

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
APRIL 11, 2024
8:00 A.M.

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on April 11, 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 and Rick Steen, Southeast Cass Water Resource District; Melissa Hinkemeyer, Secretary-Treasurer; Leilei Bao, Accountant; Carolyn Fiechtner, Administrative Assistant; Kurt Lysne, Lyndon Pease, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Sean M. Fredricks, Luke Andrud, Katie Schmidt, and Chris McShane, Ohnstad Twichell, P.C.; Rob Stefonowicz, Larkin Hoffman; Jodi Smith, Madeline Daudt, Jessica Warren, and Tom Fuchs, 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; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Oly Olafson, Kelsey Lee, and Lee Kaffar, HDR, Inc.; Leo Richard, Stanley Township property owner.

Approval of 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 Weston, and unanimously carried to approve the minutes of the March 28, 2024, meeting, as amended.

Metro Flood Diversion Project – project updates and general topics

Chairman Olson reported the Metro Flood Diversion Authority Executive Director has resigned from the position.

Paul Barthel provided an overview of the construction status of various components of the Metro Flood Diversion Project. Discussion was held on construction timelines of various portions of the Southern Embankment and Diversion Channel and Associated Infrastructure for the Metro Flood Diversion Project.

Metro Flood Diversion Project – Purchase Agreement for OINs 726Y2 and 730Y2 with Southeast Cass Water Resource District for sale of excess lands

Sean Fredricks presented a *Purchase Agreement* with Southeast Cass Water Resource District for sale of OINs 726Y2 and 730Y2, which have been deemed excess lands regarding the Metro Flood Diversion Project. The Southeast Cass Water Resource District has approved purchasing the properties, with the contingency the Cass County Joint Water Resource District approves an *Access Easement* over OIN 726N for access to OIN 726Y2.

Manager Lougheed moved to approve and authorize the Chairman to sign the following with Southeast Cass Water Resource District regarding the sale of OINs 726Y2 and 730Y2 as excess lands regarding the Metro Flood Diversion Project:

- *Purchase Agreement*
- *Quit Claim Deed*
- *Access Easement* over OIN 726N

Manager Gust seconded the motion. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Purchase Agreement for OIN 837 with Cass County for sale of excess land

Jodi Smith presented a *Purchase Agreement* with Cass County for sale of a portion of OIN 837, which has been deemed excess land regarding the Metro Flood Diversion Project.

Manager Gust moved to approve and authorize the Chairman to sign the *Purchase Agreement* with Cass County regarding OIN 837 as excess land regarding the Metro Flood Diversion Project. Manager Weston seconded the motion. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – appraisal / RHDP review / approval

It was moved by Manager Lougheed and seconded by Manager Weston to approve the appraisal for OIN 2184, with an effective date of December 7, 2023, as an estimate of just compensation for acquisition of property regarding the Metro Flood Diversion Project. Upon roll call vote, Managers Olson, Lougheed, Gust and Weston voted yes, Manager Steen voted no. The motion carried.

It was moved by Manager Gust and seconded by Manager Weston to approve the appraisal for OIN 2040, with an effective date of December 7, 2023, as an estimate of just compensation for acquisition of property regarding the Metro Flood Diversion Project. Upon roll call vote, Managers Olson, Lougheed, Gust and Weston voted yes, Manager Steen voted no. The motion carried.

It was moved by Manager Lougheed and seconded by Manager Gust to approve the appraisal for OINs 2183 and part of OIN 2046, with an effective date of December 7, 2023, as an estimate of just compensation for acquisition of property regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Weston to approve the appraisal for OINs 2046 and 2047, with an effective date of December 7, 2023, as an estimate of just compensation for acquisition of property 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 appraisal for OINs 2044 and 2045, with an effective date of December 7, 2023, as an estimate of just compensation for acquisition of property 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 maximum Replacement Housing Differential Payments for the following regarding the Metro Flood Diversion Project:

- OIN 2184, in the amount of \$282,500
- OINs 2044 and 2045, in the amount of \$232,500
- OINs 2046 and 2183, in the amount of \$120,000

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Stockpile Access and Removal Agreement on OIN 1086X

Mr. Barthel stated the Metro Flood Diversion Authority has a stockpile of material on OIN 1086X that after geotechnical testing has been determined to not be suitable material for the Southern Embankment levee, as planned. The stockpiled material will instead be utilized by project contractors as borrow material. The contractors will be responsible for keeping the access roadways safe and maintained and to coordinate with other contractors who may be present on the property.

Following discussion, Manager Weston moved to approve and authorize the Chairman to sign the *Stockpile Access and Removal Agreement* for OIN 1086X regarding the Metro Flood Diversion Project. Manager Lougheed seconded the motion. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Task Order No. 11 – Amendment 6 with Moore Engineering, Inc. for design review of legal drain transitions

It was moved by Manager Gust and seconded by Manager Weston to approve *Task Order No. 11 – Amendment 6* with Moore Engineering, Inc. in the amount of \$25,000 for design review of legal drain transitions regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – property management

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

- OIN 213N
- OINs 233, 233Y1

- OIN 1088Y

Upon roll call vote, the motion carried unanimously.

Oxbow-Hickson-Bakke Ring Levee Project – Cass Rural Water Users District *Water User Agreement* for OIN 8923

It was moved by Manager Weston and seconded by Manager Gust to approve and authorize the Chairman to sign the Cass Rural Water Users District *Water User Agreement* for OIN 8923 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program

Kurt Lysne briefly reported on the RCPP – Rush River Watershed Plan. Discussions continue with the Natural Resources Conservation Service (NRCS) and the City of Amenia on the final levee alignment and project plans.

Mr. Lysne next reported on the RCPP – Upper Maple River Watershed Plan. The NRCS continues to work on finalizing the Plan.

Maple River Dam – tree and debris removal

Brady Woodard reported tree and debris removal efforts in the backwater pool area of the Maple River Dam have reached the point where the efforts ended last year.

Maple River Dam – general maintenance

Mr. Woodard noted animal damage control efforts are occurring at the Maple River Dam. Moore Engineering, Inc. is also coordinating a controlled burn of the grass on the Dam to remove any woody vegetation and promote increased grass growth. The Maple River Dam emergency spillway is planned to be hayed this year.

Weed, cattail, tree and brush control

It was moved by Manager Weston and seconded by Manager Steen to approve and authorize the Chairman to sign the *Agreement* with Dakota Helicopter, Inc. to provide aerial and ground spraying services for weed, cattail, tree, and brush control on Cass County Joint Water Resource District facilities for 2024. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Steen and seconded by Manager Gust to approve payment of Check #15321 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Lougheed, Gust, Steen, and Weston. The Chairman declared the motion passed.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary-Treasurer