

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JANUARY 28, 2016

The Cass County Joint Water Resource District met on January 28, 2016, 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; 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; Lee Beauvais, Engineer for the Board; Eric Dodds, Tanaya Reitz and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Brady Woodard, Moore Engineering, Inc.; Rick Steen, Cass County Commissioner; Keith Berndt, Cass County Administrator; Jason Benson, Cass County Engineer; Nathan Boerboom, Division Engineer – Storm Sewer Utilities City of Fargo; Patrick Roberts, ProSource Technologies, Inc. (by phone); Steve Faught, Empire Township resident; and Bruce Young, Horace resident.

**Minutes**

It was moved by Manager Lougheed, seconded by Manager Jacobson and unanimously carried to approve the minutes of January 6 (3 sets) 12 and 14 (3 sets), 2016, meetings.

**Agenda**

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

**Metro Flood Diversion Project – access update**

Chris McShane and Lee Beauvais updated the Board on access issues. The Corps of Engineers has completed the 2016 Right of Entry list for surveys needed along the southern alignment of the Metro Flood Diversion Project. Mr. Beauvais stated a list of soil borings has been compiled for payment to landowners.

**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 Jacobson to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for Lot 2, Block 1, FSOC Addition, City of Fargo, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the following for OIN #9777 regarding the In Town Levees Project:

- *Purchase Agreement* for Parcels 23, 23-A, 23-B, 23-C and 23-D, Part of Keeney's Subdivision, Keeney & Devitt's 2nd Subdivision, and Part of North Dakota R-1 Urban Renewal Addition, City of Fargo;
- *Lease Agreement*; and
- *Encroachment Easement Agreement*.

Upon roll call vote, the motion carried unanimously.

Discussion was held on construction and the timeline of property demolition for the In Town Levees Project.

It was moved by Manager Olson and seconded by Manager Lougheed to approve the *Resolution of Necessity*, the *Written Statement and Summary of Just Compensation in Accordance with N.D.C.C. §§ 32-15-06.1 and 61-16.1-09*, and *Resolution of Offer to Purchase Permanent Right of Way Easement* for OIN #9126 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously. Copies of the above documents are attached hereto.

Eric Dodds and Jason Benson reviewed and briefly explained the Diversion Inlet Structure and Work Package 28 – County Road 16/17 maps for the Metro Flood Diversion Project. Mr. Dodds stated surveys are complete and *Notice of Intent to Acquire* letters were sent to property owners. A city council meeting will be held in Horace on Monday to discuss the project and potential construction impacts.

Mr. Dodds and Tanaya Reitz discussed and reviewed the *FM Area Diversion Land Acquisition* maps for the Metro Flood Diversion Project. Discussion was held on the timeline for construction and property acquisition for the In Town Levees Project.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the increased Replacement Housing Offer for OIN #9511 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Mr. Dodds gave an update on the architect hired to evaluate home replacement values regarding the Oxbow-Hickson-Bakke Ring Levee Project. Costs for the work to-date will be reviewed at the next meeting.

Sean Fredricks stated the City of Oxbow has issued a *Notice of Proposed Annexation*. Brief discussion was held on relocation of homes and property reassessment.

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

Paul Breen updated the Board on property management. Brief discussion was held on communication and management of property for the Metro Flood Diversion Project.

### **Metro Flood Diversion Project – project updates**

Eric Dodds stated John Shockley is working on a new *Joint Powers Agreement* between the 6 member entities of the Diversion Authority. This agreement will replace the *Limited Joint Powers Agreement* currently in place. The document will be reviewed at a future meeting. Brief discussion was held on the 2016 budget, a late February / early March release of an updated cost estimate, retention projects in Minnesota, and the potential of adding additional members to the Diversion Authority. Mr. Dodds stated the Metro Flood Diversion Project has drawn international attention. Large contractor firms were in Fargo last week to discuss the potential Public-Private Partnership (P3) relating to the project.

### **Metro Flood Diversion Project – legal services**

It was moved by Manager Olson and seconded by Manager Lougheed to reaffirm the agreement with Ohnstad Twichell, P.C. and approve the hourly litigation billing rates for calendar years 2016 and 2017, as presented. Upon roll call vote the motion carried unanimously.

### **Maple River Dam - tree removal**

Brady Woodard updated the board on the Maple River Dam tree removal project. Mr. Woodard stated the contractors continue working on the project and the weather has been beneficial.

### **State Water Plan for the 2017-2019 biennium – projects / programs to submit**

Projects and programs must be submitted for the State Water Plan for the 2017-2019 biennium by the end of April 2016. Lee Beauvais stated a list of projects and programs is being compiled for further review and discussion.

### **State Water Commission / Cost-Share Policy Committee meetings**

Manager Jacobson plans to attend the State Water Commission and State Water Commission Cost-Share Policy Committee meetings on February 9, 2016.

### **Bills**

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the payment of Checks #12517 through #12541, Check #12543, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, Lougheed and Gust. The Chairman declared the motion passed.

### **Subsurface and surface drain permits**

Discussion was held on subsurface and surface drain permit procedures, state statutes and notice requirements to townships.

### **Metro Flood Diversion Project – P3 funding**

Manager Gust expressed the importance for the Board and consultants to use proper explanations and to make certain documentation is in place regarding P3 funding benefits. Mr. Beauvais stated the Corps of Engineers is in the process of updating their cost estimate for the Metro Flood Diversion Project.

**Legislative update**

Mr. Fredricks gave an update on the Water Topics Overview Committee's study of the use of quick take by water resource districts. The study includes input from stakeholders, including the State Water Commission, water resource districts and landowners. The next hearing will be held in March 2016. Mr. Fredricks encouraged the Board to attend and stated he will send out specific information when it becomes available.

**Adjournment**

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

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer