

CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
AUGUST 11, 2016  
8:00 A.M.

The Cass County Joint Water Resource District met on August 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; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Lukas Andrud and Rob Stefonowicz (by phone), Attorneys for the Board; Lee Beauvais, Engineer for the Board; Randy Richardson and John Albrecht, CH2M HILL Engineers, Inc.; Rocky Schneider, Paul Breen and Joe Herbst, Advanced Engineering and Environmental Services, Inc. (AE2S); Keith Berndt, Cass County Administrator; Don Hellman, WBI Energy Transmission, Inc.; and Terry Sauvageau, Horace resident.

**Minutes**

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

**Agenda**

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

**Metro Flood Diversion Project – access update**

Joe Herbst updated the Board on access issues. A second round of letters and *Right of Entry Agreements* have been sent to property owners for surveys requested by the Corps of Engineers for the Metro Flood Diversion Project.

Randy Richardson stated John Shockley is drafting a *Joint Powers Agreement* between the City of Moorhead and Clay County to determine *Right of Entry* and land acquisition in Minnesota for the Metro Flood Diversion Project.

**Metro Flood Diversion Project – appraisal review / approval**

Joe Herbst updated the Board on discussions held with the Corps of Engineers and consultants regarding the appraisal review and approval process for the Metro Flood Diversion Project. Mr. Herbst stated the majority of property purchased for the Metro Flood Diversion Project will proceed with an appraisal review process for certification and consistency before consideration for approval by the Board. Brief discussion was held on the budget and the inclusion of appraisal review services in current land acquisition Task Orders.

**Metro Flood Diversion Project – relocation benefits**

It was moved by Manager Jacobson and seconded by Manager Olson to approve the Relocation Payment for OIN #9782 as outlined in the letter dated August 8, 2016, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on the *Cass County Joint Water Resource District Policy and Procedure for Appeal of Relocation Assistance Decision*. It was moved by Manager Olson and seconded by Manager Jacobson to appoint Steven Carlson, Evergreen Land Services Company, Ken Helvey, SRF Consulting Group, Inc., and retired Chief Magistrate Judge Karen K. Klein to the Appeal Panel for the appeal of relocation benefits submitted by property owner OIN #9505. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Lougheed to approve the hourly billing rate for retired Chief Magistrate Judge Karen K. Klein to serve as a member on the Appeal Panel for the appeal of relocation benefits submitted by property owner OIN #9505. Upon roll call vote, the motion carried unanimously.

Chris McShane and Scott Stenger, ProSource Technologies, Inc., will provide written notice of the Board's appointment of the panel and a response to the appeal to property owners for OIN #9505.

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

Sean Fredricks and Rob Stefonowicz updated the Board on property needed for the diversion inlet structure. A hearing is scheduled on August 12, 2016, with property owners for OIN #1097 and OIN #230.

Mr. Fredricks stated John Shockley has drafted a *Memorandum of Understanding* between the Corps of Engineers and the Diversion Authority to address land acquisition policy procedures within the federal acquisition process regarding the Metro Flood Diversion Project.

Rocky Schneider updated the Board on the information sheet to share with elected officials that will offer suggestions and provide contact information regarding inquiries about the *Right of Entry* and the land acquisition process. The draft was also presented to the Diversion Authority Finance Committee and Land Management Committee.

Manager Olson stated the Diversion Authority Land Management Committee discussed the budget and sending letters to property owners in the staging area to begin negotiations with those interested in voluntary acquisition and relocation.

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

Paul Breen provided the Board with an update on property management for the Oxbow-Hickson-Bakke Ring Levee Project. Brief discussion was held on the schedule and timing of closings. At the next meeting, Manager Brodshaug stated the Board will consider a

proposal on the move of 10 houses in the City of Oxbow and requested Mr. Breen present information on homes scheduled for demolition this winter regarding the Oxbow-Hickson-Bakke Ring Levee Project.

**Metro Flood Diversion Project – project updates**

Lieutenant General Todd T. Semonite, Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers, will be visiting the area on August 23, 2016, to tour the Metro Flood Diversion Project.

Randy Richardson stated the *Request for Qualifications* (RFQ) are due September 7, 2016, and *Request for Proposals* (RFP) will be issued later this year. Mr. Richardson reported the City of Fargo and Cass County Commission will vote next week on the language to use on the ballot in November for the flood control sales tax extension to help fund the Metro Flood Diversion Project.

Rocky Schneider updated the Board on discussions regarding the permitting process with the Minnesota Department of Natural Resources and stated the Diversion Authority is drafting a comprehensive mitigation plan to address mitigation concerns and impacts regarding the Metro Flood Diversion Project.

Sean Fredricks updated the Board on the appeal filed by the Richland County Water Resource District against the Office of the State Engineer. Dorsey and Whitney, LLP will represent the Diversion Authority.

Manager Brodshaug requested consultants update and present information at the next Board meeting on the construction and land acquisition closing schedule for the Oxbow-Hickson-Bakke Ring Levee Project.

Discussion was held on the search for appraisers with experience in flowage easement valuation. It was moved by Manager Olson and seconded by Manager Loughheed to authorize Chairman Brodshaug to sign the *Letter Agreement* with Steve Herzog for appraisal services, at a cost not to exceed \$50,000, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – WBI Energy Transmission, Inc. proposed natural gas pipeline route**

Don Hellman, a representative with the WBI Energy Transmission, Inc., presented a *Consent of Entry* to survey property owned by the Cass County Joint Water Resource District in Raymond and Berlin Township for the proposed route of a natural gas pipeline. Discussion was held on the proposed route, diameter of the pipeline, type of survey, project timeline and the depth requirements regarding the Metro Flood Diversion Project. The Board stated the request will be sent through the review process to the Technical Advisory Group and other appropriate committees for the Metro Flood Diversion Project. The Cass County Joint Water Resource District attorneys will review the information and draft a *Utility Permit*.

**Reimbursement request #32 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 #32 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Gust and seconded by Manager Olson to approve the payment of Checks #12831 through #12837, 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.

**North Dakota Water Education Foundation – summer tour**

The North Dakota Water Education Foundation's *Fargo-Moorhead Flood Facilities* tour will be held on September 21, 2016. The tour will also include the Maple River Dam or the Upper Maple River Dam.

**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:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer