

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
HERITAGE CONFERENCE ROOM  
MAY 23, 2024  
8:00 A.M.

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on May 23, 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, Director, Secretary; Leilei Bao, Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, John T. Shockley, Lukas Andrud, Chris McShane and Katie Schmidt, Ohnstad Twichell, P.C.; Rob Stefonowicz, Larkin Hoffman; Lyndon Pease and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Jodi Smith, Tom Fuchs, Jessica Warren, and Madeline Daudt, Metro Flood Diversion Authority; Duane Breitling, Cass County Commissioner; Eric Dodds, Dean Vetter, and Sabrina Tusa, AE2S; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Oly Olafson, Lee Kaffer, Kelsey Lee, and Wade Whitworth, HDR, Inc.; and Leo Richard, Stanley Township property owner. Manager Rick Steen, Southeast Cass Water Resource District, was absent.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Gust, seconded by Manager Weston, and unanimously carried to approve the minutes of the May 9, 2024, meeting, as presented.

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

Chris McShane reported on the status of formal negotiations regarding the Metro Flood Diversion Project.

Eric Dodds discussed the Property Acquisition Status Report regarding the Metro Flood Diversion Project and reported on key activities regarding property rights acquisitions and Rights of Entry for the project.

Mr. Dodds discussed the FMD-Raymond Subdivision application submitted to the City of West Fargo and Cass County regarding the Metro Flood Diversion Project. It was moved by Manager Gust and seconded by Manager Weston to approve and authorize the

Chairman to sign the FMD-Raymond Subdivision plat regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

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

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

**Metro Flood Diversion Project – property management**

Madeline Daudt discussed proposed termination of the *Rental Agreements* for OINs 2010, 2014 and 1112 regarding the Metro Flood Diversion Project. The structures on the properties will be removed as the properties are located in zone 1 of the Upstream Mitigation Area of the Metro Flood Diversion Project.

It was moved by Manager Weston and seconded by Manager Lougheed to approve and authorize the Secretary to send letters to the tenants of OINs 2010, 2014 and 1112 notifying them of the termination of the *Rental Agreements* effective November 30, 2024. Upon roll call vote, the motion carried unanimously.

Ms. Daudt also presented a *Pasture Lease Agreement* for OIN 507Y (Area 2) regarding the Metro Flood Diversion Project. Ms. Daudt noted the property has been deemed excess land and is currently following the *Policy on the Disposition and Management of Comprehensive Project Lands* regarding the Metro Flood Diversion Project.

A motion was made by Manager Gust and seconded by Manager Lougheed to approve and authorize the Chairman to sign the *Pasture Lease Agreement* for OIN 507Y (Area 2) regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously. Manager Steen was absent.

**Metro Flood Diversion Project – Resolution Related to the Automatic Issuance and Exchange of Temporary Authority Loan Improvement Warrants**

John Shockley discussed the *Resolution Related to the Automatic Issuance and Exchange of Temporary Authority Loan Improvement Warrants*. Mr. Shockley stated the Cass County Joint Water Resource District issued its Temporary Authority Loan Improvement Warrant No. RTAL-1 in the total principal amount of \$90,000,000 for the WIFIA Loan Bond. The Temporary Authority Loan Improvement Warrant has matured, the District must issue a Temporary Authority Loan Improvement Warrant RTAL-2, in the same principal amount of, and on the same terms, with a three-year maturity. The Temporary Authority Loan Improvement Warrant RTAL-2 will continue to serve as security for holders of the WIFIA Loan Bond for the Metro Flood Diversion Project.

A motion was made by Manager Lougheed and seconded by Manager Gust to authorize the issue and exchange of the Temporary Authority Loan Improvement Warrant No. RTAL-2, in the same principal amount of, and on the same terms, with a three-year maturity, with the Temporary Authority Loan Improvement Warrant of 2021 No. RTAL-1. Upon roll call vote, the motion carried unanimously.

**Maple River Dam**

Brady Woodard reported on ongoing animal damage control efforts and monitoring of areas that were seeded with grass last year at the Maple River Dam.

**Bills**

It was moved by Manager Weston and seconded by Manager Gust to approve payment of Check #15335 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Lougheed, Gust, and Weston. Manager Steen was absent. The Chairman declared the motion passed.

**Metro Flood Diversion Project – sale of OINs 726Y and 730Y to the Southeast Cass Water Resource District - Access Agreement**

Sean Fredricks discussed the sale of OINs 726Y and 730Y to the Southeast Cass Water Resource District, with the contingency the Cass County Joint Water Resource District executes an *Access Agreement* over OIN 727. The legal description for the Agreement is now complete and the Water Resource Districts can proceed to closing.

A motion was made by Manager Gust and seconded by Manager Lougheed to approve and authorize the Chairman to sign the *Access Agreement* over OIN 727 regarding the sale of OINs 726Y and 730Y to the Southeast Cass Water Resource District. 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 Lougheed, seconded by Manager Weston, and unanimously carried to adjourn the meeting.

APPROVED:

\_\_\_\_\_  
Rodger Olson  
Chairman

ATTEST:

\_\_\_\_\_  
Melissa Hinkemeyer  
Secretary