

January 23, 2013

Dear Mayor Jim Nyhof and members of the Oxbow City Council:

Attached are results of a petition conducted by Oxbow resident volunteers. The petition process took place in January of 2013. The volunteers asked Oxbow residents if they would be in favor of supporting an action to **rescind** Oxbow Resolution Number 2011-01 dated January 19, 2011 and a Resolution approved on September 5, 2012. Additionally, residents were asked if they would be in favor of supporting consideration for ring levee structure and further development of a **Memorandum of Understanding** between the City of Oxbow and the Diversion Authority. Those residents who voted “**yes**” signed a petition and those petitions are attached. Opinions of residents who voluntarily indicated they were **not** in favor of the petition or **undecided** have been accounted for. Please note that nineteen home owners were not home or were unavailable for comment. One household was split on their decision.

January 23, 2013

Summary of Oxbow residents' opinion to rescind Resolution Number 2011-01 adopted January 19, 2011 and a Resolution passed on September 5, 2012. "Yes" numbers represent supporting consideration for a ring levee structure and further development of a Memorandum of Understanding between the City of Oxbow and the Diversion Authority, "No" are against.

		% of Total
YES	62	61.4%
NO	12	11.8%
UNDECIDED	7	6.9%
NOT HOME	19	18.8%
SPLIT – Yes/No	1	1%
<u>TOTAL</u>	<u>101</u>	

Two Homes have been bought out due to medical hardships.
These homes were not included in the totals above.

RESOLUTION

Council of the City of Oxbow

September 5, 2012

The City of Oxbow is a viable and growing community, and intends to protect its rights to provide its residents all the benefits the City provides. We have developed and nurtured an environment where we can live and raise our families in a safe and stable setting with good schools, ready access to work and relaxation, and a stable future, **all of which is threatened by the dam and reservoir components of the FM Diversion Authority's Flood Control Project ("Project")**. We recognize the right of surrounding communities and property owners to have the same opportunities.

The Oxbow City Council therefore reaffirms its strong opposition to the dam and water storage reservoir components of the Project. The Council supports sensible flood protection for Fargo and the entire Red River Valley, but strongly opposes the addition of any new water forced upon the residents of Oxbow by the Project. We believe a viable flood protection plan can be developed that does not destroy our community. The Council also expresses its strong support for the objectives and purposes of the Richland/Wilkin Joint Powers Authority ("JPA"), and pledges its pro-active participation and financial commitment to the JPA.

Resolution passed by unanimous vote September 5th, 2012.

City of Oxbow

Resolution #2011-01

RESOLUTION OPPOSING THE FARGO/MOORHEAD (FM) DIVERSION

Council member Breimeier introduced the following resolution and moved for its adoption:

WHEREAS, the United States Army Corps of Engineers (USACE) has proposed constructing a flood water diversion channel around the cities of Fargo, ND and Moorhead, MN

WHEREAS, the proposed diversion channel restricts the flow of the Red River in southern Cass County, causing water to stage on the south side of the diversion channel

WHEREAS, the City of Oxbow is situated directly south and upstream from the point where the diversion channel intersects the Red River

WHEREAS, the proposed flood diversion channel will change the flow regime of the Red River during flood events and is estimated to cause adverse impacts measured in feet of additional crest elevations at the City of Oxbow, necessitating drastic and severe mitigation measures

WHEREAS, actions by the USACE or other outside interests to impose mitigation measures in order to offset the adverse impacts of the diversion channel will irreversibly change the character of the City of Oxbow and impact the quality of life of its residents

WHEREAS, operation of the flood diversion channel will increase not only the severity but frequency and duration of flood events at the City of Oxbow

WHEREAS, increased flood crests of the magnitude envisioned by the USACE will also adversely impact roads, utilities, public safety, personal property, commerce, and personal well being to those upstream of the proposed diversion

WHEREAS, said change in flow regime results in multiple adverse impacts to the City of Oxbow, its residents and others situated upstream from the proposed FM diversion project as it is now proposed

NOW THEREFORE, to preserve the interests of the City of Oxbow and its people, the City of Oxbow Council does hereby go on record as opposing the FM diversion project as it is now proposed. The City of Oxbow Council does also hereby resolve that any offer to purchase property for purposes of mitigation related to the FM diversion project must extend to all property owners within the City of Oxbow.

The motion for adoption of the foregoing resolution was duly seconded by council member Zink and upon vote being taken thereon, Greg Anderson, Frank Pearson, Dan Zink and Arden Breimeier voted in favor thereof and NONE voted against the same, whereupon the resolution was declared duly passed and adopted.

Adopted this 19TH day of January, 2011

James E. Nyhof, Mayor

Pam Twedt, Auditor

Page 3: As a resident of the City of Oxbow I support the action to rescind the resolutions dated January 19th, 2011 and September 5, 2012. Additionally, I support consideration for a ring levee structure and further development of a Memorandum of Understanding between the City of Oxbow and the Diversion Authority.

NAME

ADDRESS

Jim Nyhof	336 Schnell Dr. Oxbow
Marie Tally	321 Schnell Drive, Oxbow
Marie Tally	321 Schnell Drive Oxbow
Philip M. Hanky	317 Schnell Dr, Oxbow
Joe Say	326 Schnell Dr. Oxbow
Opheia Lanning	326 Schnell Dr Oxbow
Ben Math	328 Schnell Dr. Oxbow
Kristina Mattson	328 Schnell Dr. Oxbow
Ray Mott	357 Schnell Dr. Oxbow
John C. [Signature]	334 Schnell Dr. Oxbow
Gene [Signature]	330 Schnell Dr Oxbow, ND

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NAME

ADDRESS

Quinn Marston 337 Schmedders Oxbow, ND
Jeff Anderson 337 Schnell Dr Oxbow ND
Jason Johnston 353 Schnell Dr Oxbow ND
Laletta Johnson 350 Schnell Dr. Oxbow, ND.
Nank Mathison 350 Schnell Dr. Oxbow, ND
Jim Juhl 349 Schnell Dr Oxbow ND
Derek Jezlorski 349 Schnell Dr Oxbow ND
Norm Miller 333 Schnell Dr. Oxbow
Sally McCravy 317 Schnell Dr. Oxbow
Amy & Aaron Johnson 338 Schnell Drive Oxbow, ND

City of Oxbow Petition regarding Resolution #2011-01 dated January 19th, 2011 in opposition to the FM Diversion, and resolution dated September 5, 2012 in support of the objectives and purpose of the Richland/Wilkin Joint Powers Authority.

Attached are the two resolution addressed in this petition to have withdrawn from the record and rescind the actions of a prior City Council.

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NAME

ADDRESS

- Nancy Hochmann 329 Schnell Drive; Oxbow
- Paul Kochmann 329 Schnell Dr. Oxbow ND
- Gene Ekberg 341 Schnell Dr Oxbow ND
- Bill Kyr 341 Schnell Dr Oxbow, ND 58047
- Paul Breen 345 Schnell Dr, OXBOW ND
- Michelle Breen 345 Schnell Dr Oxbow ND
- Eric [Signature] 346 SCHWELL DR. OXBOW ND
- Susan Kandy 346 Schnell Dr. Oxbow, ND

M

N

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NAME

ADDRESS

Tamela 700 Riverbend Rd Oxbow

[Signature] 700 RIVER BEND RD OXBOW

Michael Werner 709 River Bend Rd Oxbow

Jeanne Warner 709 River Bend Rd Oxbow

Jeff Fowles 721 River Bend Rd Oxbow

Chris Holbrook 737 Riverbend Road Oxbow

[Signature] 721 " "

Grant Nettleton 748 River Bend Road

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NAME

ADDRESS

Deb: Ritzclaff 748 Riverbend Rd Oxbow

Heidi Holland 737 Riverbend Rd. Oxbow

Ray Cuy 713 River Bend Rd Oxbow

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NAME

ADDRESS

Walter Podalul 843 Riverbend Rd OXBOW

Bruce Podalul 843 Riverbend Rd OXBOW


Mike Stams 714 Riverbend Rd Oxbow

Deb Schmidt 749 Riverbend Road Oxbow

Robert Schmidt 749 Riverbend Rd Oxbow

David H. Dargatzis 852 Riverbend Rd Oxbow ND

Wayne A. Zimmerman 852 Riverbend Rd Oxbow, ND

 848 Riverbend Rd Oxbow, ND

Todd DeBates

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NAME

ADDRESS

Deb DeBater 848 Riverbend Rd. Oxbow, ND 58047

Dan Leulu 844 Riverbend Rd Oxbow, ND 58047

Elther Leake 844 Riverbend Rd Oxbow ND 58047

Kent Pademacher 821 Riverbend Rd Oxbow, ND 58047

John (SAR) Bentley 817 Riverbend Rd Oxbow ND 58047

Naomi Bentley 817 Riverbend Rd Oxbow, ND 58047

WILLIAMS 813 Riverbend Rd OXBOW, ND 58047

Alex Bentley 813 Riverbend Rd Oxbow ND 58047

Valerie Jensen 840 Riverbend Rd Oxbow ND 58047

Don 833 Riverbend Rd Oxbow, ND

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ADDRESS

<u>Jon Senty</u>	<u>839 Riverbend Road Oxbow ND</u>
<u>Yoon Ristway</u>	<u>839 Riverbend Road Oxbow, ND</u>
<u>Joel Wold</u>	<u>816 Riverbend Rd. Oxbow ND</u>
<u>Cheryl Wold</u>	<u>816 Riverbend Rd. Oxbow, ND</u>
<u>Ally Cohen</u>	<u>805 River Bend Rd Oxbow ND</u>
<u>Samuel L. Lutz</u>	<u>805 Riverbend Road, Oxbow ND.</u>

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NAME

ADDRESS

1. Ronnie Mosler 524 Sunset Drive

2. Carol Mollard 524 Sunset Dr

3. Mark Sanders 510 Sunset Drive

Darcy Kuger 544 Sunset ~~Dr~~ Dr.

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NAME

ADDRESS


Richard P. Hall 566 Sunset Drive Oxbow ND

Jeff Kruger 544 Sunset Dr. Oxbow, ND


Bill Stoll 522 Sunset Dr. Oxbow ND


Jim Smith 526 Sunset Dr. Oxbow ND

Lenny D. Reed 210 Oxbow Creek Oxbow ND


Paul Benson 840 Riverbend Rd Oxbow, ND

K. Kruger 650 Evergreen Circle Oxbow, ND


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NAME

ADDRESS

 114 Oxbow Drive, Oxbow ND

Richard C. Zook 630 Evergreen circle, Oxbow, ND

Dawn Zook 630 Evergreen Cir Oxbow ND

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NAME

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John Smith 839 Riverbank Road Oxbow ND

Yoon Ristrom 839 Riverbank Road Oxbow, ND

Chris Chup 829 Riverbank Road Oxbow ND

Steve Chup 829 Riverbank Road Oxbow ND

Mae Jonsfeldt 646 Evergreen

Dean W. Jonsfeldt 646 Evergreen

Ralph 828 Riverbank Rd. Oxbow, ND 58047

Rod Menze

Ronda Menze 828 Riverbank Rd Oxbow, ND 58047

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NAME

ADDRESS

Curt Turek 610 Evergreen Circle

Tom Turek 610 Evergreen Circle

Chad Niles 550 Sunset Drive 112313

Mary Niles 550 Sunset Dr. 112313

John 708 Riverbend Rd.

Kyle Travis 109 Oxbow Dr.

Bridgette & Robert Startz 100 Oxbow Drive

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NAME

ADDRESS

- Anthony J Cair 224 OXBOW circle, OXBOW, ND 58047
- Jane M. Tronky Cair 224 Oxbow Circle Oxbow, ND 58047
- Vette We 237 OXBOW CIRCLE OXBOW, ND 58047
- Linda Davis 229 Oxbow Circle, Oxbow 58047
- Jack Davis 229 Oxbow Circle, OXBOW 58047
- Stan D. Davis 213 Oxbow
- Dwight D. Davis 209 Oxbow Circle
- Kurt Green 209 Oxbow circle
- Randy Har 233 Oxbow circle, Oxbow
- Becky Haas 233 Oxbow Circle Oxbow, ND 58047