

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 24, 2010

The Cass County Joint Water Resource District met on September 24, 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; Wesley Ecker, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Sean M. Fredricks, Attorney for the Board; Lee Beauvais, Engineer for the Board; Dennis Ertelt, Maple River Dam Land Manager; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Mark Bittner, Fargo City Engineer; Craig Hakanson, City of Horace; Daniel Twichell and Richard Lewis, West Fargo residents.

**Fargo-Moorhead Metropolitan Feasibility Study**

Chairman Fischer said the Corps of Engineers is reevaluating downstream impacts with regard to the Fargo-Moorhead Metropolitan Feasibility Study. They are also looking at changing the location of the inlet structure on the project.

Chairman Fischer said he received a call about the City of Horace going on record to oppose the Red River Diversion. Craig Hakanson said they are not opposed to the project, but are opposed to being assessed for it. Manager Brodshaug said he believed they would support the project if it was constructed further west.

Mark Bittner said the Corps is looking at coming up with an option to reduce impacts north of Fargo to zero, preferably upstream of Grand Forks. Lee Beauvais said the downstream impacts are all being analyzed based on a specific synthetic event. There is a method out there where they can generate a historic period of record and synthesize all that to come up with a more typical event. It is a method the Corps of Engineers has used before. He said no one expected the downstream impact to be as much as it was and to continue on as far as it did.

Mr. Bittner said they need to know what impacts placing storage at certain locations would do for downstream impacts. The City of Fargo is supportive of retention, but they want to make sure they are spending their dollars in the right location. The Corps of Engineers is looking at moving the inlet structure north about 6 miles, from just north of Oxbow to the area of 78th to 80th Avenue South. This would line up with the Minnesota option.

Manager Olson asked if there has been any discussion on restricting the flow of tributaries into the diversion to bring it down to a 25-year event. Mr. Beauvais said that has been discussed and is one of the reasons why they are trying to get a better picture of what that looks like out there.

Sean Fredricks said, with regard to the larger Joint Powers Agreement, Cass County Commission Chair, Darrell Vanyo, suggested leaving things the way they are and continue to cooperate. Cass County will proceed with their sales tax vote. The attorney group continues to work on liability considerations for the Joint Powers Agreement.

On right of entry, the Corps of Engineers is reevaluating some things asked that we hold off until we hear from them. Mr. Fredricks impressed upon them to get the property list to us ahead of time so it can be worked on over winter.

Mark Bittner said many options are being looked at for retention. If the Corps of Engineers cannot provide information on the Wild Rice, the City of Fargo will hire someone to do it.

Manager Brodshaug asked about finalizing the Joint Powers Agreement before the tough decisions need to be made. Manager Olson indicated he would also like to continue on with the process.

Jacob Gust expressed the importance of getting information out to the public on the county sales tax vote in November. There needs to be one message to prevent any confusion. Manager Olson said the message is still that the project will be built on the North Dakota side, the way it was presented. Mr. Bittner said there is still confidence at the Corps of Engineers level that they can get the job done. It will just take additional thought and analysis to address the downstream impacts.

Manager Brodshaug asked about formation of the technical group as Mark Bittner has presented. Mr. Bittner said each entity needs to appoint someone to the group. Mr. Fredricks said before the Joint Powers Agreement is executed they need to have the technical group operating.

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

The proposed Red River Basin Commission tour of area flood control projects was discussed. Mr. Fredricks reviewed information on open meetings statutes. The Board directed Mr. Fredricks to forward his recommendation to the Red River Basin Commission.

### **Minutes**

It was moved by Manager Olson and seconded by Manager Wolfer to approve the minutes of the September 10, 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 #9607 through #9610, as presented. Upon roll call vote, the following Managers voted in favor: Fischer, Brodshaug, Olson, Ecker and Wolfer. The Chairman declared the motion passed.

## **Red River Retention Authority**

It was moved by Manager Brodshaug and seconded by Manager Wolfer to authorize Carol Harbeke Lewis and Sean Fredricks to put together a proposal on behalf of the Cass County Water Resource Districts to house and staff the office for the Red River Retention Authority. Upon roll call vote, the motion carried unanimously.

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

Manager Brodshaug said he would like to develop a job description and go through an interview process to work something out for the Red River Joint Water Resource District Secretary-Treasurer position. If the office remains in Hillsboro, they need to look at how the job is laid out. There is also discussion of splitting the Treasurer duties off from the secretarial duties. The Board indicated they would support that idea.

## **Sheyenne River Joint Water Resource District**

Daniel Twitchell asked about the status of the Sheyenne River Joint Water Resource District Board. Dennis Ertelt said the Board will likely stay together for another 5 to 10 years. Mr. Fredricks said Jim Lyons, Ransom County Water Resource District, agreed there was no need to disband at this time. Mr. Ertelt said the Corps of Engineers was happy to hear they were going to continue on and issued another letter stating a second sponsor is no longer needed with regard to Baldhill Dam.

## **Maple River Dam**

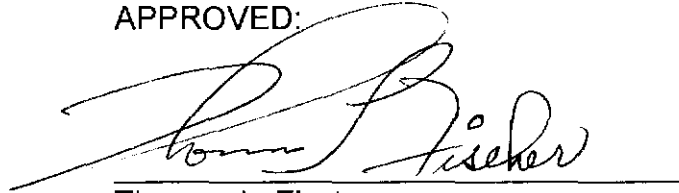
Dennis Ertelt presented *The Habitat Mitigation Report* for 2010 and gave a copy of the 2009 report to the Secretary-Treasurer to file with the project records.

It was moved by Manager Brodshaug and seconded by Manager Ecker to authorize Dennis Ertelt to arrange for the Natural Resources Conservation Service to apply chemical to the trees this fall and for tree replacement next year on Maple River Dam mitigation sites. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Olson, seconded by Manager Brodshaug and unanimously carried to adjourn the meeting.

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