

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
AUGUST 13, 2010

The Cass County Joint Water Resource District met on August 13, 2010, at 9:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Thomas L. Fischer, Chairman; Mark Brodshaug and Mark Thelen, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer and Keith Monson, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Jeff Volk, Lee Beauvais and Chad Engels, Engineers for the Board; Mark Bittner, Fargo City Engineer; Keith Berndt, Cass County Engineer; Lance Yohe and Janeen Stenso, Red River Basin Commission; Craig Hakanson, City of Horace; Stan Wolf, Cass County Weed Control; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Dean Rust, property owner in Raymond Township and Richard Lewis, West Fargo resident.

**Weed Control**

Stan Wolf reported that he surveyed the Water Resource District facilities for noxious weeds, trees and cattails. Manager Olson asked about spraying areas the helicopter cannot reach. Mr. Wolf will look into the matter.

**Fargo-Moorhead Metropolitan Feasibility Study - downstream / upstream impacts**

Lance Yohe reviewed a plan to gather information and develop an inventory of community flood protection needs as related to the downstream impacts from the Red River Diversion, along with the funding necessary to implement the plan. Meetings will be held with small cities in Minnesota to analyze their current need for flood protection, as well as what would be needed for the Red River Diversion. After the meetings have been held, they will start the public engagement process. Houston Engineering, Inc. will be working with the cities on the matter.

Mr. Yohe suggested holding regular meetings for public input. Jeff Volk said we need to know their source of flooding and whether that will change with or without the project. Manager Brodshaug said some of the information collected could be helpful if someone wants to construct a ring dike this fall.

Manager Monson asked why the value of structures is discussed, and not the value of land. He expressed concern about crop damage, erosion and delayed planting. Mr. Yohe said those issues are being addressed.

Funding for the work proposed by Mr. Yohe was discussed. It was moved by Manager Brodshaug and seconded by Manager Buringrud to fund the Red River Basin Commission's initial needs proposal and to prepare a proposal for the next Fargo-Moorhead Metropolitan Feasibility Study Work Group meeting and coordinate the matter with the Work Group and the Corps of Engineers. Upon roll call vote, the motion carried unanimously. Mr. Yohe will contact the Work Group about the initial needs proposal and will report on work completed at the September 9, 2010, Work Group meeting.

**Fargo-Moorhead Metropolitan Feasibility Study - Flood Cooperation Agreement with Cass County and the City of Fargo**

Sean Fredricks reviewed the Flood Cooperation Agreement with Cass County and the City of Fargo. The City of Fargo approved the document with the addition of a paragraph stating that "in the event the County-wide sales tax vote in November 2010 is unsuccessful and thereafter if Cass County and Fargo are unable to arrive at such agreement for the appropriate sharing of such costs and the method for such by March 15, 2011, then this agreement shall terminate immediately and be of no further force or effect."

It was moved by Manager Brodshaug and seconded by Manager Olson to approve the amended Flood Cooperation Agreement with Cass County and the City of Fargo and to authorize the Chairman to sign the same.

**Discussion:** Manager Buringrud indicated that he does not like the word "potential" relating to the creation of a special assessment district by the Joint Board to finance a portion of the project. He would like it to say they "will" create a special assessment district. Mr. Fredricks has advised the attorneys for the North Dakota entities about the Board's concerns regarding another Joint Powers Agreement between the Water Resource District, Cass County and the City of Fargo.

Manager Olson explained how excess sales tax could be used for upstream / downstream projects.

Manager Buringrud said he will not vote in favor of the Joint Powers Agreement with the City of Fargo and Cass County, unless language is included relating to the creation of a special assessment district. Manager Wolfer agreed. Jacob Gust supported Manager Buringrud's statements. Manager Olson said the agreement needs to be up front about a special assessment district. Manager Buringrud said property owners need to know that there will be an assessment. Mark Bittner said the Joint Powers Agreement should state they "have to" create a special assessment district. Downstream people need to know that will happen.

Upon roll call vote, the motion carried unanimously.

### **Fargo-Moorhead Metropolitan Feasibility Study - right of access**

Mr. Fredricks reported that the judge granted access to North Dakota critical properties with regard to the Fargo-Moorhead Metropolitan Feasibility Study. As indicated in court, the Secretary-Treasurer will notify property owners when access is needed. Mr. Fredricks said work is currently being done to gain access to North Dakota properties along the tieback levee for the Minnesota alignment.

### **Fargo-Moorhead Metropolitan Feasibility Study - letter setting out Cass County Joint Water Resource District statutory authorities and unique capabilities**

The Board decided not to send a letter to city and county officials setting out the statutory authorities and unique capabilities of the Cass County Joint Water Resource District with regard to the Fargo-Moorhead Metropolitan Feasibility Study.

### **Minutes**

It was moved by Manager Olson and seconded by Manager Wolfer to approve the minutes of the July 23, July 30 and August 5, 2010, meetings. Upon roll call vote, the motion carried unanimously.

### **Bills**

It was moved by Manager Buringrud and seconded by Manager Brodshaug to approve the payment of Checks #9573 through #9578, as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Olson, Brodshaug, Buringrud and Wolfer. The Chairman declared the motion passed.

### **Red River Basin Commission tour of area flood control projects**

Manager Thelen was approached by Fargo City Commissioner Mike Williams about organizing a tour of area flood control projects. It was moved by Manager Olson and seconded by Manager Brodshaug to sponsor a tour of area flood control projects. After further discussion, it was moved by Manager Olson and seconded by Manager Brodshaug to amend the motion to read that the Cass County Joint Water Resource District will fund a tour of area flood control projects as part of the Red River Basin Commission's initial needs proposal. Upon roll call vote, the motion carried unanimously.

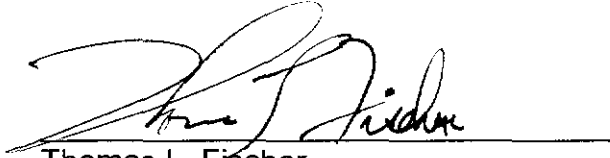
### **Red River Joint Water Resource District – Secretary-Treasurer position**

The Board discussed the proposal of the Cass County Water Resource Districts' Secretary-Treasurer and staff to take on the duties of the Red River Joint Water Resource District Secretary-Treasurer position, which will be open in the near future, due to retirement of the person currently in that position.

**Adjournment**

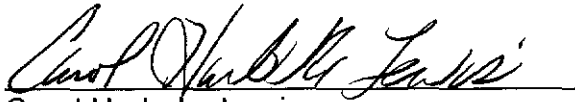
There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

A handwritten signature in black ink, appearing to read "Thomas L. Fischer", written over a horizontal line.

Thomas L. Fischer  
Chairman

ATTEST:

A handwritten signature in black ink, appearing to read "Carol Harbeke Lewis", written over a horizontal line.

Carol Harbeke Lewis  
Secretary-Treasurer