

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
SEPTEMBER 12, 2024
8:00 A.M.

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on September 12, 2024, at 8:00 a.m.

Present were Ken Lougheed, North Cass Water Resource District; Rick Steen, Southeast Cass Water Resource District; Gerald Melvin, Maple River Water Resource District; Jacob Gust, Rush River Water Resource District; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Sean M. Fredricks, Chris McShane, Lukas Andrud, and Katie Schmidt, Ohnstad Twichell, P.C.; Rob Stefanowicz, Larkin Hoffman; Kurt Lysne, Alexa Ducioame, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling and Mary Scherling, Cass County Commissioners; Jodi Smith, Jessica Warren, and Madeline Daudt, Metro Flood Diversion Authority (MFDA); Dean Vetter and Sabrina Tusa, AE2S; Paul Barthel, Jacobs; Scott Peterson and Brian Kietzman, North Dakota Game and Fish Department; Scott Stenger, and Dale Ahlsten, ProSource Technologies, LLC; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Oly Olafson, Kelsey Lee, and Wade Whitworth, HDR, Inc.; Ingrid Harbo, The Forum; and Leo Richard, Stanley Township property owner. Manager Keith Weston was absent.

Approval of agenda

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

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. Mr. Barthel noted over 24,000,000 cubic yards of dirt has been moved to date for the excavation of the Diversion Channel regarding the Project. Discussion was held on construction timelines of various components of the Metro Flood Diversion Project. The second gate for the Red River Control Structure of the Project has arrived and is being assembled. The third gate for the Red River Control Structure will be assembled next spring. Southern Embankment – Reach 2B is approximately 20% complete, and the Corps of Engineers is finishing the design of Southern Embankment Reaches 3 and 5 that are planned to be bid early next year. Mr. Barthel stated the overall Project remains on schedule for completion by spring 2027.

Manager Gust discussed weed control and mowing needs in the Metro Flood Diversion Project area along various Cass County highways. Mr. Barthel will follow up with ASN Constructors, the P3 contractor for the project, regarding mowing and weed control needs related to the Project.

Metro Flood Diversion Project – acquisition review / approval

Jodi Smith discussed a request from Terry Compson to reimburse Mr. Compson's incurred legal expenses, not to exceed \$2,000, regarding negotiations related to the Water Resource District's exercise of the option in the *Purchase Agreement* for OINs 9332 and 9359 regarding the Metro Flood Diversion Project.

It was moved by Manager Steen and seconded by Manager Gust to approve reimbursement of incurred legal expenses for Terry Compson regarding the negotiations related to the Water Resource District's exercise of the option in the *Purchase Agreement* for OINs 9332 and 9359 regarding the Metro Flood Diversion Project, not to exceed \$2,000. Upon roll call vote, the motion carried unanimously.

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 OINs 1112 and 1113, as outlined in the letter dated August 16, 2024, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Melvin to approve the relocation and replacement housing payment for OINs 9993 and 9994, as outlined in the letter dated September 6, 2024, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Authority (MFDA) Lands Committee appointment

A motion was made by Manager Steen and seconded by Manager Melvin to appoint Manager Gust to the MFDA Lands Committee for the remainder of calendar year 2024. Upon roll call vote, the following Managers voted in favor: Loughheed, Weston, Steen, Melvin. Manager Gust abstained from the vote. The motion carried.

Sheldon Flood Protection Project No. 2019-01

Kurt Lysne briefly updated the Board on the status of right of way acquisition for the Sheldon Flood Protection Project No. 2019-01. Mr. Lysne and Manager Gust will meet with the remaining property owner to discuss their concerns and continue to communicate with them regarding the project.

Regional Conservation Partnership Program (RCPP)

Mr. Lysne reported on the RCPP – Rush River Watershed Plan. The Natural Resources Conservation Service (NRCS) is currently reviewing the Plan. Mr. Lysne indicated a Conditional Letter of Map Revision (CLOMR) from FEMA will be needed for the project as well as a construction permit from the North Dakota Department of Water Resources. The Board will discuss permitting timelines for the project at a future meeting.

Mr. Lysne briefly noted the NRCS recently toured the area of the RCPP – Upper Maple River Watershed Plan.

Maple River Dam – general operation and maintenance updates

Brady Woodard reported on general operation and maintenance updates at the Maple River Dam. Moore Engineering, Inc. completed the survey of the environmentally sensitive sites in preparation for the project archaeologist's annual site visit in October.

Maple River Dam – Emergency Action Plan (EAP) update

Mike Opat updated the Board on the Maple River Dam EAP update. Cost-share requests were submitted to the North Dakota Department of Water Resources (NDDWR) and the Red River Joint Water Resource District for the project. The Red River Joint Water Resource District approved the cost-share as requested. The NDDWR removed the two optional tasks from the cost-share request and approved funding the cost-share request of the base project proposal. The NDDWR indicated the optional tasks will need to be submitted as separate projects for cost-share consideration.

It was moved by Manager Steen and seconded by Manager Melvin to approve and authorize the Chairman to sign the *Agreement for Cost-Share Reimbursement* with the State Water Commission regarding the Maple River Dam EAP update. Upon roll call vote, the motion carried unanimously.

Maple River Dam – proposal from ALO Environmental Associates to complete Year 18 (2024) archaeological monitoring

It was moved by Manager Steen and seconded by Manager Gust to accept the proposal from ALO Environmental Associates for Year 18 (2024) archaeological monitoring required at the Maple River Dam. Upon roll call vote, the motion carried unanimously.

Maple River Dam – hunting

The Board discussed hunting on Cass County Joint Water Resource District properties at the Maple River Dam with the North Dakota Game and Fish Department. Scott Peterson, Deputy Director of the Game and Fish Department stated the Department is interested in discussing opportunities to assist the Water Resource District in order to open properties to the public for hunting at the Maple River Dam, as they are currently posted. Mr. Woodard noted some properties at the Maple River Dam are posted because they are leased or hunting rights were retained by the previous property owner. Discussion was held on liability concerns as well as previous issues incurred related to hunting at the Maple River Dam including damage of nearby private property, leaving of stands and other personal property on Water Resource District property and trash concerns. The Board stated the Game and Fish Department need to educate the public on being respectful and responsible on other's property.

Brief discussion was held on the agreement the Water Resource District has implemented in the past regarding permission to hunt on certain Water Resource District properties at the Maple River Dam. Mr. Peterson indicated they have implemented Wildlife Management Areas (WMAs) in other locations in the State and on other public lands they have entered into more restrictive agreements with entities, for example, only allowing bow hunting.

Following discussion, the Board directed Moore Engineering, Inc. to prepare a map showing the Water Resource District owned properties at the Maple River Dam, including which properties are leased and have retained hunting rights, for continued discussion on the matter at a future meeting.

Bills

It was moved by Manager Steen and seconded by Manager Melvin to approve payment of Checks #15354 and #15355 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Lougheed, Gust, Steen, and Melvin. Manager Weston was absent. The Chairman declared the motion passed.

Office blinds

The Director discussed a quote from Fargo Glass & Paint Company for the purchase and installation of window blinds for Water Resource District staff offices. The blinds would match the Cass County Highway Department office blinds.

A motion was made by Manager Steen and seconded by Manager Melvin to approve and authorize the Director to sign and return a quote from Fargo Glass & Paint Company for window blinds for Water Resource District offices, in the amount of \$1,372. Upon roll call vote, the motion carried unanimously.

Human Resources Committee update

The Director and Manager Steen updated the Board on the recent Human Resources Committee meeting. The Committee discussed applications received and interviews conducted for the open Administrative Assistant position. Over 125 applications were received for the position. Manager Steen indicated the Committee made a motion to recommend the Board offer the Administrative Assistant position to candidate Elizabeth Smith, with an annual salary of \$45,000, plus benefits.

A motion was made by Manager Steen and seconded by Manager Gust to authorize the Director to offer Elizabeth Smith the Administrative Assistant position with an annual salary of \$45,000, plus benefits. Upon roll call vote, the motion carried unanimously.

Western Cass Flood Insurance Study (FIS)

Alexa Ducioame reported FEMA has indicated they will be sending out the letter of final determination regarding the Western Cass FIS maps on October 9, 2024. This means the maps will become effective April 9, 2024. Ms. Ducioame suggested submitting a Letter of Map Revision (LOMR) to FEMA regarding the Western Cass FIS after the letter of determination is published, per conversations with FEMA. Chairman Lougheed noted this LOMR would fix incorrectly mapped floodway areas in northern Cass County along the Red River.

It was moved by Manager Gust and seconded by Manager Melvin to authorize Moore Engineering, Inc. to submit a LOMR to FEMA regarding the Western Cass FIS. 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 Steen, seconded by Manager Melvin, and unanimously carried to adjourn the meeting.

APPROVED:

Ken Lougheed
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary