

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
AUGUST 11, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on August 11, 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 Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Luke Andrud and Katie Schmidt, Ohnstad Twichell, P.C.; Lyndon Pease, Josh Hassell and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; 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, SRF Consulting Group, Inc.; Lisa Brekkestran, Davon Hutchinson and Drew Nicklay, Ulteig Engineers, Inc.; Mary Scherling, Cass County Commissioner; Joel Paulsen, Diversion Authority Executive Director; Jodi Smith, Diversion Authority Director of Lands and Compliance; Christi Fisher, Natural Resources Conservation Service (NRCS); Leo Richard, Terry and Kristie Sauvageau, Stanley Township property owners; and Tara Bultema, Pleasant Township property owner.

Agenda

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

Minutes

It was moved by Manager Weston, seconded by Manager Lougheed and unanimously carried to approve the minutes of the July 28, 2022 (two sets), meetings.

Metro Flood Diversion Project – property owner negotiation / discussion

Tara Bultema discussed the relocation of their family from OIN 1131 to replacement housing regarding the Metro Flood Diversion Project. Ms. Bultema stated their family received vacate notices that have required them to find replacement housing faster than they had originally planned. This has resulted in increased costs, financial losses and other burdens as their future permanent residence is not constructed yet. Ms. Bultema also presented information regarding expenses that she is requesting be compensated by the Water Resource District.

Oly Olafson discussed Ms. Bultema's requests and indicated they will be further reviewed internally and will be considered by the Board at a future meeting. Jodi Smith stated she has begun a review and potential revision of processes regarding vacation of property regarding the Metro Flood Diversion Project. Dean Vetter noted at the time the Bultemas signed a *Rental Agreement* for their former home (OIN 1131) in 2020, it was anticipated the structures on the property could remain until approximately 2024; however, changes to the Metro Flood Diversion Project require removal of the structures earlier than originally anticipated. The Bultemas have rented the property from the Water Resource District since 2020 at a low rental rate and the *Rental Agreement* includes a provision that requires a minimum 30-day notice to terminate the Agreement from either party. The Bultemas were ultimately sent a 90-day termination notice per the Uniform Relocation Act. The Board indicated future Rental Agreements should include a 90-day notice to terminate the Agreement from either party, rather than a 30-day notice to provide more time for tenants to relocate. After discussion, Ms. Smith indicated she will correspond with Ms. Bultema further regarding the matter and the senior Diversion Authority staff will review the Bultema's requests and bring more information on the matter to a future meeting.

Metro Flood Diversion Project – project updates and general topics

Joel Paulsen reported the Diversion Authority is considering dissolution of the Agricultural Policy Subcommittee and Public Outreach Committee as the Metro Flood Diversion Project moves into the construction phase. In their place, a planning committee will be formed that incorporates aspects of the committees and will also be able to address other needs of the project. Mr. Paulsen noted the Diversion Authority Finance Committee and Land Management Committee will remain in place. The Board discussed the makeup of the new planning committee and stated the committee should include individuals with various backgrounds relevant to the work of the committee and should also include individuals with experience on the Agricultural Policy Subcommittee and Public Outreach Committee. Mr. Paulsen indicated the committee will be focused on elected and appointed officials and he will take the Board's input on the matter under consideration.

Metro Flood Diversion Project – appraisal / RHDP review / approval

Eric Dodds reviewed various appraisals regarding the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Weston to approve the following appraisals, with an effective date of June 30, 2022, as just compensation for acquisition of property regarding the Metro Flood Diversion Project:

- OIN 176
- OIN 9235

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – reimbursement request #127 from the Diversion Authority pursuant to terms and conditions of HB 1020

It was moved by Manager Gust and seconded by Manager Loughheed to approve and authorize the Secretary-Treasurer to sign reimbursement request #127 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 - NuStar Pipeline Operating Partnership L.P. – Receipt and Release

Mr. Olafson indicated NuStar Pipeline Operating Partnership L.P. relocated a portion of existing pipeline on OIN 9751X, which is owned by Cass County Joint Water Resource District for the Metro Flood Diversion Project. During the project, crop on the property was damaged. NuStar Pipeline Operating Partnership L.P. has paid the crop damage to the tenant of OIN 9751X and is requesting approval by the Cass County Joint Water Resource District of a *Receipt and Release* regarding the matter.

A motion was made by Manager Olson and seconded by Manager Gust to approve and authorize the Chairman to sign the *Receipt and Release* regarding a crop damage payment from NuStar Pipeline Operating Partnership L.P. to the tenant of OIN 9751X regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Maple River Dam – current conditions

Brady Woodard reported on current conditions at the Maple River Dam. Mr. Woodard stated there were additional areas found with debris that have since been cleaned up by the contractor. The debris is currently stacked on Water Resource District owned property for the Maple River Dam. Debris from tree removal efforts this winter will be stacked at the same location.

Mr. Woodard noted there is significant damage to a couple of the cultural sites in the Maple River Dam backwater pool area that will need repair. The information has been provided to the project archaeologist, Dr. Amy Ollendorf, for review and recommendations.

Regional Conservation Partnership Program

Kurt Lysne reported Moore Engineering, Inc. continues to have discussions with property owners regarding the levee alignment for the RCPP – Rush River Watershed Plan. Christi Fisher noted the NRCS has agreed to extend the design completion date for the RCPP – Rush River Watershed Plan to May 2023 to allow adequate time for discussions with property owners and Burlington Northern Santa Fe Railway Company (BNSF) regarding the project.

Ms. Fisher reported the National Watershed Management Center has denied the exception request to the National Economic Development plan for the RCPP – Upper Maple River Watershed Plan. The National Watershed Management Center acknowledged the added environmental benefits included in the Plan and provided guidance to move forward with completing the Plan, which includes removal of Site 5 and updating the economic analysis for Site 2A. Discussion was held on Site 2A, including the benefit-cost ratio, estimated costs, potential cost-share available and operation and maintenance of the project. Following discussion, the Board directed Moore Engineering, Inc. to develop a cost estimate to amend and complete the RCPP – Upper Maple River Watershed Plan and bring the estimate to a future meeting for discussion.

Bills

It was moved by Manager Weston and seconded by Manager Lougheed 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.

Legislative update

Sean Fredricks provided a brief update on legislative matters that impact water resource districts.

Adjournment

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

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer