

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE WEST FARGO PUBLIC WORKS BUILDING
WEST FARGO, NORTH DAKOTA
SEPTEMBER 14, 2023

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on September 14, 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, Luke Andrud, Chris McShane 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.; Duane Breitling and Mary Scherling, Cass County Commissioners; Eric Dodds, Dean Vetter and Sabrina Tusa, AE2S; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Lee Kaffer, Kelsey Lee and Katy Moore, HDR, Inc.; Joel Paulson, Diversion Authority Executive Director; Martin Nicholson, Diversion Authority Deputy Executive Director; Jodi Smith, Diversion Authority Director of Lands and Compliance; Madeline Gorghuber, Diversion Authority Lands Specialist; Jessica Warren, Diversion Authority Compliance Specialist; Katrina Olson, Jacobs; Leo Richard, Stanley Township property owner; Angela Kolden, City of Amenia resident; William A. Hejl, Amenia Township property owner.

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 Steen, seconded by Manager Gust and unanimously carried to approve the minutes of the August 24, 2023, meetings (two sets).

Metro Flood Diversion Project – appraisal / RHDP review / approval

Dean Vetter discussed various appraisals regarding the Metro Flood Diversion Project.

It was moved by Manager Gust and seconded by Manager Steen to approve the appraisals on the following properties as an estimate of just compensation for acquisition of property regarding the Metro Flood Diversion Project:

- OIN 1583, with an effective date of August 16, 2023
- OIN 1960, with an effective date of August 16, 2023

- OIN 1914, with an effective date of August 16, 2023
- OIN 1912, with an effective date of April 24, 2023

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Weston and seconded by Manager Gust to approve the maximum Replacement Housing Differential Payment for OIN 1958 in the amount of \$130,300 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – acquisition review / approval

Chris McShane updated the Board on the status of various formal negotiations regarding the Metro Flood Diversion Project.

Luke Andrud discussed an *Amended Exchange Agreement and Purchase Agreement* for OINs 9736N and 9737N regarding the Metro Flood Diversion Project.

It was moved by Chairman Olson and seconded by Manager Steen to approve the *Amended Exchange Agreement and Purchase Agreement* for OINs 9736N and 9737N regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on a counteroffer for OIN 9258 regarding the Metro Flood Diversion Project. A motion was made by Manager Weston and seconded by Manager Loughheed to approve the *Purchase Agreement* for OIN 9258 regarding the Metro Flood Diversion Project. Upon roll call vote, the following Managers voted in favor: Olson, Loughheed and Weston. Managers Gust and Steen voted against the motion. The motion passed.

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

It was moved by Manager Gust and seconded by Manager Steen to approve the relocation and replacement housing payment for OIN 2014, as outlined in the letter dated September 6, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – property management

Discussion was held on a request from adjacent property owners of OINs 854, 855 and 1961 for access through OIN 7004 to their properties regarding the Metro Flood Diversion Project. The Board indicated the proposed *Access Easement* for the property owners of OIN 854 should terminate when OIN 7004 is sold by the Water Resource District. The Water Resource District Attorney will draft a Temporary Access Easement with the property owners of OIN 854 regarding access through OIN 7004 regarding the Metro Flood Diversion Project.

It was moved by Manager Steen and seconded by Manager Weston to approve and authorize the Chairman to sign the *Temporary Access Agreement* with the property owner of OINs 855 and 1961 on OIN 7004 regarding the Metro Flood Diversion Project. Upon roll call vote, the following Managers voted in favor: Lougheed, Weston, Gust and Steen. Chairman Olson was absent. The motion carried.

Metro Flood Diversion Project – contracting actions

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

- *Task Order No. 1 – Amendment 7* for Patchin Messner Valuation Counselors, with a contract reduction of \$3,275
- *Task Order No. 2 – Amendment 7* for Patchin Messner Valuation Counselors, with a contract reduction of \$1,625
- *Task Order No. 3 – Amendment 3* for Patchin Messner Valuation Counselors, with a contract reduction of \$2,650
- *Task Order No. 4 – Amendment 6* for Patchin Messner Valuation Counselors, with a contract reduction of \$8,775
- *Task Order No. 1 – Amendment 3* for Tinjum Appraisal Company, Inc. with a contract reduction of \$1,000
- *Task Order No. 1 – Amendment 6* for Integra Realty Resources with a contract reduction of \$5,000
- *Task Order No. 1 – Amendment 3* for HDR Engineering, Inc. in the amount of \$285,822.84
- *Task Order No. 2 – Amendment 8* for Ulteig Engineers, Inc. with a contract reduction of \$32,256.04

Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program (RCP)

Kurt Lysne updated the Board on the RCP – Upper Maple River Watershed Plan. The time period to submit comments on the Plan has now closed and comments received were provided to the Natural Resources Conservation Service (NRCS). Moore Engineering, Inc. is coordinating with the NRCS on completion of the Plan.

Mr. Lysne next updated the Board on the RCP – Rush River Watershed Plan. Now that the Board has selected the levee alignment, Moore Engineering, Inc. is finishing the project design. Once the design is approved by the NRCS, the Water Resource District can proceed with securing funding for the project, including formation of the assessment district, permitting and right of way acquisition. Additional discussion was held on cost-share funding for the project.

Maple River Dam – cultural sites

Brady Woodard said repairs at two cultural sites at the Maple River Dam are complete. Moore Engineering, Inc. is also completing the annual surveys of the cultural sites and preparing the maps that will be provided to the project Archaeologist. The project Archaeologist is anticipated to be on-site in October.

Maple River Dam – weed control

Mr. Woodard reported the weed control contractor has completed the weed control spraying at the Maple River Dam and the adjacent property owners are pleased with the weed control efforts.

Maple River Dam – animal control

Mr. Woodard briefly discussed ongoing animal control efforts at the Maple River Dam.

Maple River Dam – proposal from ALO Environmental Associates to complete Year 17 (2023) archaeological monitoring

It was moved by Manager Weston and seconded by Manager Steen to accept the proposal from ALO Environmental Associates, LLC for Year 17 (2023) archaeological monitoring required at the Maple River Dam. Upon roll call vote, the motion carried unanimously.

Lake Bertha Flood Control Project No. 75

Mr. Woodard reported a contractor looked at the Lake Bertha Flood Control Project No. 75 sediment and cattail removal project; however, the contractor indicated they want to wait until the adjacent crops are harvested before providing a quote to complete the work. Mr. Woodard said he hopes the work can be completed this fall. Discussion was held on weed control efforts at Lake Bertha Flood Control Project No. 75.

Bills

It was moved by Manager Steen and seconded by Manager Gust to approve the payment of Checks #15281 through #15283 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Loughheed, Weston, Gust and Steen. The motion carried unanimously.

NRCS biomass harvesting tour

Manager Weston reported the NRCS is coordinating a tour in Manitoba, Canada, of biomass harvesting on October 11th with RCPP Plan sponsors. Biomass harvesting is included in several North Dakota RCPP Plans, including the RCPP – Upper Maple River Watershed Plan. Manager Weston said the tour is an opportunity to discuss biomass harvesting with individuals experienced in the process.

Missouri River Joint Water Resource District - Educate Advocate Engage Program

Manager Weston stated the Missouri River Joint Water Resource District is hosting a public meeting in Fargo on October 18, 2023, at 7:00 p.m. regarding the Educate Advocate Engage Program. The meeting aims to engage the public, various stakeholders, legislators and others on matters related to the Missouri River. All are welcome to attend the meeting.

Metro Flood Diversion Project - Sheyenne River Benching Project public meeting

Manager Gust reported on the Metro Flood Diversion Authority public meeting held yesterday regarding the Sheyenne River Benching Project for the Metro Flood Diversion Project. Manager Gust noted the Water Resource District will be tasked with acquiring the right of way necessary for the project.

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