

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
MARCH 24, 2016

The Cass County Joint Water Resource District met on March 24, 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; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks and Chris McShane, Attorneys for the Board; Lee Beauvais and Mike Opat, Engineers for the Board; Martin Nicholson and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Tanaya Reitz and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Lance Yohe, Southeast Cass Water Resource District; Wes Ecker and Robert Thompson, North Cass Water Resource District; and Nathan Boerboom, Division Engineer – Storm Sewer Utilities City of Fargo.

**Minutes**

It was moved by Manager Olson, seconded by Manager Gust and unanimously carried to approve the minutes of the March 10 (3 sets) and 16, 2016, meetings.

**Agenda**

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

**Metro Flood Diversion Project – access update**

Chris McShane updated the Board on the appeal filed by Jonathon Garaas.

A brief update was given on the follow-up calls made for *Right of Entry Agreements* sent to property owners on the north end of the diversion channel.

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

It was moved by Manager Gust and seconded by Manager Lougheed to approve the following:

- The appraisal of OIN #224 and #225, with an effective date of February 5, 2016, as just compensation for acquisition of property regarding the Metro Flood Diversion Project;

- The appraisal of OIN #1099, with an effective date of February 5, 2016, as just compensation for acquisition of property regarding the Metro Flood Diversion Project;
- The appraisal of OIN #1097, with an effective date of February 5, 2016, as just compensation for acquisition of property regarding the Metro Flood Diversion Project;
- The appraisal of OIN #832, with an effective date of February 5, 2016, as just compensation for acquisition of property regarding the Metro Flood Diversion Project;
- The appraisal of OIN #1096, 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 / In Town Levees Project – relocation benefits**

It was moved by Manager Jacobson and seconded by Manager Olson to approve the Relocation Payments, as outlined in the letter dated March 21, 2016, 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 Olson and seconded by Manager Gust to approve and authorize Manager Jacobson to sign the *Release of Easement* for Lot 1, Block 4, North Dakota R-2 Urban Renewal Addition to the City of Fargo regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Manager Lougheed suggested consultants remain in contact with property owners on the north end of the diversion channel to answer specific questions about their property regarding the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Task Order No. 1, Amendment 3 for ProSource Technologies, LLC to increase the budget for land acquisition and project management services in the amount of \$429,000 for a total amount of \$1,263,100 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Lougheed to approve Task Order No. 1, Amendment 6 for Ulteig Engineers, Inc. to increase the budget for residential appraisals and land acquisition services in the amount of \$10,500 for a total amount of \$641,450 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on the meeting with the State Water Commission, permitting requirements and land acquisition regarding the Metro Flood Diversion Project.

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

Paul Breen updated the Board on property management. Demolition is complete on the Shakey's Pizza building. Asbestos testing was done in homes in the El Zagel neighborhood in Fargo and in Oxbow. Mr. Breen stated he has been coordinating and collecting data needed for demolition and removal of homes.

Chairman Brodshaug suggested consultants coordinate with the Cass County Treasurer to determine the properties to remove from the Cass County tax roll. Mr. Breen will put together a list to be reviewed by the Finance Committee.

A meeting was held in Oxbow to discuss wetland mitigation for potential solutions that would benefit the Oxbow-Hickson-Bakke Ring Levee Project. Mr. Breen provided flood impact information to facilitate wetland mitigation development.

**Metro Flood Diversion Project – project updates**

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

- Task Order No. 1, Amendment No. 6 for CH2M HILL Engineers, Inc. to extend the time for rendering services to April 15, 2016, for land acquisition management services regarding the Metro Flood Diversion Project; and
- Task Order No. 2, Amendment No. 3 for CH2M HILL Engineers, Inc. to extend the time for rendering services to April 15, 2016, for construction management (pre-diversion channel) services regarding the Metro Flood Diversion Project.

Upon roll call vote, the motion carried unanimously.

Discussion was held on the timeline and process to obtain permits for the project. Eric Dodds stated the Corps of Engineers and Diversion Authority submitted a permit application for construction of the dam. The permit application will be forwarded to Southeast Cass Water Resource District for review and comment.

It was moved by Manager Jacobson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *2016 Land Rental Agreement* with Patrick Hurley and the *2016-2017 Land Rental Agreement* with Nipstad Farms, Inc. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – Joint Powers Agreement**

Sean Fredricks provided the Board with a summary and reviewed changes and additions to the *Joint Powers Agreement*. Upon endorsement by the Diversion Authority, each of the 6 member entities will review and consider approval of the *Joint Powers Agreement* by the end of April.

Mr. Dodds stated a 6-Entity Diversion Authority informational meeting has been scheduled to review the *Joint Powers Agreement* and discuss the updated project cost estimate.

Brief discussion was held on the potential need for additional staff as the project continues to gain momentum.

**Reimbursement request #25 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 Jacobson to approve and authorize the Secretary-Treasurer to sign reimbursement request #25 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 / weed, cattail, tree and brush control**

It was moved by Manager Olson and seconded by Manager Gust to rescind the motion made at the March 10, 2016, meeting to hire Dakota Helicopters, Inc. to provide aerial and ground spraying services for weed, cattail, tree and brush control on Cass County Joint Water Resource District facilities for 2016 and to rebid the services for 2016. Upon roll call vote, the motion carried unanimously.

Moore Engineering, Inc. met with Highland Township officials to discuss operation and maintenance on the Maple River Dam. Lee Beauvais stated township officials provided helpful information.

**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 a meeting is scheduled next week for the Swan Creek Watershed Project Team to refine the *Purpose and Need Statement* and review alternatives to potential solutions.

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

Mr. Opat reviewed a list of projects and programs to submit to the State Water Plan for the 2017-2019 biennium.

**Bills**

It was moved by Manager Lougheed and seconded by Manager Olson to approve the payment of Checks #12619 through #12629, the debit card transaction, 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.

**State Water Commission – grant for rural water service in Leonard**

Manager Olson gave an update to the Board on the decision by the State Water Commission to award a grant to pay three-quarters of the cost of extending rural water services to the town of Leonard, North Dakota. Once the grant is approved, design work will begin and construction could start this summer.

**Adjournment**

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