

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 10, 2010

The Cass County Joint Water Resource District met on September 10, 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; Michael R. Buringrud, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Sean M. Fredricks, Attorney for the Board; Jeff Volk, Lee Beauvais and Chad Engels, Engineers for the Board; Mark Bittner, Fargo City Engineer; Gregg Thielman, Houston Engineering, Inc.; Lance Yohe, Red River Basin Commission; Steve Nagel, Braun Intertec; Craig Hakanson, City of Horace and Richard Lewis, West Fargo resident. Manager Rodger Olson was absent.

**Fargo-Moorhead Metropolitan Feasibility Study – downstream modeling**

Manager Brodshaug asked Gregg Thielman to present information on the modeling being done downstream of the proposed Red River Diversion. Mr. Thielman presented a schematic of the model, which analyzes storage throughout the system. The diversion model is added to an existing conditions model to determine impacts. He pointed out that the model he is presenting is for a 100-year event on the Red River. The tributaries could also be mapped to see how it would all work together.

Jeff Volk believes that most of the change in timing is due to the extra water from the protected areas, where water used to spread out.

Lee Beauvais pointed out that the 100-year flood they are using is different than the FEMA 100-year flood. This is much bigger than the FEMA 100-year flood.

Mr. Thielman said the impacts downstream were higher than anyone thought they would be going into the project, so now they need to look at other things that can be done differently to try and reduce those impacts.

**Fargo-Moorhead Metropolitan Feasibility Study – Right of Entry**

Sean Fredricks informed the Board that they are waiting for more data from the Corps of Engineers before proceeding with any further requests for Right of Entry.

## **Fargo-Moorhead Metropolitan Feasibility Study – Joint Powers Agreements**

Mr. Fredricks outlined issues that need to be resolved in a Joint Powers Agreement with Cass County and the City of Fargo, prior to entering into the Metro Joint Powers Agreement, which the Work Group hopes to approve at its October 9, 2010, meeting. He is waiting to hear when the entities would be available to meet.

Operation and maintenance issues were discussed. Mark Bittner said the advantage of creating an assessment district for construction of the project is that it can be rolled into a maintenance district, which the City of Fargo may not want to be involved with. Manager Thelen said if the Water Resource District forms the maintenance district, it should tell the Metro Joint Powers Agreement Board what the level of maintenance is going to be. Mr. Fredricks said at the last attorney group meeting there was a broad understanding that the Metro Joint Powers Agreement Board will not be handling the routine maintenance. Chairman Fischer said parts of the project that will be maintained will need decisions by the entire group of people involved with it. The day to day maintenance and pieces that require more discussion by the major funding entities will need to be separated out and identified in the Joint Powers Agreement and work with that, rather than eliminate anybody or putting all the responsibility on any one entity. Manager Brodshaug said it will evolve over time, similar to what happened with the Sheyenne Diversion. Mr. Volk added that there will be a huge difference in maintenance costs if the bridges are included in the Federal Aid System. Until the future is known with the transportation system, it would be very difficult to determine the dollars that are needed for maintenance.

Mr. Fredricks said issues that will be addressed in the Joint Powers Agreement with Cass County and the City of Fargo include voting, special assessments and right-of-way ownership. No one knows what operation and maintenance will look like, so that will not be included in the agreement. The Metro Joint Board can maintain or can enter into contracts with other entities to handle other issues, including maintenance. Mr. Bittner, along with the technical group, have been asked to work through the operation and maintenance issues. If the Board wants something specific in the agreement, they need to decide that.

Manager Brodshaug asked Mr. Bittner how he envisions operations during a flood and the number of people it would take. Mr. Bittner said a Board such as the Water Resource District may be a player in that.

Mr. Bittner said the recreation plan is still vague. He said the Water Resource District may view that differently than the City of Fargo. Chairman Fischer said at some point the group will need to sit down and determine who should handle that. Manager Thelen said if someone wants a bike path, they would need to come up with the funds to build it. Manager Brodshaug said this is different than the Sheyenne Diversion as there were no funds included for recreation.

**Maple River Dam – streambank and stabilization project**

The bid opening for the Maple River Dam streambank and stabilization project will be on October 4, 2010. Both projects will be bid together with a 2011 completion date.

**Maple River Dam – State Water Commission inspection**

Mr. Beauvais reported that the State Water Commission inspection of the Maple River Dam went very well. They complimented the Board for the maintenance being done there. The Board should be receiving a follow-up letter from the State Water Commission.

**Joint Funding Agreement with the USGS for fiscal year 2011 programs**

It was moved by Manager Wolfer and seconded by Manager Buringrud to authorize the Chairman to sign the Joint Funding Agreement with the USGS for fiscal year 2011 programs. Upon roll call vote, the motion carried unanimously.

**Minutes**

It was moved by Manager Brodshaug and seconded by Manager Buringrud to approve the minutes of the August 27, 2010, meeting. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Brodshaug and seconded by Manager Wolfer to approve the payment of Checks #9604 through #9606, as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Brodshaug, Buringrud and Wolfer. Manager Olson was absent. The Chairman declared the motion passed.

**Maple River Dam – concern of river bank erosion**

Manager Brodshaug said a property owner contacted him with concerns that the Maple River Dam is causing river bank erosion on his property. He and Manager Olson, along with the Water Resource District Engineer, will look into the matter.

**Memo to all townships in Cass County outlining road and culvert issues**

The Board directed Sean Fredricks to send another copy of the memorandum outlining various road and culvert issues to all of the townships in the Cass County. Mr. Fredricks will also look into placing the matter on the Township Officers Association fall meeting agenda.

**Correspondence from Bethany Kurz, Energy and Environmental Research Center, regarding the Waffle plan**

The Board reviewed a letter from Bethany Kurz commenting on the review of the Waffle plan model by Moore Engineering, Inc. It was moved by Manager Brodshaug and seconded by Manager Wolfer to authorize Chairman Fischer to sign a letter to Bethany Kurz, Energy and Environmental Research Center, responding to the factual

inaccuracies in her letter of September 1, 2010, regarding to the review of the Waffle plan model by Moore Engineering, Inc. and to authorize Moore Engineering, Inc. to prepare an executive summary of the draft report for distribution. Upon roll call vote, the motion carried unanimously.

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

The proposed Red River Basin Commission tour of area flood control projects was discussed. Lance Yohe said they have met with upstream and downstream communities with regard to the Fargo-Moorhead Metropolitan Feasibility Study.

**Adjournment**

There being no further business for the Board to consider, the meeting adjourned without objection.

APPROVED:

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Thomas L. Fischer  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer