

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MARCH 10, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on March 10, 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, Luke Andrud and Katie J. Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Josh Hassell and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Rob Stefonowicz, Larkin Hoffman Attorneys; Dean Vetter and Sabrina Tusa, AE2S; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Lee Kaffar, Wade Whitworth and Kelsey Lee, HDR, Inc.; Ken Helvey, SRF Consulting Group, Inc.; Lisa Brekkestran and Davon Hutchinson, Ulteig Engineers, Inc.; Duane Breitling and Mary Scherling, Cass County Commissioners; Joel Paulsen, Diversion Authority Executive Director; Jodi Smith, Diversion Authority Director of Lands; John Albrecht, Jacobs; Lynn Mesteth, Dwyer Law Office, PLLC; Leo Richard, Kristi Sauvageau and Gene Sauvageau, Stanley Township property owners; and Chad Redlin, Hickson.

Agenda

It was moved by Manager Olson seconded by Manager Gust 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 24, 2022 (two sets), meetings.

Metro Flood Diversion Project – project updates and general topics

Dean Vetter reported all the packets of informational materials have been sent to property owners where flowage easements are needed for the Metro Flood Diversion Project. Open house informational meetings regarding North Dakota properties are scheduled for the evenings of March 14-16, 2022, and all are invited to attend. Land agents will also be present at the meetings. The open house meetings will be recorded and posted to the www.fmdiversion.gov website for those that cannot attend in person.

Sean Fredricks and Rob Stefonowicz reported on formal negotiation updates regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – appraisal / RHDP review / approval

It was moved by Manager Gust and seconded by Manager Weston to approve the revised maximum Replacement Housing Differential Payment for OIN 877, in the amount of \$162,815 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – acquisition review / approval

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

Mr. Fredricks discussed a proposed settlement for OIN 9400 regarding the Metro Flood Diversion Project.

It was moved by Manager Lougheed and seconded by Manager Olson to approve the *Settlement Agreement* for OIN 9400 regarding the Metro Flood Diversion Project. Upon roll call vote, the following voted in favor: Jacobson, Olson, Lougheed and Weston. Manager Gust voted against the motion. The motion passed.

Metro Flood Diversion Project – Land Agent reports

Lisa Brekkestran, Scott Stenger, Dale Ahlsten, Wade Whitworth and Ken Helvey reported on activities, meetings and discussions with various property owners regarding the Metro Flood Diversion Project.

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

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

- OINs 816 and 817
- OIN 844
- OIN 9751X

Upon roll call vote, the motion carried unanimously.

Mr. Vetter reported coordination is ongoing regarding haying and weed control efforts this year for parcels outside of the Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project.

Metro Flood Diversion Project – contracting actions

Mr. Vetter briefly discussed upcoming Task Orders for various appraisals regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – reimbursement request #122 from the Diversion Authority pursuant to terms and conditions of HB 1020

It was moved by Manager Lougheed and seconded by Manager Gust to approve and authorize the Secretary-Treasurer to sign reimbursement request #122 from the Diversion Authority, pursuant to the terms and conditions of HB 1020. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – public inquiries regarding future recreational land use and availability of stockpiled materials

Manager Weston discussed an inquiry from a local archery club regarding future recreational land use for the Metro Flood Diversion Project. Jodi Smith noted inquiries regarding lands for the Metro Flood Diversion Project can be directed to her and she will keep the Board informed.

Discussion was also held on availability of stockpiled materials to the public from construction of the Metro Flood Diversion Project. Ms. Smith will check into the matter and provide more information to the Board in the future.

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

Mr. Vetter noted the contractor has been given a *Notice to Proceed* to remove structures on three sites regarding the Metro Flood Diversion Project.

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 couple weeks of work remaining dependent on weather conditions.

Maple River Dam – Lease Agreements

It was moved by Manager Olson and seconded by Manager Gust to approve the *Lease Agreement* with Steven Fleischfresser for 2022 regarding Cass County Joint Water Resource District owned property for the Maple River Dam. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Weston to approve the *Lease Agreement* with Dean Sprunk for 2022 regarding Cass County Joint Water Resource District owned property for the Maple River Dam. Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program

Josh Hassell 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. Hassell reported the RCPP – Upper Maple River Watershed Plan has been updated with information provided by the Natural Resources Conservation Service (NRCS) and will be returned to the NRCS soon. The Water Resource District can now submit an exception request letter for the benefit-cost ratio for the RCPP – Upper Maple River Watershed Plan to the NRCS for review. If the exception is granted, the National Watershed Management Center will review the Plan.

It was moved by Manager Weston and seconded by Manager Gust to approve and authorize the Secretary-Treasurer to finalize and send a letter to the NRCS requesting an exception to the National Economic Development plan for the RCPP – Upper Maple River Watershed Plan. Upon roll call vote, the motion carried unanimously.

2023 Water Development Plan – request from the North Dakota Department of Water Resources (NDDWR) / State Water Commission to identify potential water development projects, the timing of their implementation and estimated costs

Kurt Lysne discussed a list of Cass County Joint Water Resource District projects to submit to the NDDWR for the 2023 Water Development Plan. The final list of projects to submit for the 2023 Water Development Plan will be brought to a future meeting for consideration.

Weed, cattail, tree and brush control

A motion was made by Manager Weston and seconded by Manager Olson to approve the Cass County Weed Control Work Order form for spraying services regarding weed, cattail, tree and brush control for Cass County Joint Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Olson and seconded by Manager Gust to approve and authorize the Chairman to sign the *Agreement* with Larson Helicopters, LLC to provide aerial and ground spraying services for weed, cattail, tree and brush control for 2022. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Gust and seconded by Manager Loughheed to approve the payment of Check #15098 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Loughheed, Weston and Gust. Upon roll call vote, the motion carried unanimously.

Maple River Dam – cultural sites

Mr. Woodard stated he is working with ALO Environmental Associates on determining if repairs are needed on various cultural sites regarding the Maple River Dam.

Legislative updates

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

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