

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 23, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on June 23, 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 and Luke Andrud, Ohnstad Twichell, P.C.; Lyndon Pease, Kurt Lysne, Josh Hassell 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.; Duane Breitling, Cass County Commissioner; Jodi Smith, Diversion Authority Director of Lands; Katrina Olson, Jacobs; Leo Richard and Kristie Sauvageau, Stanley Township property owners; Dane Larsen, Rush River Township property owner; and Katie Laidley, Fargo.

Agenda

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

Minutes

It was moved by Manager Olson, seconded by Manager Gust and unanimously carried to approve the minutes of the June 9, 2022, meeting.

Metro Flood Diversion Project – project updates and general topics

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

Brief discussion was held on negotiation policies and procedures regarding property acquisition for the Metro Flood Diversion Project.

Mr. Dodds reported on the projected schedule regarding negotiation and acquisition of Flowage Easements for phase 3 properties in the Upstream Mitigation Area of the Metro Flood Diversion Project.

Jodi Smith and Mr. Dodds reviewed minor updates to the Rural Impact Mitigation Program regarding the Metro Flood Diversion Project. The program is voluntary for eligible willing sellers regarding the Metro Flood Diversion Project.

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

Dean Vetter updated the Board on the Drain #27 Wetlands Restoration Project regarding the Metro Flood Diversion Project. The contractor has begun work on the weir located south of Southern Embankment – Reach 2A and will continue to proceed south throughout the summer. Any crop damage incurred from the construction will be reimbursed by the Water Resource District. Mr. Vetter noted there are portions of the project area that can be farmed. Brief discussion was held on drainage along the Southern Embankment of the Metro Flood Diversion Project.

Metro Flood Diversion Project – Executive Session for purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation and ongoing contract negotiations related to right of way and property acquisitions necessary to accommodate the Metro Flood Diversion Project, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9)

It was moved by Manager Gust and seconded by Manager Lougheed to close the meeting at 8:26 a.m. for the purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation and ongoing contract negotiations related to right of way and property acquisitions necessary to accommodate the Metro Flood Diversion Project, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9) regarding the following matters:

1. Cass County Joint Water Resource District v. Karn E. Jameson, et al., Civil File No. 09-2021-CV-03903 (OIN 9749)
2. Terry and Kristie Sauvageau (OINs 1112 and 1113)
3. Cass County Joint Water Resource District v. Terry Sauvageau and Kristie Sauvageau, et al., Civil File No. 09-2021-CV-03293 (OINs 28 and 1098)

Upon roll call vote, the following Managers voted in favor: Jacobson, Lougheed, Weston and Gust. Manager Olson was absent. The motion carried unanimously.

The executive session was attended by Managers Jacobson, Olson, Lougheed, Weston and Gust, Carol Harbeke Lewis, Melissa Maertens, Sean Fredricks, Chris McShane, Luke Andrud, Rob Stefonowicz, Jodi Smith, Eric Dodds, Dean Vetter, Sabrina Tusa and Ken Helvey.

The executive session adjourned at 8:58 a.m. and the regular meeting was reconvened and opened to the public.

Metro Flood Diversion Project – Land Agent reports

Ken Helvey, Lisa Kilde, Oly Olafson, 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 stated the Corps of Engineers has provided the final right of way drawings for the Southern Embankment – Reach 2B of the Metro Flood Diversion Project. Removal of a drain tile pump in the northeast corner of OIN 10 for the Metro Flood Diversion Project was discussed. The current tenant of OIN 10 is willing to remove the drain tile pump for use at another location and restore the site. The area will be inspected following removal of the pump.

A motion was made by Manager Gust and seconded by Manager Lougheed to approve and authorize the Chairman to sign an Agreement with the tenant on OIN 10 for removal of the drain tile pump in the northeast corner of OIN 10 for use at another location and restore the site. Upon roll call vote, the motion carried unanimously.

Mr. Vetter stated Work Package 50G regarding demo / removal of various structures for the Metro Flood Diversion Project is anticipated to occur around August 2022. Lease termination letters for five occupied properties included in the Work Package 50G area will be mailed out today.

Metro Flood Diversion Project - reimbursement request #125 from the Diversion Authority pursuant to terms and conditions of HB 1020

It was moved by Manager Lougheed and seconded by Manager Weston to approve and authorize the Secretary-Treasurer to sign reimbursement request #125 from the Diversion Authority, pursuant to the terms and conditions of HB 1020. Upon roll call vote, the motion carried unanimously.

Maple River Dam – current conditions

Brady Woodard and Kurt Lysne reported on current conditions at the Maple River Dam. The backwater pool is steadily decreasing and Moore Engineering, Inc. remains 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.

A motion was made by Manager Gust and seconded by Manager Olson to authorize Moore Engineering, Inc. to hire a contractor to proceed with 2022 spring flood cleanup and repair work at the Maple River Dam. Upon roll call vote, the motion carried unanimously.

2022 maintenance levy assessments

A motion was made by Manager Gust and seconded by Manager Weston to set the following maintenance levies for 2022:

- Maple River Dam at the \$0.60 level
- Lake Bertha Flood Control Project No. 75 at the \$0.30 level

Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program

Josh Hassell reported Moore Engineering, Inc. is currently meeting with property owners where right of way is needed for the RCPP – Rush River Watershed Plan project. Minor levee alignment shifts may be requested as a result of discussions with the property owners.

Bills

It was moved by Manager Lougheed 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.

Adjournment

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

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer