

CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 10, 2016
8:00 A.M.

The Cass County Joint Water Resource District met on November 10, 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; Sean M. Fredricks and Chris McShane, Attorneys for the Board; Lee Beauvais, Engineer for the Board; John Albrecht and Robert Cowan, CH2M HILL Engineers, Inc.; Eric Dodds, Paul Breen, Joe Herbst and Adam Marks, Advanced Engineering and Environmental Services, Inc. (AE2S); Brady Woodard, Moore Engineering, Inc.; Lance Yohe, Southeast Cass Water Resource District; Jason Benson, Cass County Engineer; Nathan Boerboom, City of Fargo Diversion Engineer-Metro Flood Diversion; Patrick Roberts, ProSource Technologies, Inc. (by phone); and Terry Sauvageau, Horace resident. Absent was Rodger Olson, Maple River Water Resource District.

Minutes

It was moved by Manager Lougheed, seconded by Manager Gust and unanimously carried to approve the minutes of the October 27, 2016, meetings (two sets).

Agenda

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

Metro Flood Diversion Project – access update

Chris McShane, Joe Herbst and Lee Beauvais updated the Board on access issues. Mr. Herbst presented and reviewed a map detailing *Right of Entry* and land acquisition status for Phase I of the Metro Flood Diversion Project. *Right of Entry* is complete for boundary surveys on Phase I property. Discussion was held on the timeline for issuing *Certificates of Survey*.

Mr. Beauvais presented and reviewed maps showing access obtained for geotechnical soil boring surveys for bridge design near Cass County Highway 14 and 46th Street SE and 38th Street W regarding the Metro Flood Diversion Project. Houston-Moore Group, Inc. will coordinate with the remaining property owners to obtain access. Jason Benson stated an easement exists on Cass County Highway 14 and 46th Street SE.

Mr. Herbst stated consultants continue to work with the Corps of Engineers to identify monitoring sites for long-term biotic and geomorphic surveys regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – appraisal review/approval

Mr. Herbst reviewed the current appraisal review process and stated land agents are completing draft appraisals for Phase I property at the north end of the diversion channel and near the Sheyenne River and Wild Rice River aqueducts.

It was moved by Manager Gust and seconded by Manager Jacobson to approve the appraisal of OIN 1201, with an effective date of October 14, 2016, as just compensation for acquisition of property regarding 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 appraisal of OIN 9748, with an effective date of July 27, 2016, as just compensation for acquisition of property regarding the Metro Flood Diversion Project and to approve the replacement housing study and associated Replacement Housing Differential Payment allowance. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – relocation benefits

Brief discussion was held on a relocation payment request for OIN 9508 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 Manager Jacobson to sign the *Fourth Addendum to Purchase Agreement* for OIN 9662 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 Manager Jacobson to sign the *Addendum to Purchase Agreement* for OIN 9601 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Chris McShane and Eric Dodds updated the Board on closings for the diversion inlet structure, preparation of final agreements for the In Town Levees Project and opportunistic land acquisition in the staging area regarding the Metro Flood Diversion Project. Brief discussion was held on the funding and budget for land acquisition, notification to impacted property owners for the option of early acquisition and research results on the valuation of flowage easements in the staging area regarding the Metro Flood Diversion Project.

Mr. Herbst presented the *Land Management Summary*.

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

Paul Breen updated the Board on winterization of vacant houses in the City of Oxbow and Mr. Dodds stated demolition will begin next week on OIN 1989, 9436 and 9440 under Work Package 43E.2C regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Mr. Dodds stated Houston-Moore Group, Inc. has developed a demolition schedule for vacant homes in the City of Oxbow and will finalize plans next week to have contractors begin demolition in mid-December. It was moved by Manager Jacobson and seconded by Manager Gust to authorize CH2M HILL Engineers, Inc. to advertise Work Package 43E.2D for bid for residential demolition along Schnell Drive and Riverbend Road in the City of Oxbow regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Brief discussion was held on salvage of homes prior to demolition and minor dirt work to be done by American Enterprises, Inc. west of the Oxbow Golf and Country Club.

Metro Flood Diversion Project – project updates

It was moved by Manager Gust and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign Task Order No. 1, Amendment No. 9, for CH2M HILL Engineers, Inc. to extend the time for rendering land acquisition management services regarding the Metro Flood Diversion Project to December 16, 2016. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign Task Order No. 3, Amendment No. 1, for CH2M HILL Engineers, Inc. to extend the time for rendering construction management and oversight services regarding the Metro Flood Diversion Project to December 16, 2016, and to modify the fee \$4,020 for a new total fee of \$44,220. Upon roll call vote, the motion carried unanimously.

Mr. Dodds stated consultants are reviewing previous Task Orders and will consolidate the services into a new contractual agreement to coincide with the determination of the developer for the Public-Private Partnership (P3) regarding the Metro Flood Diversion Project. Chairman Brodshaug suggested consultants send the agreement to the Board and the Cass County Joint Water Resource District attorney to review.

Sean Fredricks updated the Board on recent communication received from the Pembina County Water Resource District to schedule a meeting regarding the Drayton Dam Mitigation Project. The Corps of Engineers has discussed the project with the City of Drayton. The Minnesota Department of Natural Resources and the City of Drayton are very supportive of the project. A meeting will be scheduled for further discussion.

Brief discussion was held on the positive results of the vote to extend the flood sales tax in the City of Fargo and Cass County to help fund the Metro Flood Diversion Project.

It was moved by Manager Jacobson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign the *2017-2018 Land Rental Agreement* with Terry Sauvageau. Upon roll call vote, the motion carried unanimously.

Maple River Dam – spraying and tree removal

Brady Woodard presented pictures showing results of recent weed control efforts and tree removal on Maple River Dam property. Chairman Brodshaug suggested Mr. Woodard coordinate with a representative at the Red River Basin Commission to offer a presentation at the conference in January on the success of the tree removal and weed control work.

Mr. Woodard provided a map for proposed 2016-2017 tree removal work in the Maple River Dam pool area. It was moved by Manager Jacobson and seconded by Manager Gust to approve and authorize Chairman Brodshaug to sign *Agreements* for tree removal in the Maple River Dam pool area with Industrial Builders, Inc. and American Enterprises, Inc., not to exceed \$100,000 each. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Lougheed and seconded by Manager Gust to approve the payment of Checks #12976 through #12981 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 Jacobson and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer