentages as a guideline to separate expenses relating to all four Water Resource Districts:

Southeast Cass	60%
Maple River	20%
North Cass	8%
Rush River	12%

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Gust to approve the salary increases of the Water Resource District staff, as discussed. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Lougheed to recommend the Cass County Water Resource Districts match the current Red River Joint Water Resource District Per Diem rate of \$135, retroactive to January 1, 2016. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Gust and seconded by Manager Lougheed to approve the payment of Checks #12462 through #12494, the debit card transaction and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Lougheed and Gust. Manager Jacobson was absent. The Chairman declared the motion passed.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer