

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
MARCH 9, 2023

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on March 9, 2023, at 8:00 a.m.

Present were Keith Weston and Rick Steen, 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, Chris McShane and Katie Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Lyndon Pease and Josh Hassell, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Rob Stefonowicz, Larkin Hoffman Attorneys; Eric Dodds, Dean Vetter and Sabrina Tusa, AE2S; Ken Helvey, SRF Consulting Group, Inc.; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Wade Whitworth and Kelsey Lee, HDR, Inc.; Davon Hutchinson and Drew Nicklay, Ulteig Engineers, Inc.; Joel Paulsen, Diversion Authority Executive Director; Jodi Smith, Diversion Authority Director of Lands and Compliance; Madeline Gorghuber, Diversion Authority Lands Specialist; Duane Breitling and Mary Scherling, Cass County Commissioners; Matt Stamness, Cass County Highway Department; John Albrecht and Katrina Olson, Jacobs; Leo Richard and Kristie Sauvageau, Stanley Township property owners; William A. Hejl, Amenia Township property owner.

**Agenda**

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

**Minutes**

It was moved by Manager Lougheed, seconded by Manager Gust and unanimously carried to approve the minutes of the February 23, 2023 (two sets), meetings.

**Metro Flood Diversion Project – project updates and general topics**

Eric Dodds reviewed in detail the Flowage Easement valuation process regarding the Metro Flood Diversion Project. Mr. Dodds stated the Metro Flood Diversion Authority previously retained Crown Appraisals, Inc. (Crown) to conduct a multi-phased study. The Phase 1 study and report from 2018 focused on researching comparable sales data and building a regression model to analyze market value changes due to similar flood risk in other areas across the nation. The Phase 1B study and report was prepared in 2020 and focused on including the market data from recent years. The Phase 2 study included

preparing appraisal reports for approximately 360 parcels with tillable farmland in the Upstream Mitigation Area of the Metro Flood Diversion Project. The Phase 2 appraisal reports included market value of the parcels in the “before condition” based on December 2021 land values.

The appraiser, Crown, established a methodology for determining the value of the Flowage Easements based on their extensive study. Crown applied that methodology to parcels with tillable farmland, including those parcels that have transitional values, which are values above farmland. In summary, Crown concluded that the Flowage Easement must compensate for:

- Change in highest and best use of a parcel, which applies to parcels with transitional value;
- Impacts on ability to develop/build within the easement area; and
- Impacts from the increased flood risk caused by the project.

Mr. Dodds noted the appraisals completed by Crown determine just compensation for the Flowage Easements necessary to be acquired on parcels with tillable farmland for the Metro Flood Diversion Project.

**Metro Flood Diversion Project – Executive Session for purposes of discussing contract negotiation strategies and attorney and negotiator consultation 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 Weston and seconded by Manager Lougheed to close the meeting at 8:28 a.m. for the purposes of discussing contract negotiation strategies and attorney and negotiator consultation 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 matter and parties:

1. K-F Farm Partnership, LLLP (OINs 1996X and 2001)
2. Jeffrey Donat Trust (OIN 1118)

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

The executive session was attended by Managers Olson, Lougheed, Weston, Gust and Steen, Carol Harbeke Lewis, Melissa Hinkemeyer, Sean Fredricks, Chris McShane, Katie Schmidt, Rob Stefonowicz, Joel Paulsen, Jodi Smith, Madeline Gorghuber, Eric Dodds, Dean Vetter, Sabrina Tusa, Duane Breitling, Mary Scherling, and Oly Olafson.

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

**Metro Flood Diversion Project – acquisition review / approval**

It was moved by Manager Weston and seconded by Manager Gust to approve the *Purchase Agreement* for OIN 1118 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Lougheed to approve the *Purchase Agreement Amendment* for OIN 5055 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – relocation and RHDP reimbursement review / approval**

It was moved by Manager Lougheed and seconded by Manager Gust to approve the relocation and replacement housing payment for OIN 1127, as outlined in the letter dated March 9, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously

It was moved by Manager Lougheed and seconded by Manager Gust to approve the relocation and replacement housing payment for OIN 2014, as outlined in the letter dated March 9, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Weston to approve the relocation and replacement housing payment for OIN 220, as outlined in the letter dated March 9, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – property management**

Madeline Gorghuber discussed various farmland leases regarding the Metro Flood Diversion Project. A motion was made by Manager Weston and seconded by Manager Lougheed to approve the 2023 *Cash Crop Lease Agreements*, as presented, on the following properties regarding the Metro Flood Diversion Project:

- OINs 511Y, 512Y and 897Y
- OINs 722Y and 9279
- OINs 827 and 834
- OINs 1100Y, 1102Y, 1103 and 1104
- OINs 1123, 1183Y, 8923, 843 and 844

Upon roll call vote, the motion carried unanimously.

**Regional Conservation Partnership Program**

Josh Hassell updated the Board on the RCPP – Upper Maple River Watershed Plan. Moore Engineering, Inc. will be meeting with NRCS soon to discuss the Plan and work is being done to develop an outreach plan to update property owners on the changes to the Plan.

Mr. Hassell next updated the Board on the RCPP – Rush River Watershed Plan. Manager Weston and Kurt Lysne attended the Amenia City Council meeting on Monday which was well attended. There was a significant amount of discussion on the project during the meeting. The Board discussed future right of way negotiations regarding the project, including the possibility of hiring a land agent to facilitate negotiations between the Water Resource District and impacted property owners. The Board inquired if Houston

Engineering, Inc. could potentially facilitate the right of way negotiations for the project. Mike Opat indicated he will look into the matter and bring more information to the next meeting.

Mr. Lysne indicated Moore Engineering, Inc. will continue to discuss the project design with the City of Amenia and bring more information on the matter to the next meeting.

Local funding for the project was also discussed.

**Weed, cattail, tree and brush control**

Brief discussion was held regarding the bids received for aerial and ground spraying for weed, cattail, tree and brush control on Cass County Joint Water Resource District facilities and ground praying areas of spotted hemlock. Brady Woodard is reviewing the bids and discussing the most effective way to spray spotted hemlock on Water Resource District property with Stan Wolf, Cass County Weed Control Officer. The Board tabled the matter until the next meeting to allow more time to gather information on the bids received and estimates from contractors regarding spraying spotted hemlock.

**Bills**

It was moved by Manager Gust and seconded by Manager Weston to approve the payment of Checks #15253 and #15254 and the wire transfers, as amended. Upon roll call vote, the following Managers voted in favor: Olson, Lougheed, Weston, Gust and Steen. The Chairman declared the motion passed.

**Spring melt**

Brief discussion was held on the snow-water equivalent in the Sheyenne River basin regarding the spring melt. Mr. Lysne noted the Corps of Engineers started drawing down the pool at Baldhill Dam in February in preparation for the spring melt.

**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:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer