

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
MARCH 10, 2016

The Cass County Joint Water Resource District met on March 10, 2016, 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; 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; Bruce Spiller, CH2M HILL Engineers, Inc.; Eric Dodds and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Brady Woodard, Moore Engineering, Inc.; Gregg Thielman, Houston Engineering, Inc.; Jason Benson, Cass County Engineer; Nathan Boerboom, Division Engineer – Storm Sewer Utilities City of Fargo; and Steven Carlson, Evergreen Land Services Company (by phone).

**Minutes**

It was moved by Manager Lougheed, seconded by Manager Gust and unanimously carried to approve the minutes of the February 18, 23, 24 and 25 (4 sets) meetings.

**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 – access update**

Chris McShane and Lyndon Pease updated the Board on access issues. Discussion was held on *Rights of Entry* needed for surveys at the northern end of the diversion channel and surveys needed on approximately 14 properties along the diversion channel alignment along I-29. Staff will begin contacting property owners in the next two weeks.

Mr. McShane updated the Board on the appeal filed by Jonathan Garaas. A response brief was filed last week.

**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 Gust to approve the following:

- The appraisal of OIN #9770, with an effective date of January 6, 2016, as just compensation for acquisition of property regarding the In Town Levees Project; and
- The appraisal of OIN #229 and #230, with an effective date of February 5, 2016, as just compensation for acquisition of property regarding the Metro Flood Diversion Project.

Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – Transportation Master Plan**

Lyndon Pease and Jason Benson presented and reviewed the *Transportation Master Plan* for the Metro Flood Diversion Project. Mr. Pease provided a summary of the plan, which was developed with input from county and township officials, school districts, and emergency services. The plan determines township and county road and bridge modifications, ownership and maintenance, and improvements to ensure access is similar as it exists at present. The plan has been completed from the diversion outlet to the Maple River.

Meetings were held with property owners located at the northern end of the project to discuss potential transportation impacts in June 2013. Mr. Benson stated it was beneficial to present information and explain the plan to Raymond, Berlin, and Harwood Township residents and officials and to answer questions.

Discussion was held on spacing between channel segments, bridge design, section line closure proceedings, P3 contractor guidelines, and transportation mobility improvements.

**Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – relocation benefits**

It was moved by Manager Olson and seconded by Manager Lougheed to approve the Relocation Payments, as outlined in the letter dated March 7, 2016, regarding the Oxbow-Hickson-Bakke Ring Levee Project and the Metro Flood Diversion 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 Olson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *Real Estate Purchase and Sale Agreement* for OIN #9259 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds presented and reviewed the *Land Management Summary*. Negotiations continue on property for the In Town Levees Project. Demolition activities for Park East Apartments LLC are substantially complete and demolition activities for the Howard Johnson property will begin at the end of March. There are fifteen homes currently under construction in Oxbow. There are ten appraisals waiting for review and approval by the Corps of Engineers. Pre-property acquisition efforts have begun for the diversion inlet structure south of Horace.

It was moved by Manager Lougheed and seconded by Manager Olson to approve the *Resolution of Necessity – Fee Acquisition of OIN #9126* regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached hereto.

Mr. Dodds and Bruce Spiller presented and reviewed the draft *Public-Private Partnership (P3) Land Acquisition Overview*. Mr. Dodds explained the P3 real estate needed and timeline for the Metro Flood Diversion Project. The Board and attorneys for the Cass County Joint Water Resource District offered suggestions to include in the timeline overview. Section corner breakdown surveys (cadastral) will need to be completed and supplied to P3 developers for phases 2 and 3 of the Metro Flood Diversion Project.

Task Order Amendments for land acquisition services, construction management and project management will be considered at the next meeting.

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

Paul Breen updated the Board on property management. Habitat for Humanity has finished salvage at the Howard Johnson property and will go through the Shakey's Pizza building this week. Mr. Breen contacted the original owners of the Howard Johnson to discuss removal of property items before demolition.

Mr. Breen stated he is currently working with ProSource Technologies, Inc. on Oxbow property and will be assisting the land acquisition team with farm land management.

Discussion was held on soliciting bids for demolition of a Pleasant Township property. The lot could be used as a staging area for future construction. A recommendation will be made on the matter at the next meeting.

**Metro Flood Diversion Project – project updates**

Mr. Dodds stated a 6-Entity Diversion Authority informational meeting will be held on March 31, 2016, to review the draft *Joint Powers Agreement* and discuss the updated cost estimate for the Metro Flood Diversion Project.

The Technical Team is reviewing information presented at the March 9, 2016, State Water Commission regarding mitigation requirements in the staging area for the Metro Flood Diversion Project.

It was moved by Manager Lougheed and seconded by Manager Yohe to approve and authorize Manager Brodshaug to sign the *2016-2017 Land Rental Agreements* with Mark Hiatt, Stuart Johnson, and Patrick Hurley. Upon roll call vote, the motion carried unanimously.

**Reimbursement request #24 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Olson and seconded by Manager Gust to approve and authorize the Secretary-Treasurer to sign reimbursement request #24 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 – operation and maintenance**

It was moved by Manager Olson and seconded by Manager Gust to hire Dakota Helicopters, Inc. to provide aerial and ground spraying services for weed, cattail and brush control at the Maple River Dam for 2016. Upon roll call vote, the motion carried unanimously.

Mr. Woodard stated Highland Township will meet next week to discuss and review operation and maintenance on the Maple River Dam.

**Lake Bertha Flood Control Project No. 75**

Mike Opat reviewed information regarding Lake Bertha Flood Control Project No. 75. The State Water Commission and Red River Joint Water Resource District recently approved cost-share funding for the project. Discussion was held on benefits for property owners, downstream benefits for the Buffalo Creek and Maple River, and maintenance and operation of a controlled outlet for the Lake Bertha basin. Mr. Opat will contact Jason Benson about possible cost-share on the project from Cass County.

**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 Team meetings. Mr. Opat stated meetings will be scheduled for the end of March or beginning of April to refine the *Purpose and Need Statement* and review the alternatives to potential solutions.

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

Moore Engineering, Inc. is compiling a list of projects / programs to submit for the State Water Plan for the 2017-2019 biennium. The matter will be discussed further at the next meeting.

**Bills**

It was moved by Manager Lougheed and seconded by Manager Yohe to approve the payment of Checks #12591 through #12598, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Yohe, Lougheed and Gust. The Chairman declared the motion passed.

**Legislative update**

Manager Olson gave an update to the Board on the *Statewide Water Funding and Needs: 2015-2017 and Beyond* presented at the North Dakota Water Coalition meeting. Brief discussion was held on the budget and projects for the next biennium.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Olson, 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