

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 11, 2016

The Cass County Joint Water Resource District met on February 11, 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; Kurt Lysne and Lyndon Pease, Engineers for the Board; John Glatzmaier and John Albrecht, CH2M HILL Engineers, Inc.; Eric Dodds, Tanaya Reitz and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Pat Downs, Moore Engineering, Inc.; Nathan Boerboom, Division Engineer – Storm Sewer Utilities City of Fargo; Scott Stenger, ProSource Technologies, Inc.; and Shawn Bondly, KLJ.

Minutes

It was moved by Manager Jacobson, seconded by Manager Lougheed and unanimously carried to approve the minutes of the January 28, 2016, meeting.

Agenda

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

Metro Flood Diversion Project - news conference

Chairman Brodshaug attended the news conference on February 9, 2016, where it was announced that the Corps of Engineers has selected the Metro Flood Diversion Project as one of six projects that will begin construction in 2016 and \$5 million has been allocated by Congress to start the construction. Brief discussion was held on the Corps of Engineers' work plan for the diversion inlet structure south of Horace. It is hoped the project can be bid this summer or fall.

Metro Flood Diversion Project – access update

Chris McShane updated the Board on access issues. Maps have been submitted by the Corps of Engineers showing 2016 Right of Entry surveys needed along the southern alignment of the Metro Flood Diversion Project. Phase I cultural resource surveys will be done near Cass County Highway 17 for the diversion inlet structure south of Horace and at the I-94 crossing.

Brief discussion was held on access for properties in Minnesota.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project - appraisal review/approval

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

- The appraisal of OIN #9502, with an effective date of November 17, 2015, as just compensation for acquisition of property regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- The appraisal of OIN #9603, with an effective date of November 9, 2015, as just compensation for acquisition of property regarding the Oxbow-Hickson-Bakke Ring Levee Project; and
- The appraisal of OIN #9783, with an effective date of December 6, 2015, as just compensation for acquisition of property regarding the In Town Levees Project.

Upon roll call vote, the motion carried unanimously.

Relocation Benefits

It was moved by Manager Lougheed and seconded by Manager Gust to approve the Relocation Payments, as outlined in the letter dated February 8, 2016, regarding the Oxbow-Hickson-Bakke Ring Levee Project and 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

Discussion was held on the appraisal and negotiation process relating to property acquisition for the Oxbow-Hickson-Bakke Ring Levee Project.

It was moved by Manager Olson and seconded by Manager Lougheed to increase the payment to the home architect hired to evaluate home replacement values, not to exceed \$100,000, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Chairman Brodshaug and seconded by Manager Lougheed to authorize Manager Jacobson to sign the *Agreement for Entry and Construction* for Parcel 2 and 2-A, Part of Lot 2, Block 3, North Dakota R-1 Urban Renewal Addition to the City of Fargo regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on property acquisition, property demolition and future meetings to determine maintenance and redevelopment by the City of Fargo regarding the In Town Levees Project.

It was moved by Manager Olson and seconded by Manager Gust to approve the *Resolution of Necessity* and the *Resolution of Offer to Purchase Permanent Right of Way Easement and Temporary Construction Easement* for OIN #8926, #8927, #8928, #8929,

#8930 and #8931 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously. Copies of the Resolutions are attached hereto.

It was moved by Manager Jacobson and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement, Replacement Housing Agreement, and Replacement Lot Cost Reimbursement* for OIN #9596 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Tanaya Reitz reviewed the *Land Management Summary*. There are 16 homes currently under construction in Oxbow. Nine homes have been completed and the owners have relocated. The Corps of Engineers has appraisals to review and approve for property regarding the In Town Levees Project. Consultants have begun communicating with property owners regarding the diversion inlet structure.

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

Paul Breen updated the Board on property management.

Reimbursement request #23 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Loughheed and seconded by Manager Olson to approve and authorize the Secretary-Treasurer to sign reimbursement request #23 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – project updates

It was moved by Manager Olson and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign *Task Order No. 3, Amendment No. 1* for Houston-Moore Group, LLC, to extend services through June 30, 2016, and to increase the budget \$209,578 for a total of \$363,543 for services during bid, construction, on-call and project management regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Ms. Reitz presented and reviewed the draft *Land Acquisition Program Update*. Eric Dodds explained land acquisition consultants will follow detailed property acquisition guidelines and implement the ESRI Work Flow Manager application to ensure property acquisitions are on schedule and follow construction timelines. Discussion was held on guidelines and flexibility parameters for the negotiators. The draft *Land Acquisition Program Update* will also be reviewed by the Finance and Land Management Committees. Mr. Dodds asked the Board to email any recommendations they have on the draft to Ms. Reitz.

Maple River Dam - tree removal

Kurt Lysne gave a brief update to the Board on the Maple River Dam tree removal project.

Western Cass Flood Insurance Study

Mr. Lysne updated the Board on the Western Cass Flood Insurance Study. FEMA has corrected many technical issues and provided preliminary maps. Letters were sent and calls were made to township and community floodplain officials to inform them of the release of the preliminary floodplain maps.

Mr. Lysne will coordinate with FEMA and Cass County to set up the Community Coordination and Outreach (CCO) meetings. The maps will be displayed at the meetings and the public is encouraged to submit comments. Mr. Lysne informed the Board he submitted a comment on behalf of the Southeast Cass Water Resource District because the hydraulic modeling was not revised around the bridge over the Sheyenne River on Sheyenne Street/Cass County Highway 17.

Bills

It was moved by Manager Jacobson and seconded by Manager Gust to approve the payment of Checks #12544 through #12556, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, Loughheed, and Gust. The Chairman declared the motion passed.

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

Pat Downs updated the Board on the Swan Creek, Upper Maple River and Rush River Watershed Planning Team meetings.

It was moved by Manager Olson and seconded by Manager Gust to approve the \$400 consultation fee for the Chippewa Cree Cultural Resource Department regarding the Swan Creek, Upper Maple River and Rush River Watersheds. Upon roll call vote, the motion carried unanimously.

Mr. Downs stated the Cass County website is currently being updated to include Swan Creek Watershed, Upper Maple River Watershed and Rush River Watershed Planning Team meeting information.

State Water Commission / Cost-Share Policy Committee meetings

Manager Jacobson provided an update on the State Water Commission and State Water Commission Cost-Share Policy Committee meetings. A budget for the 2017-2019 biennium, upcoming projects and changes requested by the Rural Water Users were topics discussed at the meeting.

Legislative update

Sean Fredricks gave an update on his meeting with Mike Dwyer and members of the Water Topics Overview Committee, including Representative Jim Schmidt, Chairman. Discussion on the Water Topics Overview Committee's study regarding use of quick-take by water resource districts is scheduled for March 8, 2016. Mr. Fredricks encouraged the Board to attend and will send out more 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 Olson and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer