

CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 14, 2016
8:00 A.M.

The Cass County Joint Water Resource District met on July 14, 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, Chris McShane and John Shockley, Attorneys for the Board; Lee Beauvais and Mike Opat, Engineers for the Board; Randy Richardson, Bruce Spiller and John Glatzmaier, CH2M HILL Engineers, Inc.; Eric Dodds, Paul Breen and Joe Herbst, Advanced Engineering and Environmental Services, Inc. (AE2S); Brady Woodard, Moore Engineering, Inc.; Keith Berndt, Cass County Administrator; Jason Benson, Cass County Engineer; and Nathan Boerboom, City of Fargo Division Engineer-Metro Flood Diversion.

Minutes

It was moved by Manager Lougheed, seconded by Manager Gust and unanimously carried to approve the minutes of the June 21, June 23 (three sets) and June 28, 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 Joe Herbst updated the Board on access issues. Mr. Herbst stated land agents are contacting property owners for *Right of Entry Agreements*. Access is needed on approximately 20 parcels at the north end of the diversion channel.

Mr. McShane stated the Corps of Engineers will need to perform a site visit and place stakes on property to meet pre-construction requirements for the diversion inlet structure. The Board directed Mr. McShane and the land acquisition team to notify property owners, explain the policy and payment in the event of crop damage and request the Corps of Engineers wait to place stakes on property until after wheat harvest on OIN #230.

The Corps of Engineers will be re-testing 3 boring sites in mid-July. One site is near Drain #14 and the other 2 sites are south of I-94. The borings will be conducted without going on cropped areas. The Corps of Engineers requested Mr. McShane notify the Cass County Sheriff. Valid *Rights of Entry* are still in place for all 3 properties.

Discussion was held on the realignment of Cass County Highways 16 and 17 for the Metro Flood Diversion Project. Jason Benson stated the final realignment road plans will be finalized by summer. The project will be constructed concurrently with the overall inlet project, which will take 3 years to construct.

Metro Flood Diversion Project – project updates

John Shockley and Bruce Spiller reviewed changes made to the *Procedures and Protocols for the Request for Qualifications Phase of the P3 Procurement* for the Metro Flood Diversion Project. Mr. Shockley stated the Metro Flood Diversion Project continues to gain national attention with a recent article in *The Bond Buyer*.

Discussion was held on the procurement process. The Board suggested Mr. Shockley and Mr. Spiller develop commitment level criteria for the technical representatives that will serve on the evaluation team for the Metro Flood Diversion Project. The Board will consider a Task Order at the next meeting for the technical representative on the evaluation team to represent Cass County Joint Water Resource District.

It was moved by Manager Gust and seconded by Manager Lougheed to concur with the *Resolution Establishing Procedures and Protocols for the Request for Qualifications Phase of the P3 Procurement and Approving, Issuing and Authorizing Publication of the Request for Qualifications to Design, Build, Finance, Operate and Maintain the Diversion Channel and Associated Infrastructure Work Package of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project*. Upon roll call vote, the motion carried unanimously. Proposals are due September 7, 2016. The evaluation team would complete evaluation by mid-October and make a recommendation to the Diversion Authority and Cass County Joint Water Resource District.

Manager Lougheed complimented Mr. Shockley for his in-depth knowledge and work on the P3 Procurement for the Metro Flood Diversion Project.

Metro Flood Diversion Project – relocation benefits

It was moved by Manager Jacobson and seconded by Manager Olson to approve the Relocation Payments for OIN #9125, #9782 and #9595 as outlined in the letter dated July 12, 2016, regarding the In Town Levees Project and the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Lougheed to approve the Adjusted Comparable Housing Differential set out in the *Replacement Housing Agreement* approved by the Board on August 14, 2015, for OIN #9644 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 Olson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *Consent to Representation Letter* for Sean M. Fredricks, Ohnstad Twichell, P.C., to continue to represent Richland County Water Resource District in matters not related to the Metro Flood Diversion Project and to represent Cass County Joint Water Resource District in all matters, including Metro Flood Diversion Project matters. Upon roll call vote, the motion carried unanimously.

Manager Olson updated the Board on the Public Outreach Committee meeting on July 13, 2016, and stated with the signing of the *Project Partnership Agreement* and the *Adequacy Determination* on the final *Environmental Impact Statement* from the Minnesota Department of Natural Resources, the Committee determined public meetings should be scheduled to provide an update to property owners on the Metro Flood Diversion Project. Eric Dodds stated the land acquisition team will prepare a plan for the public outreach meetings and proposed a general public meeting, a meeting for property owners at the north end of the diversion channel and to direct land agents to provide updates to property owners.

It was moved by Manager Jacobson and seconded by Manager Olson to approve payment of the final 10% of the *Purchase Agreement* approved on November 25, 2015, and authorize execution of a Lease Agreement for OIN #1802 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 the final payment of 10% of the *Purchase Agreement* and to approve the remaining replacement housing differential payment approved on May 12, 2016, for OIN #9436 and #9440 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for OIN #1790 and #1811 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on development of flowage easements and the land acquisition budget regarding the Metro Flood Diversion Project. Eric Dodds stated *Land Acquisition Directives* for Phase I property acquisition will be considered by the Finance Committee later today. Chairman Brodshaug asked Mr. Dodds to put together a list of property owned by the Cass County Water Resource Districts needed for the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *Addendum to Purchase Agreement* for OIN #9661 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign the *Quit Claim Deed* for the W 1/2 of Lot 142 and all of Lot 143, Oxbow Country Club Estates, City of Oxbow, North Dakota, OIN #9590, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Chris McShane updated the Board on property needed for the diversion inlet structure and the Oxbow-Hickson-Bakke Ring Levee Project. Negotiations continue with the property owner for OIN #1096. Hearings have been scheduled for the end of July and mid-August for property owners of OIN #1097 and OIN #230. A Complaint will be filed with the court to acquire OIN #9650 and #9651.

It was moved by Manager Gust and seconded by Manager Lougheed to approve the concept of allowing the City of Fargo to use and construct a temporary parking lot on Parcel 30A, part of Lot 3, Block 2, North Dakota Urban Renewal Addition to the City of Fargo, North Dakota, for OIN #9785, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on the acquisition of property and the construction schedule for the realignment of Cass County Highways 16 and 17 regarding the Metro Flood Diversion Project.

Eric Dodds presented the *Land Management Summary* and stated the Diversion Authority received Construction Permit Application No. 2489 from the Office of the State Engineer for the Metro Flood Diversion Project.

Chairman Brodshaug left meeting at this time.

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

Paul Breen gave an update on property management, mowing and weed control. Asbestos testing was done on four houses that will be moved within the City of Oxbow. A draft proposal will be considered by the Board at a future meeting regarding the move of 10 houses within the City of Oxbow for the Oxbow-Hickson-Bakke Ring Levee Project.

Reimbursement request #29 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 Gust to approve and

authorize the Secretary-Treasurer to sign reimbursement request #29 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

Brady Woodard updated the Board on weed control and the inspection of the Maple River Dam. Recent heavy rain has postponed the inspection on the Maple River Dam principal spillway. State Dam Inspectors stated the Maple River Dam is well maintained.

Discussion was held on flash grazing to control the grass on the Maple River Dam. Lee Beauvais will verify the permit conditions and develop a Management Agreement. Mr. Woodard will contact interested property owners and coordinate with Mr. Fredricks on a contract.

Lake Bertha Flood Control Project No. 75

Mike Opat reviewed the *Engineer's Report and Lake Bertha Outlet Assessment District Map*. Additional minutes relating to the Lake Bertha Flood Control Project No. 75 are attached hereto.

Bills

It was moved by Manager Lougheed and seconded by Manager Jacobson to approve the payment of Checks #12779 through #12791, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Jacobson, Lougheed and Gust. Manager Brodshaug was absent. Motion carried.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer