

City of Oxbow Minutes
November 8, 2011

Members Present: Mayor Jim Nyhof; Council Members: Greg Anderson, Arden Breimeier, and Dan Zink; Cass County Sheriff's Representative Matt Giddings; Residents Rob Foss and Pam Twedt

Motion was made by Councilmember Anderson and seconded by Councilmember Zink to approve the Oxbow City Council minutes from October 11, 2011. Motion carried.

Motion was made by Councilmember Breimeier and seconded by Councilmember Anderson to match the MinnDak group's contribution to the insert being printed for publication in the Fargo Forum, regarding the proposed diversion, up to the amount of \$3,500. Motion carried.

Motion was made by Councilmember Zink and seconded by Councilmember Breimeier to pay the full amount for the diversion publication to the Fargo Forum with the expectation for reimbursement from the MinnDak group. Motion carried.

Matt Giddings reported that there were 2 calls for service in the area in September and 2 calls in October.

There has been no response from the State Water Commission regarding our submission for reimbursement. Contact with the governor's office may be the next step.

Work on the flood protection project has been virtually completed.

Discussion was held on the proposed diversion project.

-Mayor Nyhof met with Lt. Governor Wrigley and he is very supportive of what we are trying to do. He was surprised that the mitigation was not included in the submission of the chief's report. He will do what he can to help us with mitigation going forward.

-Mayor Nyhof has had a call from State Representative Lee. He will try to get the state to set a cap on the amount they will spend on the diversion during the special session.

-Going forward the council will be making decisions based on the assumption that the project will be authorized and funded. The city needs to be prepared for the worst. The term "funded" needs to be defined. The council will approach the outreach committee and the governor's office to require that the sponsors come to us with a mitigation plan prior to the authorization and funding of the project.

Discussion was held regarding snow removal. It was decided to charge \$25 per time for residential snow removal and pay snow removal operator, Craig Roe, \$20 per hour, \$200 per month (December through March) for being on call and \$5 per residential driveway.

Motion was made by Councilmember Breimeier and seconded by Councilmember Zink to approve the bills as presented with the exception of the ones from Moore Engineering and Instant Rain which are to be turned in to Interstate Builders to be included with their bill for the flood protection work. Motion carried.

Councilmember Anderson and Councilmember Breimeier will attend the Flood Risk Review. They will attempt to become co-floodplain managers in the place of former City Auditor Twedt.

Open discussion was held on the future of the golf course and its impacts on property valuations.

Mayor Nyhof will attempt to schedule a lunch meeting with Tom Waters who works for the engineering firm hired by the project sponsors. Mr. Waters wants to meet with Oxbow representatives to discuss our concerns.

Due to conflicts the next regular meeting of the Oxbow City Council will be held on Monday, December 12, 2011 at 7:00 at the Oxbow Country Club.

**City of Oxbow Minutes
December 8, 2011**

Members Present: Mayor Jim Nyhof; Council Members: Greg Anderson, Arden Breimeier, Frank Pearson, Dan Zink; City Auditor Alex Bindas; Cass County Sheriff's Representative Matt Giddings; Oxbow Residents; Kent Rademacker – DJ Rieger – Robbie Foss – Rich Menze

Motion was made by Councilmember Breimeier and seconded by Councilmember Pearson to approve the November 8, 2011 Oxbow City Council minutes as amended. Motion carried

Deputy Giddings reported that November was a quiet month in Oxbow. Will send notice to residents to keep all doors locked due to the recent activity in Casselton.

More discussion was held on the Diversion Project

- Kyle present w/ Moore Engineering... submitted partial payment and this was not processed. Difference between this and last month is that they reduced retainage from 10 to 5% . Want to make sure that the seed is holding and taking. Kyle mentioned that there is a 1 year warranty on the seed. Motion was made by Councilmember Pearson and seconded by Councilmember Zink to keep the retainage at 5%. Motion carried. Motion was made by Councilmember Pearson and seconded by Councilmember Zink to approve the final partial payment to Moore Engineering. Motion carried.
- Water Commission – need to amend / resolution on the operation and maintenance procedure of flood events needs to be included in city ordinance how we would fight a flood. Operate the system as intended. We intend to use system as designed. Arden has something started. DJ has been involved and will help again on this – time frame for this – January (Kyle has outline he will email to Arden) Arden and DJ will set date and meet with Kyle

Jim notice to Turman to write that - submit to water commission when complete. May hold payment until they receive this.

Jan 14 meeting??

Pay ½ of unpaid of local share? Industrial Blders bill – everything done on golf course – time and material.

Bills for sprinkler repair and seeding – bill back to (check w/ Pam)

Industrial bldgers bill approved to pay.

Staightline – hold off on pay until get email from Arden or Dan to approve payment

Got reimbursed from MinDak – Bakke

Advertising - \$\$ in the account – keep track of the balance on this. Biewer, Sherri for postage –

Get \$\$ details from Jim for this or ck with Pam.

Park – bill for concrete - get from Jim to pay

Motion to approve w/ deletionjs noted – Arden 1st – Dan 2nd carried

Reviewed Financials –

Maybe have mtg before mitigation (which is 1/12) – what action do we want to take.

Speical meeting - mid month meeting – first week of January to address mitigation concerns have regular cncl meeting afte the 12th.

Current membership catagories dues bring in \$650,000 –Discussed the memberships of the club and the idea of getting the \$309,000 from the county – project sponsor.

Jan 12 mtg – going to ask what we are thinking and what we need. Look at what we can expect - \$\$ for golf course will be presented –

Give everyone who is not a stock holder we are giving thema gift by getting them ability to buy in to participate in buyout. It will get to board that social members should not be participating in buyout. The club take \$\$ to pay down debt with letterof credit if \$\$ called. Create incentive to help home sales – stock partial tied to their lot – resident get their \$\$ back. No obligation by the city for this \$\$ - the club would be liable.

Fargo cntry club dike running thru – a 12 hole course as other holes always under water. Took water easement. The land will be best to developer and use for protected homes..

Diversion Update - Jim spoke with Vanyo - look at options to move the diversion - attempt to impact the staging of Oxbow. After .mtg to day with Bittner will have a ring dike on oxbow – schnell gone – part of Riverbend gone (by Bindas down) new holes of golf, new lots, club house.. dike around Oxbow. Maybe option to consider. Alternative to move diversion south and one move north of us. Want to consider what they may be looking at and evaluate what we want to ask for. There is considerationto Oxbow stayint ong the map. Need so many structures etc to run a city. Would want to have all houses bought out and do lease back program idea. Put in infrastructure.

Bakke home appraisal – Jim had Paul Benson review. Is there anything there that we can use here?

Motion by Frank - give George Rodrigius give him \$750 bonus – Arden 2nd – motion carried. Mowing /maintenance.

Mtg adjourned

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- **The Water Commission needs to have a resolution on the operation and maintenance procedure of flood events and this needs to be included in city ordinance on how we would fight a flood. We need to state we will operate the system as intended and we intend to use system as designed. This needs to be completed by January. Kyle will email an outline to Arden and he will work on this along with DJ Reiger .**

- **Mayor Nyhof spoke with Vanyo - they are looking at options to move the diversion - attempt to impact the staging of Oxbow. There was a discussion that they might put in a ring dike on Oxbow. This Ring Dike would eliminate Schnell Drive and part of Riverbend Road. They would look at adding new holes to the golf course and have not lots around those holes and a new club house. Maybe option to consider. We will want to consider what they may be looking at and evaluate what we want to ask for. There is consideration to keep Oxbow on the map.**

Motion was made by Councilmember Breimeier and seconded by Councilmember Zink to approve the bills for payment as amended. Motion carried.

There will be a special mid- month meeting, the first week of January to address mitigation concerns. The next City Council Meeting will be after January 12.

Memberships at the Oxbow Country Club was discussed.

- The current membership categories bring in \$650,000. Would like to see the categories cleaned up.
- Discussed the memberships of the club and the idea of getting the \$309,000 from the county – project sponsor. In the event of a buyout, would like to give everyone who is not a stock holder the ability to buy in to participate. The dollars would be used by the Country Club to pay down debt with letter of credit if the money is called. This would create incentive to help home sales – stock partial tied to their lot – resident get their money back. No obligation by the city for this money - the club would be liable.

Motion was made by Councilmember Pearson and seconded by Councilmember Breimeier to pay a mowing and maintenance bonus to George Rodrigus in the amount of \$750. Motion carried.

Meeting adjourned