

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 12, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on May 12, 2022, at 8:00 a.m.

Present were Dan Jacobson, 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; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Maertens, Administrative Assistant; Sean M. Fredricks, Chris McShane, Luke Andrud, Katie J. Schmidt and Andrew D. Cook, Ohnstad Twichell, P.C.; Lyndon Pease and Kurt Lysne, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Rob Stefonowicz, Larkin Hoffman Attorneys; Eric Dodds and Dean Vetter, AE2S; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Lee Kaffar, Wade Whitworth and Kelsey Lee, HDR, Inc.; Lisa Kilde, SRF Consulting Group, Inc.; Davon Hutchinson, Ulteig Engineers, Inc.; Mary Scherling and Duane Breitling, Cass County Commissioners; Jodi Smith, Diversion Authority Director of Lands; Leo Richard, Gene Sauvageau and Kristie Sauvageau, Stanley Township property owners. Manager Keith Weston, Southeast Cass Water Resource District, was absent.

Agenda

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

Minutes

It was moved by Manager Olson, seconded by Manager Gust and unanimously carried to approve the minutes of the April 28 (two sets) and May 4, 2022, meetings.

Metro Flood Diversion Project – Executive Session for purposes of discussing contract negotiation strategies, litigation strategies and attorney consultation regarding ongoing litigation related to right of way and property acquisitions necessary to accommodate the Metro Flood Diversion Project, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9)

It was moved by Manager Gust and seconded by Manager Olson to close the meeting at 8:04 a.m. for the purposes of discussing contract negotiation strategies, litigation strategies and attorney consultation regarding ongoing litigation related to right of way and property acquisitions necessary to accommodate the Metro Flood Diversion Project, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9) regarding the following matter:

1. Cass County Joint Water Resource District v. David Delaney, et al, Civil File No. 09-2021-CV-03301 (OIN 1202)

Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Lougheed and Gust. Manager Weston was absent. The Chairman declared the motion carried.

The executive session was attended by Managers Jacobson, Olson, Lougheed and Gust, Carol Harbeke Lewis, Melissa Maertens, Sean Fredricks, Luke Andrud, Katie Schmidt, Andrew Cook, Jodi Smith, Mary Scherling, Duane Breitling, Eric Dodds, Dean Vetter and Lisa Kilde.

The executive session adjourned at 8:35 a.m. and the regular meeting was reconvened and opened to the public.

Metro Flood Diversion Project – acquisition review / approval continued

Andrew Cook briefly discussed a *Settlement Agreement* for OIN 1202 regarding the Metro Flood Diversion Project. It was moved by Manager Olson and seconded by Manager Lougheed to approve the *Settlement Agreement* for OIN 1202 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds discussed a proposed counteroffer and *Rural Impact Mitigation Program* loan for OIN 2014 regarding the Metro Flood Diversion Project. Mr. Dodds indicated the property owner is anxious to begin relocation of the farm headquarters on the property. Discussion was held on the value of structures on the property, bids to replace the structures as well as potential tax implications of *Rural Impact Mitigation Program* loans. Following discussion, the Board declined the counteroffer at this time and directed Mr. Dodds and Ken Helvey to continue negotiations with the property owner regarding a counteroffer and *Rural Impact Mitigation Program* loan for OIN 2014 regarding the Metro Flood Diversion Project.

Maple River Dam – current conditions

Kurt Lysne showed a drone video and reported on current conditions at the Maple River Dam from the recent rain events. The concrete spillway is being utilized and all four roads remain closed at the Maple River Dam. Pumps are operating along State Highway 46 to ensure water does not overtop the road. Mr. Lysne discussed recent flood and weather forecasts in relation to the Maple River Dam and indicated the *Emergency Action Plan* has been activated. Moore Engineering, Inc. continues to conduct piezometer readings daily at the Maple River Dam per the operating plan.

Discussion was held on overland flooding conditions in Cass County. Mr. Lysne stated the Maple River Dam has reduced peak flows on the Maple River which has improved flooding conditions in several areas including the Mapleton and Harwood areas.

2022 Spring Flood

Mr. Lysne displayed a hydrograph that depicts outflow rates at Baldhill Dam. The Corps of Engineers utilized over half of the additional storage area at the Baldhill Dam with the recent rain events.

Brief discussion was held on the need for additional retention sites in the Red River Basin to increase prevention of flood damages.

Benefits of the Metro Flood Diversion Project in events similar to this spring's rain events were discussed. Lyndon Pease indicated the Metro Flood Diversion Project channel will provide an outlet to some legal assessment drains and rivers that will greatly benefit many areas near Fargo-Moorhead.

Regional Conservation Partnership Program

Mr. Lysne indicated the RCPP – Upper Maple River Watershed Plan exception request for the benefit-cost ratio for the Plan is awaiting decision from the Chief at the National Watershed Management Center. Mr. Lysne noted the project alternative in the Plan near Minnie Lake will help prevent damages in that area from events similar to this spring's rain events. The project will also help reduce the amount of water at the Upper Maple River Dam which increases the effectiveness of the Maple River Dam.

Mr. Lysne reported Moore Engineering, Inc. continues to work on the design and feasibility of road raises regarding the RCPP – Rush River Watershed Plan. A meeting will be scheduled with property owners before finalizing the design, which is due in September 2022.

Bills

It was moved by Manager Lougheed and seconded by Manager Gust to approve the payment of Check #15108 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Lougheed and Gust. Manager Weston was absent. The Chairman declared the motion passed.

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