

AMENDED ITEMS—APRIL 7, 2014

CONSENT AGENDA:

i. Request to solicit for employee fundraiser/benefit

SUGGESTED MOTION:

Allow the promotion and holding of a bake sale and lunch fundraising benefit on April 24, 2014, from 11:30 AM to 1:00 PM in the Cass County Annex basement for Sheri Finstad, Cass County Social Services employee.

j. NSP transmission line and easement disclaimer of interest

SUGGESTED MOTION:

Move to authorize the chairman to sign a Disclaimer of Interest, Stipulation and Order for Dismissal of Cass County in the Northern States Power lawsuit relating to the Cap-X transmission line.

REGULAR AGENDA:

3. Cass County Youth Commission update

Remove item and reschedule to April 21st meeting

5a. Flood Diversion Board of Authority billing for March

SUGGESTED MOTION:

Move to approve the expenses for the Flood Diversion Board of Authority in the amount of \$795,545.79 for the month of March, 2014.

RECEIVED

APR 4 2014

CASS COUNTY COMMISSION

April 4, 2014

Cass County Commissioners
211 9th Street South
Fargo, ND 58103

RE: Sheri Finstad Benefit

Dear Commissioners:

There has been a group formed that would like to have a benefit/fundraiser for a coworker of ours, Sheri Finstad. Sheri has been a Social Worker with Cass County Social Services for three years (one year as an intern and two years as a full-time social worker). She is an excellent addition to our team!

Sheri has a form of epilepsy, which has required several surgeries. She has most recently had two brain surgeries, and there is one more expected around June. Sheri's husband, Chris, has Krone's Disease and has also undergone surgery.

Our group (Buffy Riddering, Jan Tuel, Marlene Sorum, Missy Ambers, Kathy Setness, Carrie Smith and Joann Flanagan) would love to raise money to help Sheri and her husband with medical bills, travel costs, etc.

Our current plan is to have a bake sale and serve taco in a bag in the Cass County Annex basement on April 24, 2014 from 11:30-1:00. We would like to invite all county and city personnel, if possible. There is another group currently being formed to have a larger benefit, including receiving matching funds from DMF (if they accept our request), which would be held in August, 2014.

Your support in this effort would be greatly appreciated!! And, if possible, we would greatly appreciate any help or support you can offer in inviting all city/county personnel.

Thank you so much for your time and consideration!!

Sincerely,

Sheri's CCSS Support Group

SUGGESTED MOTION:

Allow the promotion and holding of a bake sale and lunch fundraising benefit on April 24, 2014, from 11:30 AM to 1:00 PM in the Cass County Annex basement for Sheri Finstad, Cass County Social Services employee.



RECEIVED

APR 2 2014

MEMORANDUM

CASS COUNTY COMMISSION

TO: Cass County Commissioners

FROM: Birch P. Burdick
Cass County State's Attorney

DATE: April 2, 2014

RE: NSP Transmission Line, Easements – Dismiss Cass County from Suit

State's Attorney

Birch P. Burdick

Assistant State's Attorneys:

- Mark R. Boening
- Tracy J. Peters
- Leah J. Viste
- Reid A. Brady
- Kara Schmitz Olson
- Gary E. Euren
- Kimberlee J. Hegvik
- Cherie L. Clark
- Tristan J. Van de Streek
- Ryan J. Younggren
- Renata J. Selzer
- Tanya Johnson Martinez

Victim/Witness Coordinators:

- Brenda Olson-Wray
- Debbie Tibiatowski
- Lori Lawson

Check Division/ Restitution:

- Josi Schultz
- Charlotte Eversvik

Box 2806
211 Ninth Street South
Fargo, North Dakota 58108

PH: 701-241-5850
Fax: 701-241-5838

I ask this be placed on the Consent Agenda for the April 7, 2014 Commission meeting.

At prior times the Commission has heard presentation(s) about NSP's (Xcel Energy) 345-kV (Cap-X) transmission line. The line will extend from Monticello, MN to the Bison Substation in Harmony Township in Cass County.

In 2013, NSP (Xcel Energy) filed suit against some businesses, individuals and numerous political subdivisions (including Cass County) in order to obtain easements to construct and operate the transmission line. The line will cross various parcels, some of which Cass County has limited interest in, primarily in the ditch areas or as the collector of taxes on the parcels. The defendants, including Cass County, retain use of the easement areas to the extent not inconsistent with the transmission line.

I have conversed about this with both the Auditor and County Administrator. None of us have any concerns about the project's impact on Cass County's interests. NSP's counsel has prepared a document disclaiming Cass County's interest in the matter and dismissing Cass County from the suit (enclosed). Other political subdivisions are doing the same.

SUGGESTED MOTION: Authorize the Chair to sign the enclosed Disclaimer of Interest, Stipulation, and Order for Dismissal of Cass County in the NSP suit.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

Northern States Power Company (d/b/a Xcel Energy), a Minnesota corporation, by its Board of Directors,

CIVIL NO. 09-2013-CV-00589

Plaintiff,

vs.

Jay Meyer; Marilyn Meyer; Qwest Corporation, a Colorado corporation d/b/a CenturyLink QC, successor in interest to Northwestern Bell Telephone Company; Rush River Water Resource District a/k/a Rush River Water Management District of Cass County, North Dakota, a North Dakota political subdivision; Harmony Township; Dean Brian Kraft a/k/a Dean Kraft; Jennifer Lynn Kraft a/k/a Jennifer L. Kraft; Alerus Financial, National Association f/k/a First National Bank North Dakota, a national association; Maple River Water Resource District, a North Dakota political subdivision; Durbin Township; Kirk B. Cossette a/k/a Kirk Cossette; Rebecca Cossette; Contractors Leasing, a partnership; Addison Township; Claude M. Richard; Paul Reinke; Jana Reinke; Cass Rural Water Users District, a North Dakota political subdivision f/k/a Cass Rural Water Users, Inc., a North Dakota corporation; Cass County Electric Cooperative, Inc., a North Dakota cooperative; and Cass County,

Defendants.

**DISCLAIMER OF INTEREST,
STIPULATION,
AND ORDER FOR DISMISSAL
OF CASS COUNTY**

(ALL PARCELS)

RECITALS

A. Plaintiff commenced the captioned action by filing its Complaint with the Clerk of District Court on February 20, 2013, in which Plaintiff seeks condemnation of easement interests for transmission line purposes. Plaintiff filed an Amended Complaint with the Clerk of

District Court on February 26, 2013, to correct the name of one of the named Defendants. This Disclaimer concerns all Parcels identified in Exhibits A and B to the Complaint.

B. Plaintiff named Cass County as a Defendant in the captioned action by virtue of its interest as the tax collector of the property tax payments assessed on all Parcels, and by virtue of its interests in ditches associated with Parcel ND007, Parcel ND043, Parcel ND045, Parcel ND047, and Parcel ND056.

C. Cass County, by and through a duly authorized representative, hereby advises the Court as follows:

1. Cass County hereby expressly disclaims any and all interest in and to any judgment or award arising or resulting from the captioned action.
2. Cass County hereby waives any claim to any costs, disbursements, expenses, attorneys' fees, or appraisal fees to which it could be entitled in connection with the captioned action.

WHEREFORE, based on the foregoing disclaimer of any interest in and to any judgment or award, or costs, disbursements, expenses, attorneys' fees, or appraisal fees in connection with the captioned action, Cass County and Plaintiff request that the Court enter an Order dismissing Cass County as a Defendant in connection with the captioned action.

To the extent that they are not signing on their own behalf, the undersigned warrant that they are authorized to act for those they represent in connection with this Disclaimer.

CASS COUNTY

Dated: _____, 2014

By: _____
_____ (printed name)

Its: _____ (title)

Subscribed and sworn to before me
this ____ day of _____, 2014.

Notary Public

FREDRIKSON & BYRON, P.A.

Dated: _____, 2014

By: _____
Mollie M. Smith, ND Bar #06714
Patrick D.J. Mahlberg, ND Bar #06659
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402-1425
Telephone: (612) 492-7000
Fax: (612) 492-7077
Email: msmith@fredlaw.com
pmahlberg@fredlaw.com

Attorneys for Plaintiff

ORDER

Based on the foregoing, the captioned action is hereby dismissed with prejudice as to Cass County, with no costs, disbursements, expenses or fees awarded to any party.

Dated: _____, 2014

Judge of District Court



April 2, 2014

Auditor

Michael Montplaisir, CPA
701-241-5601

Treasurer

Charlotte Sandvik
701-241-5611

Director of Equalization

Frank Klein
701-241-5616

Cass County Board of Commissioners
Cass County Government
211 9th Street South
Fargo ND 58103

RE: March Diversion Billing

Dear Commissioners:

The March billing for the Flood Diversion Board of Authority is attached.

The expenses are the county's share of engineering, legal, program management, and accounting services.

Sincerely,


Michael Montplaisir, CPA
Cass County Auditor

SUGGESTED MOTION:

Move to approve the expenses for the Flood Diversion Board of Authority in the amount of \$795,545.79 for the month of March, 2014.

MY DOCUMENTS\HEATHER\DIVERSION DOCUMENTS\COMMISSION LETTER FOR DIVERSION BILLING-MARCH 2014.DOCX

Box 2806
211 Ninth Street South
Fargo, North Dakota 58103

Fax 701-241-5728

www.casscountynd.gov



INVOICE

CITY OF FARGO, NORTH DAKOTA
CITY AUDITORS OFFICE
PO BOX 1607
FARGO, ND 58107

(701) 241-1333

TO: Cass County Auditors Office
Jennifer Thoreson
PO Box 2806
FARGO, ND 58107

INVOICE NO: 233321
DATE: 3/31/14

CUSTOMER NO: 899/17916

TYPE: DV - DIVERSION AUTHORITY

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	FM Diversion Authority March 2014 Billing	715,991.21	715,991.21

*DUE UPON RECEIPT. LATE PAYMENT CHARGE OF 1.5%/MO
WILL BE APPLIED 30 DAYS AFTER INVOICE DATE.

TOTAL DUE: \$715,991.21

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 3/31/14 DUE DATE: 3/31/14
CUSTOMER NO: 899/17916

NAME: Cass County Auditors Office
TYPE: DV - DIVERSION AUTHORITY

REMIT AND MAKE CHECK PAYABLE TO:
CITY OF FARGO, NORTH DAKOTA
CITY AUDITORS OFFICE
PO BOX 1607
FARGO ND 58107

INVOICE NO: 233321
TERMS: NET 0 DAYS

AMOUNT: \$715,991.21

**FM DIVERSION AUTHORITY
LOCAL AGENCY BILLINGS (Cash Disbursement Basis)**

BILLING PERIOD:	Mar-14
INVOICE DATE:	3/31/2014
TOTAL INVOICED AMOUNTS:	\$ 1,591,091.58

DETAILS OF COSTS BILLED:

Revenues Received During Period	Amount
361.85-00 Lease/Rental Payments	\$ 726.11
Total Received	\$ 726.11
Expenses Disbursed During Period	Amount
33-05 Engineering Services	\$ 779,616.51
33-20 Accounting Services	380.00
33-25 Legal Services	100,159.15
33-42 Army Corp of Engineers	525,000.00
33-79 Construction Management Services	180,000.00
34-65 Right of Entry Requests	963.50
38-99 Other Services	53.60
52-30 General Liability Insurance	4,975.00
62-51 Electricity	39.93
80-01 Advance to Oxbow for land purchase	630.00
Total Disbursed	\$ 1,591,817.69
TOTAL TO BILL FOR PERIOD	\$ 1,591,091.58

FM Diversion Cost Allocation	A/R Type	A/R Code	Cust. ID #	Agency Cost Share	Billed Amounts
334-10-00 State Water Commission	DV	FMDV3	10427	Land Cost	-
337-80-20 City of Fargo				45%	715,991.21
337-80-25 City of Moorhead	DV	FMDV1	1969	10%	159,109.16
337-80-30 Cass County	DV	FMDV2	899	45%	715,991.21
Total Partnership A/R Billing Totals					\$ 1,591,091.58

**FM Diversion Authority
Summary of Cash Disbursements
March 2014**

Period/Year: 03/2014

Date: 3/28/2014

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-129.80-01	3/19/2014	247770	RED RIVER TITLE SERVICES INC	\$ 105.00	DIVERSION ABSTRACTS	V02404	OXBOW MOU - LAND ADVANCE
	3/19/2014	247770	RED RIVER TITLE SERVICES INC	525.00	DIVERSION ABSTRACTS	V02404	OXBOW MOU - LAND ADVANCE
Total - City of Oxbow				630.00			
790-7905-429.33-42	3/31/2014	JB03140017	ARMY CORP OF ENGINEERS	525,000.00	LOCAL SHARE Q3 FY14	V01101	Army Corp Local Share Pmt
Total Local Share to USACE - Army Corp of Engineers				525,000.00			
790-7910-429.33-20	3/28/2014	JB03140016	CITY OF FARGO	380.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total WIK - General & Admin - Accounting Services				380.00			
790-7910-429.33-25	3/19/2014	247692	ERIK R JOHNSON & ASSOCIATES	3,844.55	METRO FLOOD PROJ-GENERAL	V00102	General & Admin. WIK
Total WIK - General & Admin. - Legal Services				3,844.55			
790-7910-429.38-99	3/26/2014	247922	NORTH DAKOTA TELEPHONE CO	53.60	CONFERENCE BRIDGE USE	V00102	General & Admin. WIK
Total WIK - General & Admin. - Other Services				53.60			
790-7910-429.52-30	3/5/2014	247438	WARNER & CO	4,975.00	RENEW GEN LIABILITY POLIC	V00102	General & Admin. WIK
Total WIK - General & Admin. - General Liability				4,975.00			
790-7915-429.33-05	3/12/2014	247599	OXBOW, CITY OF	20,644.90	OXBOW OHB LEVEE PROJ	V02401	OXBOW MOU-PROJ MGMT ADMIN
	3/12/2014	247599	OXBOW, CITY OF	20,623.60	OXBOW OHB LEVEE PROJECT	V02402	OXBOW MOU-PRELIM ENGINRNG
	3/12/2014	247599	OXBOW, CITY OF	112,500.00	OHB LEVEE PROJECT	V02405	OXBOW MOU-DESN/CONST ENG
	3/26/2014	247928	OXBOW, CITY OF	9,312.00	OHB LEVEE	V02401	OXBOW MOU-PROJ MGMT ADMIN
	3/26/2014	247928	OXBOW, CITY OF	3,501.00	OHB LEVEE	V02402	OXBOW MOU-PRELIM ENGINRNG
	3/26/2014	247928	OXBOW, CITY OF	10,685.16	R HARRISON/R TRENT PHASES	V02403	OXBOW MOU-CONCEPT LAYOUTS
	3/26/2014	247928	OXBOW, CITY OF	168,750.00	OHB LEVEE	V02405	OXBOW MOU-DESN/CONST ENG
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	17,330.38	JAN 2014	V01607	RECREATION/USE MASTER PLN
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	1,002.75	JAN 2014	V01608	WORK-IN-KIND (WIK)
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	69,135.28	JAN 2014	V01609	HYDROLOGY/HYDRAULIC MODEL
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	163,176.10	JAN 2014	V01613	LEVEE DESIGN & SUPPORT
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	15,888.50	JAN 2014	V01614	TRANS/DRAINAGE MASTER PLN
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	44,500.80	JAN 2014	V01615	DRAFT OPERATIONS PLAN
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	6,189.25	JAN 2014	V01616	PERMIT SUBMITTAL PREP

**FM Diversion Authority
Summary of Cash Disbursements
March 2014**

Period/Year: 03/2014

Date: 3/28/2014

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	3/5/2014	247434	URS CORPORATION	17,668.96	1/18/14 THRU 2/14/14	V01003	CULTURAL RESOURCES INVEST
Total WIK - Project Design - Engineering Services				680,908.68			
790-7920-429.33-05	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	69,643.00	JAN 2014	V01601	HMG - PROJECT MANAGEMENT
Total WIK Construction Mgmt. - Engineering Services				69,643.00			
790-7920-429.33-79	3/26/2014	247835	CH2M HILL ENGINEERS INC	180,000.00	MARCH 2014	V00204	CH2M Hill-9.1.13-9.13.14
Total WIK Construction Mgmt. - Construction Management				180,000.00			
790-7930-429.33-05	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	226.50	JAN 2014	V01602	CR-31 BRIDGE DESIGN
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	1,813.14	JAN 2014	V01604	CR-32 & CR-22 BRIDGE DSGN
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	1,540.00	JAN 2014	V01610	UTILITIES DESIGN
	3/26/2014	247865	HOUSTON-MOORE GROUP LLC	25,485.19	JAN 2014	V01611	REACH 6 & CR20 BRIDGE
Total LERRDS - North Dakota - Engineering Services				29,064.83			
790-7930-429.33-25	3/19/2014	247688	DORSEY & WHITNEY LLP	95,270.80	RED RIVER DIVERSION PROJ	V00101	Dorsey Whitney Legal
	3/19/2014	247692	ERIK R JOHNSON & ASSOCIATES	1,043.80	METRO FLOOD PROJECT-LEERD	V00103	General & Admin. LERRDS
Total LERRDS - North Dakota - Legal Services				96,314.60			
790-7931-429.34-65	3/12/2014	247596	OHNSTAD TWICHELL PC	963.50	PROF SERVICES	V01301	City of Moorhead ROE
Total LERRDS - Minnesota - Right of Entry Requests				963.50			
790-7931-429.62-51	3/26/2014	247942	RED RIVER VALLEY COOPERATIVE ASSOC	39.93	ACCT #1294.02 POWER	V02302	MN LAND PURCHASE-HARDSHIP
Total LERRDS - Minnesota - Electricity				39.93			
Total Disbursed for Period \$				1,591,817.69			