

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE WEST FARGO PUBLIC WORKS BUILDING
WEST FARGO, NORTH DAKOTA
JULY 13, 2023

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on July 13, 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, Luke Andrud and Katie Schmidt, Ohnstad Twichell, P.C.; Rob Stefonowicz, Larkin Hoffman; Kurt Lysne, Lyndon Pease and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Eric Dodds, Dean Vetter, Sabrina Tusa and Kellen Grubb, AE2S; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, HDR, Inc.; Lisa Brekkestran and Davon Hutchinson, Ulteig Engineers, Inc.; Joel Paulsen, Diversion Authority Executive Director; Jessica Warren, Diversion Authority Compliance Specialist; Duane Breitling and Mary Scherling, Cass County Commissioners; Paul Barthel and Katrina Olson, Jacobs; David Dillmann, SAM Companies; Brian Fuder, Red River Retention Authority Executive Director; William A. Hejl, Amenia Township property owner; and Leo Richard, Stanley Township property owner.

Agenda

It was moved by Manager Steen, seconded by Manager Gust 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 June 22, 2023 (two sets), meetings.

Metro Flood Diversion Project – appraisal / RHDP review / approval

Oly Olafson discussed an updated maximum Replacement Housing Differential Payment (RHDP) analysis as part of negotiations with the property owners of OIN 1130 regarding the Metro Flood Diversion Project. Mr. Olafson indicated after the updated analysis was completed, the property owners agreed to use the original RHDP analysis for OIN 1130 regarding the Metro Flood Diversion Project.

Ken Helvey discussed a fair market rent study for the tenant of OIN 8359 regarding the Metro Flood Diversion Project. A motion was made by Manager Steen and seconded by Manager Weston to approve the rental assistance maximum payment for OIN 8359 as outlined in the letter dated June 29, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – acquisition review / approval

It was moved by Manager Lougheed and seconded by Manager Gust to approve and authorize the Chairman to sign the *Temporary Construction Agreement* for OIN 7225 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – land agent reports

Mr. Helvey, Mr. 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 – relocation and RHDP reimbursement review / approval

It was moved by Manager Gust and seconded by Manager Lougheed to approve the following relocation and replacement housing payments regarding the Metro Flood Diversion Project:

- OINs 1112 and 1113, as outlined in the letter dated June 30, 2023
- OIN 2014, as outlined in the letter dated June 28, 2023

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Weston and seconded by Manager Gust to approve the relocation and replacement housing payment for OIN 8385, as outlined in the letter dated June 30, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – contracting actions

A motion was made by Manager Gust and seconded by Manager Lougheed to approve and authorize the Chairman to sign *Task Order No. 1 – Amendment 3* for SRF Consulting Group, Inc. in the amount of \$112,500 regarding property acquisition and relocation services for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Lougheed and seconded by Manager Weston to approve and authorize the Chairman to sign *Task Order No. 5 – Amendment 3* for Crown Appraisals, Inc. in the amount of \$1,000 regarding appraisal services for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Utility Permit for Cass Rural Water Users District to install a water supply pipeline on OIN 898N and 899N

David Dillmann discussed a proposed *Utility Permit* for Cass Rural Water Users District to install a water supply pipeline on OINs 898N and 899N to supply the North Dakota Soybean Processors' facility. OINs 898N and 899N are owned by the Water Resource District for the Metro Flood Diversion Project. The Board inquired who is responsible for overseeing the installation of the utility. Mr. Dillmann indicated the Metro Flood Diversion Authority and Jacobs oversee the review and installation of utilities regarding the Metro Flood Diversion Project, with input from the Water Resource District Engineer.

It was moved by Manager Gust and seconded by Manager Steen to approve and authorize the Chairman to sign the *Utility Permit* for Cass Rural Water Users District to install a water supply pipeline on OINs 898N and 899N regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project - Pipeline Easements on OINs 9751X and 9755Y and a Utility Permit on OIN 9755N for Cass Rural Water Users District to relocate existing water mains

Mr. Dillmann next discussed proposed *Pipeline Easements* on OINs 9751X and 9755Y, and a proposed *Utility Permit* on OIN 9755N for Cass Rural Water Users District to relocate existing water mains. The Cass Rural Water Users District water mains are impacted by the Metro Flood Diversion Project and need to be relocated. Mr. Dillmann noted the *Utility Permit* for OIN 9755N is in Drain #14C right of way.

It was moved by Manager Weston and seconded by Manager Gust to approve and authorize the Chairman to sign the following for Cass Rural Water Users District for water main relocations regarding the Metro Flood Diversion Project:

- *Pipeline Easement* on OIN 9751X
- *Pipeline Easement* on OIN 9755Y
- *Utility Permit* on OIN 9755N

Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program (RCPP)

Kurt Lysne discussed the RCPP – Upper Maple River Watershed Plan. Moore Engineering, Inc. recently sent invitations for an on-site meeting with property owners and the Natural Resource Conservation Service (NRCS) on August 2, 2023, at 1:00 p.m. to discuss the preliminary design of the project. Mr. Lysne said Moore Engineering, Inc. continues to work with the NRCS on the completion of the RCPP – Upper Maple River Watershed Plan as well as answer questions from property owners regarding the Plan.

Maple River Dam – road repairs and debris removal

Brady Woodard reported on road repairs and debris removal in the Maple River Dam backwater pool area. The Maple River bridge abutment on 52nd Street SE was repaired and reinforced with rip rap to protect the abutment. Moore Engineering, Inc. worked in conjunction with Highland Township to repair the roads that were submerged during the spring melt at the Maple River Dam. The roads have been repaired and are open.

The debris removal contractor has removed debris from the pasture and tillable lands in the backwater pool area of the Maple River Dam and has staged the material on-site in the event additional debris removal work is completed this winter.

Mr. Woodard noted the weed control contractor is scheduled to be on site at the Maple River Dam next week.

Maple River Dam – weed control

The Board further discussed weed control at the Maple River Dam and asked Mr. Woodard to communicate with the weed control contractor that ground spraying is necessary for areas the helicopter cannot adequately reach.

Bills

It was moved by Manager Steen and seconded by Manager Gust to approve the payment of Checks #15267 through #15270 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Lougheed, Weston, Gust and Steen. The motion carried unanimously.

Red River Retention Authority Executive Director

Brian Fuder introduced himself as the new Executive Director of the Red River Retention Authority. The Board welcomed Mr. Fuder.

North Dakota Department of Water Resources (NDDWR) economic analysis study

Mr. Lysne discussed an ongoing NDDWR study regarding the economic analysis of erosion and slide repairs. Mr. Lysne led various NDDWR staff on a field visit in Maple River Water Resource District yesterday to show current slides and discuss various ongoing slide repair projects.

Metro Flood Diversion Project – review of P3 plans for transitions between Water Resource District facilities

Mr. Lysne indicated an amendment to *Task Order No. 11* with Moore Engineering, Inc. will be brought to a future meeting to continue funding review of the P3 developer's plans related to transitions between the Metro Flood Diversion Project and Water Resource District facilities.

Legislative updates

Sean Fredricks updated the Board on formation of a staff-level working group with the NDDWR to discuss legislative items regarding water resource districts. The Board discussed public relations regarding Water Resource District projects and activities.

Secretary-Treasurer retirement

Carol Harbeke Lewis announced her planned retirement towards the end of the calendar year after 40 years as the Secretary-Treasurer of the Cass County Water Resource Districts. The Board thanked Carol for her work and dedication and briefly discussed filling the Secretary-Treasurer position. The matter will be discussed further at a future meeting.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer