

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 24, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on February 24, 2022, at 8:00 a.m.

Present were Dan Jacobson and Keith Weston, 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; Nina Stone, Accountant; Melissa Maertens, Administrative Assistant; Sean M. Fredricks; Chris McShane, Luke Andrud and Katie J. Schmidt, Ohnstad Twichell, P.C.; Lyndon Pease, Brady Woodard and Pat Downs, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Rob Stefonowicz, Larkin Hoffman Attorneys; Eric Dodds, Dean Vetter, Sabrina Tusa and Hope Records, AE2S; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Lee Kaffar, Wade Whitworth and Kelsey Lee, HDR, Inc.; Ken Helvey, SRF Consulting Group, Inc.; Lisa Brekkestran, Drew Nicklay and Davon Hutchinson, Ulteig Engineers, Inc.; Mary Scherling, Cass County Commissioner; Joel Paulsen, Diversion Authority Executive Director; Jodi Smith, Diversion Authority Director of Lands; John Albrecht, Jacobs; Leo Richard, Kristi Sauvageau and Gene Sauvageau, Stanley Township property owners; and Ron Wilhelm, Moorhead.

Agenda

It was moved by Manager Olson seconded by Manager Weston and unanimously carried to approve the order of the agenda, as amended.

Minutes

It was moved by Manager Lougheed, seconded by Manager Weston and unanimously carried to approve the minutes of the February 10 and 18, 2022, meetings.

Metro Flood Diversion Project – project updates and general topics

Eric Dodds briefly discussed the Property Acquisition Status Report regarding the Metro Flood Diversion Project.

Chris McShane reported on formal negotiation updates regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – appraisal / RHDP review / approval

Jodi Smith and Mr. Dodds presented on the flowage easement appraisal process regarding the Metro Flood Diversion Project. Ms. Smith reviewed the studies, surveys, appraisals, and other work that has been completed thus far regarding flowage

easements for the project. Discussion was held on the results of the completed flowage easement appraisal work and the effect of flowage easements on transitional properties. Ms. Smith and Mr. Dodds discussed the flowage easement appraisal reports in more detail. The next steps in the flowage easement appraisal process are to consider the flowage easement appraisal reports, send informational packets to property owners where flowage easements are needed and provide outreach to property owners through the land agents as well as open house informational meetings. The flowage easement packets will be ready to be mailed next week with open house informational meetings scheduled for March 14-16, 2022.

John Albrecht stated he has reviewed the flowage easement appraisals and further discussed the appraisal reports regarding the Metro Flood Diversion Project. Mr. Albrecht noted all the appraisal reports were consistent in their approach and conclusions.

Ms. Smith further discussed the informational packets that will be sent to property owners where flowage easements are needed regarding the Metro Flood Diversion Project. The packet is intended to be user-friendly and information will also be available on the Metro Flood Diversion Project website. Ms. Smith indicated she is hopeful that a virtual option to attend the open house informational meetings will also be possible.

The Board previously declared the necessity to acquire property rights in the Upstream Mitigation Area for the Metro Flood Diversion Project and procured appraisals to value those rights. Crown Appraisals, Inc., has delivered the appraisals of the property rights in the Upstream Mitigation Area necessary for the Metro Flood Diversion Project. Manager Olson moved to accept the appraisals of the necessary property rights submitted by Crown Appraisals, Inc., as identified in the list presented to the Cass County Joint Water Resource District identified as *Flowage Easement Appraisals Review Certification Phase 2 Parcels (ND)*, and to direct land agents to make offers to acquire the necessary flowage easements in the format of the offer letters presented to the Board and utilizing the approved appraisal amounts as the basis for just compensation. Manager Gust seconded the motion. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Weston to approve the revised maximum Replacement Housing Differential Payment for OIN 2014, in the amount of \$283,250 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – acquisition review / approval

Dean Vetter updated the Board on the Acquisition Timeline Status Summary regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – Land Agent reports

Ken Helvey, Oly Olafson, Wade Whitworth, Dale Ahlsten and Lisa Brekkestran reported on activities, meetings and discussions with various property owners regarding the Metro Flood Diversion Project. Work is ongoing to assemble the packets of informational

materials that will be sent to property owners where flowage easements are needed for the Metro Flood Diversion Project.

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

Mr. Vetter discussed Pifer’s 2021 *Land Management Summary* regarding the Metro Flood Diversion Project.

Brief discussion was held on the status of management of tillable agricultural properties, as the P3 developer is managing the properties within the boundaries of the Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project. Mr. Vetter noted any minor issues that have transpired regarding property management for the Metro Flood Diversion Project have been resolvable through communication with the P3 developer.

Sabrina Tusa discussed various farmland leases regarding the Metro Flood Diversion Project. A motion was made by Manager Lougheed and seconded by Manager Weston to approve the 2022 *Cash Crop Lease Agreements* on the following properties regarding the Metro Flood Diversion Project:

- OINs 213Y and 214Y
- OIN 507Y (Area 2)
- OINs 561Y, 1222, 2366Y, 2367Y and 8852Y
- OINs 717Y and 9732Y
- OIN 843
- OINs 884Y and 885Y
- OIN 1089
- OINs 5004Y, 5009Y, 5012Y, 9054Y, 9055Y, 9056Y

Upon roll call vote, the motion carried unanimously.

Maple River Dam – 2021-2022 tree removal

Brady Woodard updated the Board on tree removal in the backwater pool of the Maple River Dam. Optimal weather conditions have allowed the contractor to make great progress on the project. The contractor has a few weeks of work remaining dependent on weather conditions.

Maple River Dam – spring melt

Moore Engineering, Inc. has begun monitoring the Maple River Dam regarding the spring melt.

Regional Conservation Partnership Program

Pat Downs stated Moore Engineering, Inc. is proceeding with project design and coordinating public meetings with City of Amenia officials regarding the RCPP – Rush River Watershed Plan. Final project design is due in September 2022.

Mr. Downs reported the RCPP – Upper Maple River Watershed Plan is currently being updated with information provided by the NRCS. The Plan will then be returned to the NRCS. Once the Plan is finalized, NRCS will draft an exception request letter for the benefit-cost ratio for the RCPP – Upper Maple River Watershed Plan to be sent with the Plan to the National Watershed Management Center for consideration.

Weed, cattail, tree and brush control

Discussion was held on the purchase, storage and availability of product used for weed, cattail, tree and brush control on Cass County Joint Water Resource District facilities for 2022. After discussion, the Board directed the Secretary-Treasurer to review the products and amount of products used in the past three years for weed, cattail, tree and brush control on Cass County Joint Water Resource District facilities.

Bills

It was moved by Manager Olson and seconded by Manager Weston to approve the payment of Checks #15096 through #15097 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Lougheed, Weston and Gust. Upon roll call vote, the motion carried unanimously.

Legislative updates

Sean Fredricks briefly updated the Board on legislative items regarding water resource districts.

A motion was made by Manager Gust and seconded by Manager Olson to express appreciation from the Water Resource District to State Senator Ron Sorvaag for his work regarding legislative items that impact water resource districts. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer