

CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 23, 2016
8:00 A.M.

The Cass County Joint Water Resource District met on June 23, 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 (by phone); 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, Chris McShane and Lukas Andrud, Attorneys for the Board; Jeff Volk, Lee Beauvais and Mike Opat, Engineers for the Board; Bruce Spiller, John Glatzmaier and Ty Smith, CH2M HILL Engineers, Inc.; Paul Breen and Joe Herbst, Advanced Engineering and Environmental Services, Inc. (AE2S); Keith Berndt, Cass County Administrator; Nathan Boerboom, City of Fargo Division Engineer-Metro Flood Diversion; and Terry and Kristie Sauvageau, Horace residents.

Minutes

It was moved by Manager Gust, seconded by Manager Lougheed and unanimously carried to approve the minutes of the June 9 (three sets) and June 14, 2016, meetings.

Agenda

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

Metro Flood Diversion Project – access update

Chris McShane and Joe Herbst updated the Board on access issues. Letters were sent out last week to 18 property owners for boundary surveys on the north end of the diversion channel. Land agents will soon be contacting the property owners.

Metro Flood Diversion Project – relocation benefits

It was moved by Manager Jacobson and seconded by Manager Gust to approve the Relocation Payment for Parcel 30, that part of Lot 3, Block 2, North Dakota R-1 Urban Renewal Addition, City of Fargo, North Dakota, OIN #9785, subject to document verification, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Lougheed to approve the Relocation Payment for OIN #9654, as outlined in the letter dated June 21, 2016,

regarding the Oxbow-Hickson-Bakke Ring Levee 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 Lougheed and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for OIN #9215, #9216, #9217, #9218 and #9783 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Lukas Andrud and Bruce Spiller recommended survey work before assigning the replacement lot golf holes to the Oxbow Job Development Authority. Discussion was held on an agreement to set the criteria and restrictions required by the Corps of Engineers for the Oxbow- Hickson-Bakke Ring Levee Project.

It was moved by Manager Jacobson and seconded by Manager Gust to authorize Moore Engineering, Inc., to conduct survey work to establish lot lines on the Oxbow Golf and Country Club replacement golf course holes for the purpose of drafting a *License Agreement* regarding the Oxbow-Hickson-Bakke Ring Levee Project, at a cost not to exceed \$2,000. Upon roll call vote, the motion carried unanimously.

Chris McShane updated the Board on the Complaint filed on property needed for the diversion inlet structure. The property owner (OIN #230) filed papers with the court to request a dismissal. Mr. McShane stated a response will be filed and a hearing date will be requested.

Mr. McShane updated the Board on negotiations for property needed for the outfall structure regarding the Oxbow-Hickson-Bakke Ring Levee Project. It was moved by Manager Olson and seconded by Manager Jacobson to declare an impasse to negotiations and to approve the *Resolution of Necessity - Acquisition of OIN #9650 and #9651* regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached hereto.

Extensive discussion was held on the land acquisition process and budget for the Metro Flood Diversion Project. The Board will review reasonable counteroffers from property owners. The Board encouraged land agents to continue the land acquisition process and ensure negotiations remain friendly, fair and flexible. Manager Lougheed stated it is important for land agents to keep in mind when moving forward with agricultural land acquisition, it is a business and acquisition of that property is part of their business.

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

Paul Breen gave an update on property management and demolition activities for the In Town Levees Project. A list of properties was reviewed to determine whether they

should remain on the tax rolls. Mr. Breen is working on a draft proposal for the Board to consider regarding the move of 10 houses within the City of Oxbow for the Oxbow-Hickson-Bakke Ring Levee Project.

Metro Flood Diversion Project – project updates

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

- Task Order No. 1, Amendment 2, for Houston-Moore Group, LLC to extend services through December 31, 2016, and to increase the budget \$120,000 for a total of \$440,000 for *Right of Entry* and other land management services regarding the Metro Flood Diversion Project;
- Task Order No. 2, Amendment 7, for Houston-Moore Group, LLC to increase the budget \$446,250 for a total of \$2,953,297 for land acquisition services through November 30, 2017, regarding the Metro Flood Diversion Project; and
- Task Order No. 1, Amendment 7, for Ulteig Engineers, Inc. to increase the budget \$383,650 for a total of \$1,025,100 for appraisals, land acquisition and project management services through November 30, 2017, regarding the Metro Flood Diversion Project.

Upon roll call vote, the motion carried unanimously.

Bruce Spiller stated members of the Diversion Authority, City of Fargo and City of Moorhead traveled to Washington D.C. to speak with federal lawmakers and administration officials about the Metro Flood Diversion Project.

Mr. Spiller updated the Board on the procurement timeline and stated the Diversion Authority is working on the Request for Qualifications (RFQ) to advertise to prospective Public-Private Partnership (P3) Developers. The Board will review the RFQ and provide comments. The RFQ is the next step in the procurement process after the *Project Partnership Agreement* is signed.

The Minnesota Department of Natural Resources is scheduled to issue the Determination of Adequacy in July for the final *Environmental Impact Statement*.

Reimbursement request #28 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Jacobson and seconded by Manager Loughheed to approve and authorize the Secretary-Treasurer to sign reimbursement request #28 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 – proposal from ALO Environmental Associates LLC to complete Year 10 (2016) archaeological monitoring

A proposal was presented to complete the Year 10 archaeological monitoring, as required. It was moved by Manager Gust and seconded by Manager Loughheed to

accept the proposal for the Year 10 archaeological monitoring at the Maple River Dam. Upon roll call vote, the motion carried unanimously.

Lake Bertha Flood Control Project No. 75

Mike Opat and Manager Gust updated the Board on the meeting with Eldred Township officials and residents regarding Lake Bertha Flood Control Project No. 75. Eldred Township officials and residents support the project. Mr. Opat will develop the proposed assessment list. The project vote will take place in July or August. Construction could start this fall.

Bills

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the payment of Checks #12741 through #12753, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, Lougheed and Gust. The Chairman declared the motion passed.

Water Topics Overview Committee update

Sean Fredricks updated the Board on the Water Topics Overview Committee meetings held on June 14 and 15, 2016, in Minot, North Dakota. Mr. Fredricks presented information on the importance of the continued use of quick take eminent domain for water development projects in the state. Cass County Commissioner Mary Scherling and Fargo City Commissioner Mike Williams presented information on the Metro Flood Diversion Project. Manager Gust attended the meeting and complemented Mr. Fredricks on his presentation.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer