

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

The Cass County Joint Water Resource District met on September 8, 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 Lukas Andrud; Attorneys for the Board; Lyndon Pease, Engineer for the Board; Randy Richards and John Albrecht, CH2M HILL Engineers, Inc.; Eric Dodds, Paul Breen and Joe Herbst, Advanced Engineering and Environmental Services, Inc. (AE2S); Keith Berndt, Cass County Administrator; Mark Bittner, City of Fargo Director of Engineering; 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 August 17 (two sets), August 18, August 25 and August 30, 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. McShane explained two types of *Right of Entry* have been requested from property owners, surveys needed by the Corps of Engineers and boundary surveys. Boundary surveys have begun on Phase I property at the north end of the diversion channel. Discussion was held on the *Right of Entry* schedule, access granted by court orders and notification to property owners. Mr. Herbst presented and reviewed maps showing the status of *Right of Entry* on Phase I, II and III regarding the Metro Flood Diversion Project.

Mr. McShane stated *Right of Entry Agreements* will be sent to request access for surveys on property in Minnesota regarding the Metro Flood Diversion Project as soon as the agreement between Clay County and the City of Moorhead is finalized.

Metro Flood Diversion Project – appraisal review/approval

Brief discussion was held on Board notification and landowner review of appraisals regarding the Metro Flood Diversion Project. Upon completion of the appraisal review, the

Board determined it would be appropriate for land agents to present the appraisal to property owners.

Metro Flood Diversion Project – relocation benefits

Brief discussion was held on the payment and penalty for property tax on OIN #9785. Eric Dodds will coordinate with Bruce Grubb, Fargo City Administrator, and the Technical Administrative Group for resolution of the issue.

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

Mr. McShane reviewed the requirements and timeline necessary for the land acquisition process. Public-Private Partnership (P3) developers require the acquisition of land prior to construction of the diversion channel and associated infrastructure. Discussion was held on the modification of the land acquisition process for the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Jacobson to authorize Cass County Joint Water Resource District attorneys to obtain abstracts on Phase I property at the north end of the diversion channel for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Gust to authorize the Metro Flood Diversion Project Management Team to send out a Request for Proposals (RFP) to hire an abstract company to develop abstracts for properties that need to be acquired for Phase II, Phase III, the diversion channel tieback levees, staging area, southern embankment area in North Dakota and associated infrastructure regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Manager Gust, Lyndon Pease and land management consultants will coordinate to provide information on the Metro Flood Diversion Project to concerned property owners north of Cass County Highway 10.

Mr. Herbst presented the *Land Management Summary*.

It was moved by Manager Gust and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Right of Entry to Construct and Lease Agreement* with the City of Fargo to construct a temporary parking lot on OIN #9785, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Loughheed to approve the *Purchase Agreement* with the City of Fargo for OIN #9772 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Mr. McShane updated the Board on Complaints filed on property needed for the In Town Levees Project and the Oxbow-Hickson-Bakke Ring Levee Project.

Lukas Andrud stated closings have occurred for OIN #9215-#9218, #9783 regarding the In Town Levees Project and OIN #9656 regarding the Oxbow-Hickson-Bakke Ring Levee Project.

It was moved by Manager Olson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *Assignment of Purchase Agreement (Replacement Golf Holes Lot)* for Lot 3, Block 1, Oxbow Third Addition to the City of Oxbow, Cass County, North Dakota to the Oxbow Job Development Authority. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Gust to approve the *Purchase Agreement* for OIN #1090 regarding the realignment of Cass County Highways 16 and 17 for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Gust to approve the *Second Addendum to Purchase Agreement* for OIN #9657 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 – property management

Mr. Dodds stated the Request for Proposals (RFP) for the Oxbow House Relocation Project has been advertised and will run for another two weeks. An open house was held to discuss the project with potential contractors on September 7, 2016. Interviews will occur at the end of September.

Paul Breen provided the Board with an update on property management and recent home closings for the Oxbow-Hickson-Bakke Ring Levee Project. Mr. Breen stated Sentry Security Inc. patrols have been effective for the City of Oxbow.

Metro Flood Diversion Project – project updates

Eric Dodds gave a brief update to the Board on organic property acquisition in Minnesota, development of a flowage easement model, and mitigation efforts with the Corps of Engineers and the Office of the State Engineer to obtain permits for the Metro Flood Diversion Project. Mr. Dodds stated Mr. Herzog was given a tour of the Metro Flood Diversion Project and has been in contact with the Corps of Engineers and local representatives. Mr. Herzog will begin the development of a comprehensive flowage easement model in October. Mr. Dodds stated a local appraiser has been contracted to develop flowage agreements and relocation assistance for property owners in the staging area.

Discussion was held on the process and development of potential programs available to property owners in the staging area in conjunction with flowage easements. Randy Richardson stated mitigation efforts are underway to address the risk to producers regarding a summer flood event scenario, which may include a supplemental revenue replacement program or another insurance product applicable to this scenario. Mr. Dodds

stated the North Dakota University Department of Agribusiness and Applied Economics has recently completed the *Expanded Geographic Assessment of Agricultural Risk of Temporary Water Storage for the FM Diversion*. The results concluded a high likelihood of relatively short planting delays, crops could be planted on property in the staging area in a flood year and flood effects on lower elevation along the river channels did not indicate a significant difference in damages than higher elevations. The report will be posted on the FMDiversion.com website.

Reimbursement request #33 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 Olson to approve and authorize the Secretary-Treasurer to sign reimbursement request #33 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Water Topics Overview Committee

Sean Fredricks updated the Board on the bill drafts prepared by the Legislative Council and considered by the Water Topics Overview Committee on August 24-25, 2016. Mr. Fredricks explained language was added to one of the bill drafts outlining a specific schedule and expanding the process to notify and negotiate with property owners. The draft bill amendment will be addressed at the next Water Topics Overview Committee in Bismarck on September 22, 2016.

Bills

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the payment of Checks #12884 through #12889, Check #12891, the debit card transaction and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, Lougheed and Gust. The Chairman declared the motion passed.

Adjournment

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

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer