

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE WEST FARGO PUBLIC WORKS BUILDING
WEST FARGO, NORTH DAKOTA
MAY 25, 2023

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on May 25, 2023, at 8:00 a.m.

Present were 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; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Chris McShane, Luke Andrud and Katie Schmidt, Ohnstad Twichell, P.C.; Rob Stefanowicz, Larkin Hoffman; Kurt Lysne and Lyndon Pease, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Eric Dodds, Dean Vetter, Sabrina Tusa and Kellen Grubb, AE2S; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, HDR, Inc.; Lisa Brekkestran, Davon Hutchinson and Drew Nicklay, Ulteig Engineers, Inc.; Joel Paulsen, Diversion Authority Executive Director; Jodi Smith, Diversion Authority Director of Lands and Compliance; Jessica Warren, Diversion Authority Compliance Specialist; Duane Breitling, Cass County Commissioner; John Albrecht, Paul Barthel and Katrina Olson, Jacobs; Jerry Blomeke, Cass Rural Water Users District; William A. Hejl, Amenia Township property owner; Adam Fischer, Pleasant Township property owner; Kristie Sauvageau, Stanley Township property owner; and Dan Jacobson, Fargo. Manager Rick Steen, Southeast Cass Water Resource District, was absent.

Agenda

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

Minutes

It was moved by Manager Gust seconded by Manager Weston and unanimously carried to approve the minutes of the May 11, 2023, meeting.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – project updates and general topics

Chris McShane updated the Board on the status of various formal negotiations regarding the Metro Flood Diversion Project.

Eric Dodds discussed the Property Acquisition Status Report regarding the Metro Flood Diversion Project. Property rights negotiations and acquisitions continue regarding the Project.

Metro Flood Diversion Project – appraisal / RHDP review / approval

John Albrecht discussed various appraisals regarding the Metro Flood Diversion Project.

It was moved by Manager Gust and seconded by Manager Weston to approve the following appraisals, as estimates of just compensation for acquisition of property regarding the Metro Flood Diversion Project:

- OIN 1367, with an effective date of April 17, 2023
- OINs 1402 and 1477, with an effective date of July 20, 2022
- OINs 1542, 1544 and 1586, with an effective date of April 17, 2023
- OINs 1885 and 9416, with an effective date of May 4, 2023
- OIN 8919, with an effective date of February 1, 2023

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Gust to approve the maximum Replacement Housing Differential Payment for OINs 1947 and 1948 in the amount of \$219,900 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – land agent reports

Ken Helvey, Oly Olafson, Scott Stenger, Dale Ahlsten and Lisa Brekkestran reported on activities, meetings and discussions with various property owners regarding the Metro Flood Diversion Project.

Metro Flood Diversion Project – property management

Jessica Warren discussed debris removal on OIN 26 for the Metro Flood Diversion Project. It was moved by Manager Weston, seconded by Manager Gust and unanimously carried to approve and authorize the Chairman to sign the *Debris Removal Agreement* with Building & Grounds Management regarding OIN 26 for the Metro Flood Diversion Project.

Ms. Warren stated due to the debris removal on OIN 26, there may be minor crop damage on the property. A motion was made by Manager Gust and seconded by Manager Lougheed to authorize the Secretary-Treasurer to send a letter to the tenant of OIN 26 regarding potential crop damage related to the removal of debris on the property for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Ms. Warren stated the structures on OIN 825 will be removed as part of Work Package 38B this fall, thus the current tenants will need to vacate the property by September 30, 2023. It was moved by Manager Weston and seconded by Manager Lougheed to authorize the Secretary-Treasurer to send a letter to the tenants of OIN 825 notifying them of the termination of the associated *Rental Agreement* effective September 30, 2023. Upon roll call vote, the motion carried unanimously.

Ms. Warren discussed various farmland leases regarding the Metro Flood Diversion Project. A motion was made by Manager Gust and seconded by Manager Lougheed to approve the *2023 Cash Crop Lease Agreements*, as presented, on the following properties regarding the Metro Flood Diversion Project:

- OINs 1076N, 1077N and 1078X
- OINs 1177Y, 1175Y and 1197Y
- OIN 923Y

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – contracting actions

It was moved by Manager Lougheed and seconded by Manager Weston to approve and authorize the Chairman to sign the following regarding appraisal services for the Metro Flood Diversion Project:

- *Task Order No. 6 – Amendment 3* with Crown Appraisals, Inc. in the amount of \$22,000
- *Task Order No. 5 – Amendment 0* with Integra Realty Resources in the amount of \$63,000

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Cass Rural Water Users District Pipeline Easements and Utility Permit

Paul Barthel discussed two *Pipeline Easements* and a *Utility Permit* for Cass Rural Water Users District regarding the Metro Flood Diversion Project. Cass Rural Water Users District is relocating their pipeline to minimize impact to the Southern Embankment and 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 Chairman to sign the following with Cass Rural Water Users District regarding pipeline relocation related to the Metro Flood Diversion Project:

- *Pipeline Easement* on OINs 227Y and 228
- *Pipeline Easement* on OIN 1118
- *Utility Permit* on OIN 227N

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Cass County Electric Cooperative Utility Easements and Utility Permit

Mr. Barthel next discussed two *Utility Easements* and a *Utility Permit* for Cass County Electric Cooperative regarding the Metro Flood Diversion Project. The *Utility Permit* will allow Cass County Electric Cooperative to provide power to the Maple River aqueduct structure of the Metro Flood Diversion Project. The *Utility Easements* are needed to replace overhead power lines with underground power infrastructure due to space constraints with the Cass County Highway 81 and railroad work on OINs 2364N, 2365N

and 9271N regarding the Metro Flood Diversion Project. Sean Fredricks noted before the *Utility Easements* can be recorded, the existing Cass County Electric Cooperative Easements on OINs 2364N, 2365N and 9271N will need to be released.

It was moved by Manager Gust and seconded by Manager Weston to approve and authorize the Chairman to sign the following with Cass County Electric Cooperative regarding the Metro Flood Diversion Project:

- *Utility Permit* on OIN 897N
- *Utility Easement* on OIN 2364N, contingent upon Cass County Electric Cooperative's execution of satisfactory release of the existing Easement
- *Utility Easement* on OINs 2365N and 9271N, contingent upon Cass County Electric Cooperative's execution of satisfactory release of the existing Easement

Upon roll call vote, the motion carried unanimously

Regional Conservation Partnership Program (RCPP)

Kurt Lysne briefly discussed the upcoming RCPP – Upper Maple River Watershed Plan public scoping / plan update meeting that will be held on May 30, 2023. Mr. Lysne also noted Moore Engineering, Inc. is contacting property owners regarding authorization of surveying work by the Natural Resources Conservation Service on property regarding the RCPP – Upper Maple River Watershed Plan.

The Board next discussed the RCPP – Rush River Watershed Plan. SRF Consulting Group, Inc. has met with property owners to discuss the levee alignment for the project and will bring a report of their findings to a future meeting.

Maple River Dam – tieback levee

Mr. Lysne stated the controlled burn on the Maple River Dam tieback levee along North Dakota Highway 46 to assist with animal damage control efforts in the area will be conducted when safe conditions allow.

Maple River Dam – spring operations

Mr. Lysne reported on the current conditions at the Maple River Dam. It is anticipated that the pool will be drained down in 3-4 weeks.

Bills

It was moved by Manager Gust and seconded by Manager Weston to approve the payment of Checks #15262 through #15264 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Loughheed, Weston and Gust. Manager Steen was absent. The Chairman declared the motion passed.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer