

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 27, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on January 27, 2022, at 8:00 a.m.

Present were Dan Jacobson and Keith Weston, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Ken Lougheed, North Cass Water Resource District; Jacob Gust, Rush River Water Resource District; Nina Stone, Accountant; Melissa Maertens, Administrative Assistant; Chris McShane, Luke Andrud and Katie J. Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Lyndon Pease and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Rob Stefonowicz, Larkin Hoffman Attorneys; Eric Dodds, Dean Vetter and Sabrina Tusa, AE2S; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Lee Kaffar, Wade Whitworth and Kelsey Lee, HDR, Inc.; Ken Helvey and Lisa Kilde, SRF Consulting Group, Inc.; Davon Hutchinson and Drew Nicklay, Ulteig Engineers, Inc.; Duane Breitling and Mary Scherling, Cass County Commissioners; Jodi Smith, Diversion Authority Director of Lands; John Albrecht, Jacobs; Lynn Mesteth, Dwyer Law Office, PLLC; Leo Richard and Gene Sauvageau, Stanley Township property owners.

Agenda

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

Minutes

It was moved by Manager Lougheed, seconded by Manager Weston and unanimously carried to approve the minutes of the January 13, 2022, meeting.

Metro Flood Diversion Project – project updates and general topics

Eric Dodds briefly discussed the *Property Acquisition Status Report* regarding the Metro Flood Diversion Project. Mr. Dodds noted land agents are continuing to secure Environmental Monitoring Easements regarding the project.

Chris McShane and Rob Stefonowicz reported on formal negotiation updates regarding the Metro Flood Diversion Project.

Mr. McShane reported the property owners of OIN 1107 have filed an appeal regarding the revised maximum Relocation and Replacement Housing Differential Payment regarding the Metro Flood Diversion Project. An Appeal Officer will need to be appointed as per the *Policy and Procedure for Appeal of Relocation Assistance Decision*.

It was moved by Manager Olson and seconded by Manager Weston to direct Ohnstad Twichell, P.C. to appoint an Appeal Officer regarding the appeal of the revised maximum Relocation and Replacement Housing Differential Payment for OIN 1107 regarding the Metro Flood Diversion Project, in accordance with the Cass County Joint Water Resource District *Policy and Procedure for Appeal of Relocation Assistance Decision*. Upon roll call vote, the motion carried unanimously.

Mr. Dodds discussed the Flowage Easement acquisition and negotiation schedule for tillable agricultural properties regarding the Metro Flood Diversion Project. Jodi Smith indicated the letter and packet of informational materials that will be sent to property owners where flowage easements are needed regarding the Metro Flood Diversion Project has been revised. The packets will now include an appraisal report regarding the flowage easement, a map where the easement is needed, an offer letter and a frequently asked questions page as requested by the Board at a previous meeting. Ms. Smith stated it is anticipated the flowage easement packets will be mailed in late February 2022 with open house informational meetings being scheduled for March. The Metro Flood Diversion Project webpage regarding flowage easements is also being updated to be an improved source of information on flowage easements for property owners. Land agents will supply and discuss Flowage Easement and Purchase Agreement documents with property owners.

Metro Flood Diversion Project – appraisal / RHDP review / approval

John Albrecht stated he has reviewed all appraisal reports supplied by Crown Appraisals, Inc. regarding Phase IB of the *Market Study of the Effects on Farmland Value due to Flooding and Flood Easements* and all are acceptable to move forward for consideration by the Board at a future meeting.

It was moved by Manager Gust and seconded by Manager Lougheed to approve the maximum Replacement Housing Differential Payment for OIN 1130, in the amount of \$191,000 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – acquisition review / approval

Dean Vetter updated the Board on the Acquisition Timeline Status Summary regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – Land Agent reports

Oly Olafson, Wade Whitworth, Ken Helvey and Scott Stenger reported on meetings and discussions with various property owners regarding the Metro Flood Diversion Project.

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

A motion was made by Manager Gust and seconded by Manager Lougheed to approve the relocation and replacement housing payment for OIN 1101 as outlined in the letter dated January 21, 2022, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Lougheed and seconded by Manager Weston to approve the relocation and replacement housing payment for OIN 9383, as outlined in the letter dated January 26, 2022, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – property management

Sabrina Tusa discussed various farmland leases regarding the Metro Flood Diversion Project. A motion was made by Manager Olson and seconded by Manager Lougheed to approve the 2022 *Cash Crop Lease Agreements* on the following properties regarding the Metro Flood Diversion Project:

- OIN 26
- OINs 227Y and 228Y
- OIN 898Y
- OIN 899Y
- OINs 922Y and 923Y
- OINs 221Y, 222Y, 1185Y1 and 1197Y
- OINs 726Y, 728Y, 729Y and 730Y
- OINs 834, 1100Y, 1102Y, 1103 and 1104
- OINs 571Y, 572, 573Y, 574Y, 724Y, 2363Y
- OINs 23, 24, 29, 31, 822Y, 823Y, 1084, 1085, 1106, 1082, 1097Y and 1099X
- OINs 1116, 1166Y, 1168Y, 1171Y, 1175Y, 1177Y and 1184Y
- OIN 9755Y
- OINs 943Y and 9762Y
- OINs 1979, 8857, 8864 and 8865

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – reimbursement request #121 from the Diversion Authority pursuant to terms and conditions of HB 1020

It was moved by Manager Lougheed and seconded by Manager Weston to approve and authorize the Secretary-Treasurer to sign reimbursement request #121 from the Diversion Authority, pursuant to the terms and conditions of HB 1020. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Score Residence Subdivision

A motion was made by Manager Lougheed and seconded by Manager Gust to approve and authorize the Chair to sign the plat for the Score Residence Subdivision regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Maple River Dam – 2021-2022 tree removal

Brady Woodard updated the Board on tree removal in the backwater pool of the Maple River Dam. The contractor has progressed further south near State Highway 46 and has a few weeks of work remaining.

Regional Conservation Partnership Program

Kurt Lysne indicated the Natural Resources Conservation Service (NRCS) recently completed calculations regarding the additional environmental benefits that have been incorporated into the RCPP – Upper Maple River Watershed Plan. Moore Engineering, Inc. is finalizing the Plan with the data from the NRCS. Once the Plan is finalized, NRCS will draft an exception request letter for the benefit-cost ratio for the RCPP – Upper Maple River Watershed Plan to be sent with the Plan to the National Watershed Management Center for consideration.

Mr. Lysne stated the formal 60-day comment period regarding the RCPP – Rush River Watershed Plan closed December 24, 2021. The NRCS is currently addressing the comments that were submitted during the comment period. Project design will continue once all comments are addressed.

Sheldon Flood Protection Project No. 2019-01

Manager Gust stated property owners have inquired recently regarding the status of Sheldon Flood Protection Project No. 2019-01. Mr. Lysne reported right of way acquisition for the project is ongoing. The Public Private Partnership developer for the Metro Flood Diversion Project recently contacted the Water Resource District and discussions will be held in the future regarding when material will be available from the Metro Flood Diversion Project for Sheldon Flood Protection Project No. 2019-01.

Bills

It was moved by Manager Olson and seconded by Manager Lougheed to approve the payment of Checks #15083 through #15090 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Lougheed, Weston and Gust. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – federal funding

Chairman Jacobson stated the federal government recently appropriated \$437 million in funding to complete all remaining portions of federal work for the Metro Flood Diversion Project. Brief discussion was held on construction progress of the project.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Gust, seconded by Manager Olson and unanimously carried to adjourn the meeting.

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer