

CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 22, 2016  
8:00 A.M.

The Cass County Joint Water Resource District met on September 22, 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; Ken Lougheed, North Cass Water Resource District; Jacob Gust, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Chris McShane, Lukas Andrud and Robert Hoy; Attorneys for the Board; Lee Beauvais, Engineer for the Board; Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Patrick Roberts, ProSource Technologies, Inc. (by phone); Troy Fitchner, WBI Energy Transmission, Inc.; and those whose names appear on the attached roster. Absent was Rodger Olson, Maple River Water Resource District.

**Minutes**

It was moved by Manager Lougheed, seconded by Manager Jacobson and unanimously carried to approve the minutes of the September 8, 2016, meetings (two sets).

**Agenda**

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

**Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access issues. Phase I cultural resource surveys will be done along the Maple River, Sheyenne River and near I-94, after crops are harvested. The Corps of Engineers plans to place equipment to monitor soil compaction around the diversion inlet structure prior to construction. Lee Beauvais presented a map showing the current status of *Right of Entry* for boundary surveys on property at the north end of diversion channel. Appraisals will begin for Phase I land acquisition. The land acquisition team will coordinate with Houston-Moore Group, LLC and SRF Consulting Group, Inc., for access needed on property for surveys in Phase II and Phase III.

Brief discussion was held on access for surveys near Water Resource District facilities regarding the Metro Flood Diversion Project. Agreements will be drafted and presented for consideration to the respective Water Resource Districts.

**Metro Flood Diversion Project – relocation benefits**

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the Relocation Payments for OIN 9642, 9662 (less the amount shown for window treatments) and 9656 as outlined in the letter dated September 19, 2016, regarding the Oxbow-Hickson-Bakke Ring Levee Project and OIN 3-208 as outlined in the letter dated September 20, 2016, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Mr. McShane updated the Board on the process outlined by the appeal panel for the appeal of relocation assistance by the property owner for OIN 9505 regarding the Oxbow-Hickson-Bakke Ring Levee Project.

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

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *Second Addendum to Purchase Agreement* for OIN 9662 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on the impact of the injunction on the relocation of home owners and builder contracts in the City of Oxbow. It was moved by Manager Gust and seconded by Manager Lougheed to approve the adjusted Comparable Housing Differential amount set out in the *Replacement Housing Agreement* approved by the Board on May 15, 2015, for OIN 9508 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign the *Addendum to Purchase Agreement* for OIN 9647 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Jacobson to approve the *Stipulation Agreement* in the amount of \$469,740 for OIN 1096 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. McShane updated the Board on property necessary for the diversion inlet structure. Property owners for OIN 230 filed an appeal and a response will be submitted. A hearing has been scheduled with property owners for OIN 9650 and 9651 regarding the Oxbow-Hickson-Bakke Ring Levee Project.

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

Paul Breen provided the Board with an update on the *Request for Proposals (RFP)* for the Oxbow House Relocation Project. The proposals are due on September 26, 2016.

It was moved by Manager Gust and seconded by Manager Jacobson to approve and authorize AE2S to hire American Enterprises, Inc. to winterize vacant houses in the City of Oxbow acquired by the Cass County Joint Water Resource District, at a cost not to exceed \$10,500, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Mr. Breen will coordinate with CH2M HILL Engineers, Inc. to provide a demolition update to the Board at the next meeting regarding the Oxbow-Hickson-Bakke Ring Levee Project.

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

Discussion was held on the route of the proposed WBI Energy Transmission, Inc. natural gas pipeline, the term of the proposed access agreement and the type of surveys needed on the property. It was moved by Manager Jacobson and seconded by Manager Gust to approve the *Right of Entry Agreement* to allow WBI Energy Transmission, Inc. to survey property owned by Cass County Joint Water Resource District along the proposed route of a natural gas pipeline in Raymond and Berlin Townships. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – project updates**

Lee Beauvais stated the Public-Private Partnership (P3) *Request for Qualifications* (RFQ) deadline was September 7, 2016. The Diversion Authority received at least four responses from potential developers to design, build, finance, operate and maintain the P3 portion of the Metro Flood Diversion Project. The technical team will meet this fall and continue to move through the process.

The Mitigation Plan developed by the Diversion Authority is currently under review by the Minnesota Department of Natural Resources and the North Dakota State Water Commission. The plan consists of comprehensive property and environmental mitigation. An update on the Mitigation Plan will be given at a future meeting.

Payment was made to the Corps of Engineers for the local sponsor share of the Metro Flood Diversion Project inlet structure.

**Reimbursement request #34 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 #34 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

**North Dakota Water Coalition / State Water Commission Cost-Share Policy Committee meetings**

Manager Jacobson attended and provided a brief update to the Board on the topics discussed at the North Dakota Water Coalition and State Water Commission Cost-Share Policy Committee meetings on September 21, 2016.

**Maple River Water Resource District – request to use LiDAR scanning equipment on Drain #14**

It was moved by Manager Gust and seconded by Manger Jacobson to approve and authorize the concept of Moore Engineering Inc. utilizing LiDAR scanning equipment owned by Cass County Joint Water Resource District to investigate slide repairs on Drain #14, provided the equipment is available and not in use for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

**Swan Creek, Upper Maple River and Rush River Watershed Planning Teams**

Brief discussion was held on the Swan Creek, Upper Maple River and Rush River Watershed Team meetings. The next round of meetings has not been scheduled and will depend on crop harvest.

**Lake Bertha Flood Control Project No. 75**

The ballots regarding Lake Bertha Flood Control Project No. 75 are due on September 29, 2016.

**Bills**

It was moved by Manager Lougheed and seconded by Manager Gust to approve the payment of Checks #12907 through #12927 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson, Lougheed and Gust. Manager Olson was absent. 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:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer