

CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
OCTOBER 27, 2016  
8:00 A.M.

The Cass County Joint Water Resource District met on October 27, 2016, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug (by phone) 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; Lee Beauvais, Engineer for the Board; Eric Dodds, Paul Breen, Joe Herbst and Adam Marks; Advanced Engineering and Environmental Services, Inc. (AE2S); and Keith Berndt, Cass County Administrator.

Chairman Brodshaug requested Manager Olson conduct the meeting.

**Minutes**

It was moved by Manager Gust, seconded by Manager Jacobson and unanimously carried to approve the minutes of the October 13, 2016, meetings (two sets).

**Agenda**

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

**Metro Flood Diversion Project – access update**

Chris McShane, Joe Herbst and Adam Marks updated the Board on access issues. Discussion was held on the timeline of short-term *Right of Entry* and long-term monitoring for geomorphic and biotic surveys needed by the Corps of Engineers.

It was moved by Manager Jacobson and seconded by Manager Gust to authorize AE2S to assign land agents to make contact with property owners and obtain *Rights of Entry* for surveys on Phase II and Phase III property regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on access needed for surveys in Minnesota, surveys on Phase I property where access has been granted and mobility improvements near 40th Avenue and at the north end of the diversion channel for the Metro Flood Diversion Project.

Eric Dodds stated the Corps of Engineers has monitoring requirements for removal of the Wild Rice and Drayton Dams. Discussion was held on federal funding availability for the Corps of Engineers to consider removal of the existing Drayton Dam and the fish passage project as a mitigation feature for the Metro Flood Diversion Project. The federal funding determination will be made by February of 2017. Consultants will continue to research and will contact the Pembina County Water Resource District to arrange a meeting.

**Metro Flood Diversion Project – relocation benefits**

Chris McShane updated the Board on the appeal of relocation assistance by property owner OIN 9505 regarding the Oxbow-Hickson-Bakke Ring Levee Project. The appeal panel has 30 days to issue a written decision. Brief discussion was held on Task Order amendments to be submitted for consideration by the Board.

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

It was moved by Manager Gust and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *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 Jacobson and seconded by Manager Lougheed to approve the Request for Proposals (RFP) to hire abstract companies 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.

Eric Dodds and Lukas Andrud updated the Board on closings for the In Town Levees Project and a closing on organic farmland in the staging area regarding the Metro Flood Diversion Project. Brief discussion was held on the services in Cass County supported by maintaining the real estate tax on property purchased for the Metro Flood Diversion Project.

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

Paul Breen stated 35 vacant homes have been winterized in the City of Oxbow regarding the Oxbow-Hickson-Bakke Ring Levee Project. Brief discussion was held on the removal of the Oxbow Clubhouse and the demolition of OIN 1989, 9436 and 9440 for the Oxbow-Hickson-Bakke Ring Levee Project.

**Metro Flood Diversion Project – project updates**

Eric Dodds updated the Board on the Public-Private Partnership (P3) Procurement process and recent communication between City of Moorhead Mayor Del Rae Williams

and the Minnesota Governor's office regarding the Minnesota DNR's denial of the *Dam Safety and Work in Public Waters Permit*. The Corps of Engineers is reviewing proposals and will award a contract by mid-November for construction of the diversion inlet structure regarding the Metro Flood Diversion Project.

Brief discussion was held on research conducted by Steve Herzog regarding flowage easements in the staging area, updates and information to send to occupied and residential property owners, updated hydrology for maps on the inundation or depth of potential water in the staging area and research criteria to determine the level of impact and the potential options available to property owners impacted by the Metro Flood Diversion Project.

Mr. Dodds stated staff and consultants met on September 29, 2016, to discuss the publishing requirements for the assessment list regarding FM Flood Risk Management District No. 1.

**Reimbursement request #35 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 Lougheed to approve and authorize the Secretary-Treasurer to sign reimbursement request #35 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

**Maple River Dam – spraying and tree removal**

Lee Beauvais updated the Board on the Maple River Dam tree removal project, which consists of removing trees on the southern end and cleaning up smaller areas throughout the Maple River Dam Project area. Agreements will be considered by the Board at the next meeting.

**Bills**

It was moved by Manager Lougheed and seconded by Manager Jacobson to approve the payment of Checks #12964 through #12975 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, Lougheed and Gust. Manger Olson declared the motion passed.

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

The Assessment Hearing for Lake Bertha Flood Control Project No. 75 will be held at 9:00 a.m. on Tuesday, November 29, 2016, at the Embden Senior Center, Embden, North Dakota.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Gust, seconded by Manager Lougheed 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