

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
ORIGINATING AT WEST FARGO PUBLIC WORKS  
810 12TH AVENUE NW, WEST FARGO, NORTH DAKOTA  
JANUARY 25, 2024  
8:00 A.M.

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on January 25, 2024, at 8:00 a.m.

Present were Rodger Olson, Maple River Water Resource District; Ken Lougheed, North Cass Water Resource District; Jacob Gust, Rush River Water Resource District; Keith Weston, Southeast Cass Water Resource District; Melissa Hinkemeyer, Secretary-Treasurer; Leilei Bao, Accountant; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, Luke Andrud, Katie Schmidt, and Chis McShane, Ohnstad Twichell, P.C.; Rob Stefonowicz, Larkin Hoffman; Lyndon Pease, Kurt Lysne and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Joel Paulsen, Jodi Smith, Tom Fuchs, Madeline Daudt, and Jessica Warren, Metro Flood Diversion Authority; Duane Breitling and Mary Scherling, Cass County Commissioners; Eric Dodds, Dean Vetter, and Sabrina Tusa, AE2S; Paul Barthel, Jacobs; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Katie Laidley, SRF Consulting Group, Inc.; Oly Olafson, Lee Kaffer, Kelsey Lee, Katy Moore, and Wade Whitworth, HDR Engineering, Inc.; Cole Peterson, Red River Valley Alliance; Jon Norstog, U.S. Bank; and Leo Richard, Stanely Township property owner. Manager Rick Steen, Southeast Cass Water Resource District, was absent.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Weston, seconded by Manager Lougheed, and unanimously carried to approve the minutes of the January 11, 2024, meeting.

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

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

Eric Dodds presented the Property Acquisition Status Report regarding the Metro Flood Diversion Project. Mr. Dodds said former property owners have expressed interest in purchasing two of three properties deemed excess along Southern Embankment – Reach 1 regarding the Metro Flood Diversion Project. The Metro Flood Diversion Authority will continue to follow their *Policy on the Disposition and Management of Comprehensive Lands* regarding the excess properties.

Paul Barthel gave a brief update on the construction progress of the Metro Flood Diversion Project.

**Metro Flood Diversion Project – Executive Session for purposes of discussing contract negotiation strategies and attorney consultation regarding reasonably predictable litigation and 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 8:25 a.m. for the purposes of discussing contract negotiation strategies and attorney consultation regarding reasonably predictable litigation, and 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 parties and matter:

1. Janet Wanzek, et al (owner), and Jim Hagenson (tenant) (OINs 8674 and 8675)  
Upon roll call vote, the following Managers voted in favor: Olson, Lougheed, Weston, and Gust. Manager Steen was absent. The motion carried unanimously.

The executive session was attended by Managers Olson, Lougheed, Weston, and Gust, Melissa Hinkemeyer, Leilei Bao, Carolyn Fiechtner, Sean Fredricks, Chris McShane, Luke Andrud, Katie Schmidt, Rob Stefonowicz, Joel Paulsen, Jodi Smith, Madeline Daudt, Jessica Warren, Eric Dodds, Dean Vetter, Sabrina Tusa, Duane Breitling, Katie Laidley, Jon Norstog, and Cole Peterson.

The executive session adjourned at 8:57 a.m. and the regular meeting was reconvened and opened to the public.

**Metro Flood Diversion Project – property management**

Chairman Olson asked if any members of the Board wished to offer any motions regarding the following matter:

Janet Wanzek, et al (owner), and Jim Hagenson (tenant) (OINs 8674 and 8675)

A motion was made by Manager Lougheed and seconded by Manager Gust to approve payment to Jim Hagenson for crop damages in the amount of \$54,000. Upon roll call vote, the following Managers voted in favor: Lougheed, Weston, and Gust. Chairman Olson voted no. Manager Steen was absent. The motion passed.

**Metro Flood Diversion Project – land agent reports**

Katie Laidley, Oly Olafson and Scott Stenger reported on activities, meetings and discussions with various property owners regarding the Metro Flood Diversion Project.

**Metro Flood Diversion Project - property management continued**

Madeline Daudt discussed various farmland leases regarding the Metro Flood Diversion Project. A motion was made by Manager Lougheed and seconded by Manager Gust to approve the 2024 Cash Crop Lease Agreements, as presented, on the following properties regarding the Metro Flood Diversion Project:

- OIN 834
- OINs 843, 1890, 1183Y
- OINs 900Y, 2368Y, 8359 (north portion)
- OINs 1078X, 1078N1, 1076N, 1077N, 1075Y, 1075N, 5001N, 5000N, 5054N
- OIN 1124
- OINs 9191Y, 2182, 1990, 8919N, 8919Y
- OIN 9751Y

Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project – contracting actions**

It was moved by Manager Gust and seconded by Manager Loughheed 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 1* with LandVest, Inc. in the amount of \$2,500
- *Task Order No. 6 – Amendment 6* with Crown Appraisals, Inc. with a cost reduction of \$14,500

Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project – letter from Red River Valley Alliance & ASN Constructors**

Discussion was held on a letter received from Red River Valley Alliance regarding upcoming road construction near Interstate-94 regarding the Metro Flood Diversion Project. Mr. Barthel provided a brief background regarding the letter. During construction, there will be ramp closures and redirecting of traffic. The letter explains to area property owners the closure options and is soliciting feedback. The Board reviewed the letter regarding the upcoming construction and had no comments.

### **Regional Conservation Partnership Program**

Kurt Lysne reported the Natural Resources Conservation Service is finalizing the RCPP – Upper Maple River Watershed Plan.

Mr. Lysne next reported on the RCPP – Rush River Watershed Plan. Discussions are being held with Burlington Northern Santa Fe Railway Company (BNSF) and the City of Amenia regarding the alignment of the levee in relation to BNSF property in the project area and operation and maintenance of the project.

### **Maple River Dam**

Brady Woodard reported equipment is onsite for the 2023-2024 tree removal efforts in the backwater pool area of the Maple River Dam.

### **Bills**

It was moved by Manager Weston and seconded by Manager Gust to approve the payment of Checks #15302, #15305 through #15307 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Loughheed, Weston, and Gust. Manager Steen was absent. The motion carried unanimously.

**Sheldon Flood Protection Project No. 2019-01**

Mr. Lysne updated the Board on the Sheldon Flood Protection Project no. 2019-01. Permanent and temporary easements for the portion of the levee on 166th Avenue SE are needed to continue with the North Dakota Department of Water Resources construction permitting process.

After discussion, It was moved by Manager Weston and seconded by Manager Gust to approve and authorize the Chairman to sign the following regarding Sheldon Flood Protection Project No. 2019-01:

- *Permanent Levee Easement* with Bryon K. and Kathryn E. Botner
- *Temporary Easement* with Bryon K. and Kathryn E. Botner
- *Permanent Levee Easement* with Andrew and Kristen Ellenson
- *Temporary Easement* with Andrew and Kristen Ellenson
- *Permanent Levee Easement* with Rosalind Vigen Nelson
- *Temporary Easement* with Rosalind Vigen Nelson
- *Permanent Levee Easement* with Forrest L. and Teresa E. Suchy
- *Temporary Easement* with Forrest L. and Teresa E. Suchy
- *Permanent Levee Easement* with Paul R. and Myrna M. Woitzel
- *Temporary Easement* with Paul R. and Myrna M. Woitzel

Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business to be considered by the Board, it was moved by Manager Loughheed, seconded by Manager Weston, and unanimously carried to adjourn the meeting.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Melissa Hinkemeyer  
Secretary-Treasurer