

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  
AUGUST 8, 2024  
8:00 A.M.

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

Present were Rodger Olson, Maple River Water Resource District; Keith Weston and Rick Steen, Southeast Cass Water Resource District; Jacob Gust, Rush River Water Resource District; Ken Lougheed, North Cass Water Resource District; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, Chris McShane, Lukas Andrud, Katie Schmidt, and John Shockley, Ohnstad Twichell, P.C.; Kurt Lysne, Lyndon Pease, and Josh Hassell, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jodi Smith, Tom Fuchs, and Madeline Daudt, Metro Flood Diversion Authority (MFDA); Eric Dodds, Dean Vetter, Sabrina Tusa, and Kellen Grubb, AE2S; Paul Barthel and Katrina Olson, Jacobs; Scott Stenger, and Dale Ahlsten, ProSource Technologies, LLC; Katie Laidley, and Ken Helvey, SRF Consulting Group, Inc.; Oly Olafson, and Wade Whitworth, HDR, Inc.; and Leo Richard, Stanley Township property owner.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Weston, seconded by Manager Lougheed, and unanimously carried to approve the minutes of the July 25, 2024 (two sets), and July 31, 2024, meetings, as presented.

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

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 Diversion Channel and associated infrastructure of the Metro Flood Diversion Project. Mr. Barthel noted over 23,000,000 cubic yards of dirt has been moved for the excavation of the Diversion Channel regarding the Project.

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

Katie Laidley discussed a fair market rent study for the tenant of OIN 1093X regarding the Metro Flood Diversion Project. A motion was made by Manager Gust and seconded

by Manager Weston to approve the rental assistance maximum payment for the tenant of OIN 1093X in the amount of \$60,690 as outlined in the letter dated August 8, 2024, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Ms. Laidley then discussed a fair market rent study for the tenant of OIN 840 regarding the Metro Flood Diversion Project. A motion was made by Manager Steen and seconded by Manager Gust to approve the rental assistance maximum payment for the tenant of OIN 840 in the amount of \$26,796 as outlined in the letter dated August 8, 2024, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project – property management**

Madeline Daudt discussed a *Lease Agreement* with Schmidt and Sons Construction, Inc. on OIN 9163 regarding the Metro Flood Diversion Project. Ms. Daudt indicated OIN 9163 was recently mitigated and is a vacant site that Schmidt and Sons Construction, Inc. is interested in using for parking structures. Schmidt and Sons Construction, Inc. also has a haying agreement on OIN 9163 and will continue to maintain the property.

Manager Weston moved to approve and authorize the Chairman to sign the *Lease Agreement* with Schmidt and Sons Construction, Inc. for parking structures on OIN 9163 regarding the Metro Flood Diversion Project. Manager Lougheed seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project – Pipeline Easement and Amendment to Pipeline Easement with Cass Rural Water Users District**

Paul Barthel discussed a *Pipeline Easement* with Cass Rural Water Users District on OIN 227 and an *Amendment to Pipeline Easement* in the SE 1/4 of Section 24 in Warren Township, both 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 following with Cass Rural Water Users District regarding the Metro Flood Diversion Project:

- *Pipeline Easement* on OIN 227
- *Amendment to Pipeline Easement* in the SE 1/4 of Section 24 in Warren Township

**Discussion:** The Board briefly discussed tracking of utilities that are installed in the Metro Flood Diversion Project right of way, and terms of utility permits and utility easements, including repairs, emergencies, and other scenarios.

Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project – renewal of temporary P3 improvement warrants**

John Shockley reported to the Board that as part of the financing for the Metro Flood Diversion Project, temporary improvement warrants were secured to serve as security for the P3 developer for the capital portion of Availability Payments prior to the substantial completion date of the Project and for any P3 payment made by the Metro Flood Diversion Authority pursuant to the Project Agreement and prior to the substantial completion date

of the project. The temporary P3 improvement warrants need to be renewed as the warrants are expiring. The Board briefly discussed the financial plan for the Project and asked Mr. Shockley to bring back and discuss the updated financial plan for the Project at a future meeting.

Additional minutes related to the renewal of the temporary P3 improvement warrants for the Metro Flood Diversion Project are attached hereto.

**Metro Flood Diversion Project – amendments to the Memorandum of Understanding with the Metro Flood Diversion Authority regarding legal assessment drains**

Sean Fredricks briefly discussed amendments being drafted to the *Memorandum of Understanding* with the MFDA regarding impacts of the Metro Flood Diversion Project to Cass County legal assessment drains.

The Board discussed maintenance and repair of township roadways after operation of the Metro Flood Diversion Project. The Board suggested the MFDA attend township annual meetings to discuss their *Memorandums of Understanding (MOU)* with individual townships regarding cleanup efforts following operation of the Metro Flood Diversion Project and other related topics within the MOUs.

**Maple River Dam – Emergency Action Plan (EAP) update**

Mike Opat presented the Scope of Professional Services (Scope) to update the current Maple River Dam EAP for consistency with the recently updated North Dakota Dam Safety Standards and update the contact information for involved stakeholders. The Scope has been broken down into various tasks, including some tasks that may be optional dependent on the Board's interest and timing related to the Metro Flood Diversion project.

After discussion, Manager Steen moved to do the following regarding the Maple River Dam EAP update:

- Authorize Houston Engineering, Inc. to work with the Secretary to submit cost-share applications to the State Water Commission and the Red River Joint Water Resource District; and
- Approve the proposal from Houston Engineering, Inc. to update the Maple River Dam EAP, contingent upon approval of cost-share funding from the State Water Commission and the Red River Joint Water Resource District for the project.

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

**Maple River Dam updates**

Kurt Lysne stated the prescribed burn of the Maple River Dam to improve and encourage new grass and vegetative growth will begin when nesting season is past, and weather conditions are optimal. Dakota Helicopters, Inc. is scheduled to begin weed control work in Cass County, including at the Maple River Dam, in early-mid August.

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

Mr. Lysne briefly updated the Board on the status of right of way acquisition for the Sheldon Flood Protection Project No. 2019-01. Mr. Lysne has met with the remaining property owner to discuss their concerns and continues to communicate with them regarding the project.

**Regional Conservation Partnership Program (RCPP)**

Josh Hassell reviewed the RCPP – Upper Maple River Watershed Plan with the Board and stated NRCS continues to work with the North Dakota State Historic Preservation Office regarding the Plan.

Mr. Lysne briefly reported the final design for the RCPP – Rush River Watershed Plan is being uploaded to the Natural Resources Conservation Service for review and comments today. Once the final design is approved, funding and permits will need to be secured for the project.

**Bills**

It was moved by Manager Steen and seconded by Manager Lougheed to approve payment of Checks #15349 through #15351 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Lougheed, Weston, Gust and Steen. The Chairman declared the motion passed.

**Adjournment**

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

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Melissa Hinkemeyer  
Secretary