

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 26, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on May 26, 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, Katie J. Schmidt and David C. Piper, Ohnstad Twichell, P.C.; Lyndon Pease, Kurt Lysne and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Rob Stefonowicz, Larkin Hoffman Attorneys; Eric Dodds, Dean Vetter and Sabrina Tusa, AE2S; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Lee Kaffar, Wade Whitworth and Kelsey Lee, HDR, Inc.; Ken Helvey and Lisa Kilde, SRF Consulting Group, Inc.; Lisa Brekkestran and Davon Hutchinson, Ulteig Engineers, Inc.; Mary Scherling and Duane Breitling, Cass County Commissioners; Jodi Smith, Diversion Authority Director of Lands; Igor Lenzner, Rinke Noonan; Michael Dubord, Joleen Loewen and Brett Odegaard, Pleasant Township property owners; and Kristie Sauvageau, Stanley Township property owner.

Agenda

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

Minutes

It was moved by Manager Lougheed, seconded by Manager Weston and unanimously carried to approve the minutes of the May 12, 2022, meeting.

Metro Flood Diversion Project – property owner negotiation / discussion

Igor Lenzner briefly discussed negotiations on OIN 2014 regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – project updates and general topics

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

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

Metro Flood Diversion Project – acquisition review / approval

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

Dale Ahlsten discussed a counteroffer for OIN 858 regarding the Metro Flood Diversion Project. It was moved by Manager Lougheed and seconded by Manager Gust to approve the *Purchase Agreement* for OIN 858 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Ms. Ahlsten discussed a counteroffer regarding a Flowage Easement for OINs 1975 and 8856 regarding the Metro Flood Diversion Project. It was moved by Manager Gust and seconded by Manager Weston to approve the *Flowage Easement* for OINs 1975 and 8856 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Ms. Ahlsten discussed a counteroffer regarding a Flowage Easement for OIN 1924 regarding the Metro Flood Diversion Project. It was moved by Manager Weston and seconded by Manager Lougheed to approve the *Flowage Easement* for OIN 1924 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Lisa Kilde discussed a counteroffer regarding a Flowage Easement for OIN 1942 regarding the Metro Flood Diversion Project. It was moved by Manager Gust and seconded by Manager Lougheed to approve the *Flowage Easement* for OIN 1942 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Ken Helvey discussed a proposed counteroffer and *Rural Impact Mitigation Program* loan for OINs 2014, 9229 and 9230 regarding the Metro Flood Diversion Project. It was moved by Manager Olson and seconded by Manager Lougheed to approve the *Purchase Agreement, Flowage Easement* and *Rural Impact Mitigation Program* loan for OINs 2014, 9229 and 9230 regarding the Metro Flood Diversion Project. Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Lougheed and Weston. Manager Gust voted against the motion. The motion carried.

Mr. Helvey presented a Pre-Approval Application Form for a *Rural Impact Mitigation Program* loan for OIN 1093 regarding the Metro Flood Diversion Project. The property owners of OIN 1093 are preparing to relocate the farm headquarters currently operating on OIN 1093. A motion was made by Manager Lougheed and seconded by Manager Gust to approve the Pre-Approval Application Form for a *Rural Impact Mitigation Program* loan for OIN 1093 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Helvey presented a Pre-Approval Application Form for a *Rural Impact Mitigation Program* loan for OINs 1112 and 1113 regarding the Metro Flood Diversion Project. The property owners of OINs 1112 and 1113 have found a replacement site for the farm

headquarters currently operating on OINs 1112 and 1113 and are preparing to relocate. A motion was made by Manager Lougheed and seconded by Manager Olson to approve the Pre-Approval Application Form for a *Rural Impact Mitigation Program* loan for OINs 1112 and 1113 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Helvey presented a Pre-Approval Application Form for a *Rural Impact Mitigation Program* loan for OIN 1899 regarding the Metro Flood Diversion Project. The property owners of OIN 1899 are preparing to relocate the businesses currently operating on OIN 1899. A motion was made by Manager Weston and seconded by Manager Gust to approve the Pre-Approval Application Form for a *Rural Impact Mitigation Program* loan for OIN 1899 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Land Agent reports

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

Metro Flood Diversion Project – property management

Mr. Vetter reported the Drain #27 Wetlands Restoration Project has been awarded to HSG Park Joint Venture, LLC. A meeting is scheduled with the contractor to get more information on their anticipated construction schedule this year which may reduce potential crop damages as some areas within the project limits have not been seeded yet. The contractor tentatively anticipates mobilizing in June. Brief discussion was held on the bids received for the project.

Discussion was held on the *Utility Easement* for Cass County Electric Cooperative to install an underground electric transmission system in Section 36 of Berlin Township and the *Easement Agreement* for SBA TOWERS X, LLC for relocation of the tower in the NE 1/4 of Section 36 in Mapleton Township. The Cass County Electric Cooperative underground electric transmission system will provide electric service to the SBA tower that is being relocated as part of the Metro Flood Diversion Project. Mr. Vetter noted SBA TOWERS X, LLC will be responsible for maintaining the Easement area under the *Easement Agreement*.

A motion was made by Manager Olson and seconded by Manager Lougheed to approve and authorize the Chairman to sign the *Utility Easement* for Cass County Electric Cooperative to install an underground electric transmission system in Section 36 of Berlin Township. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Lougheed and seconded by Manager Gust to approve and authorize the Chairman to sign the *Easement Agreement* for SBA TOWERS X, LLC for relocation of the tower in the NE 1/4 of Section 36 in Mapleton Township regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – contracting actions

It was moved by Manager Weston and seconded by Manager Gust to approve and authorize the Chairman to sign the following regarding appraisal services for the Metro Flood Diversion Project:

- *Task Order No. 6 – Amendment 0* with Crown Appraisals, Inc., in the amount of \$121,000
- *Task Order No. 5 – Amendment 0* with Compass Land Consultants, Inc., in the amount of \$91,700
- *Task Order No. 6 – Amendment 0* with Patchin Messner Valuation Counselors, in the amount of \$78,000

Upon roll call vote, the motion carried unanimously.

Maple River Dam – current conditions

Kurt Lysne and Brady Woodard reported on current conditions at the Maple River Dam. The concrete spillway has been utilized for 23 days but it is anticipated water will stop flowing over the spillway today. Water did not approach the earthen spillway. Pumps continue to operate along State Highway 46 to ensure water does not overtop the road. Mr. Woodard stated he is in close contact with Highland Township officials regarding road closures and maintenance. Moore Engineering, Inc. continues to conduct piezometer readings daily at the Maple River Dam per the operating plan. Mr. Lysne discussed recent flood and weather forecasts in relation to the Maple River Dam. The water in the Maple River Dam pool is decreasing as inflows decrease.

2022 Spring Flood

Discussion was held on current conditions at the Upper Maple River Dam and along the Sheyenne River. Mr. Lysne displayed a hydrograph that depicts outflow rates at Baldhill Dam. Discussion was held on breakout flows on the Sheyenne River as well as overland flooding along the Red River. Mr. Lysne indicated high water mark data will be collected on the Sheyenne River and compared to prior flooding events. The Board asked Mr. Lysne to look into trash removal along the State Highway 46 bridge over the Sheyenne River.

Regional Conservation Partnership Program

Mr. Lysne reported Moore Engineering, Inc. continues to work on the design and feasibility of road raises with the Burlington Northern Santa Fe Railway Company regarding the RCPP – Rush River Watershed Plan.

Bills

It was moved by Manager Weston and seconded by Manager Gust to approve the payment of the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Lougheed, Weston and Gust. The Chairman declared the motion passed.

Metro Flood Diversion Project – post-construction floodplain

Discussion was held on the floodplain outside of the Metro Flood Diversion Project limits following construction of the project. Lyndon Pease pointed out benefits the project would provide west of the Sheyenne-Maple Flood Control Projects in Warren and Mapleton Townships. Mapping and hydrographs have been developed to demonstrate the benefits of the Metro Flood Diversion Project and it would be a good time to present that information to the public.

Adjournment

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

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer