

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE WEST FARGO PUBLIC WORKS BUILDING
WEST FARGO, NORTH DAKOTA
AUGUST 10, 2023

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on August 10, 2023, at 8:00 a.m.

Present were Keith Weston and Rick Steen, 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, Luke Andrud, Chris McShane and Katie Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Lyndon Pease, Josh Hassell and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Eric Dodds, Dean Vetter and Sabrina Tusa, AE2S; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Wade Whitworth, Kelsey Lee and Katy Moore, HDR, Inc.; Lisa Brekkestran, Davon Hutchinson and Drew Nicklay, Ulteig Engineers, Inc.; Joel Paulson, Diversion Authority Executive Director; Martin Nicholson, Diversion Authority Deputy Executive Director; Jodi Smith, Diversion Authority Director of Lands and Compliance; Madeline Gorghuber, Diversion Authority Lands Specialist; Jessica Warren, Diversion Authority Compliance Specialist; John Albrecht, Jacobs; Duane Breitling and Mary Scherling, Cass County Commissioners; Mike Staber and Lindsay Koffler, American Enterprises, Inc.; Nancy Johnson and Justin Johnson, Pleasant Township property owners; Cody Cashman, Tony Roth and Riley Streit, City of Amenia; Derrick and Jill Taylor, City of Amenia residents; William A. Hejl, John Hejl and Brandon Lindstrom, Amenia Township property owners.

Agenda

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

Minutes

It was moved by Manager Weston seconded by Manager Gust and unanimously carried to approve the minutes of the July 27, 2023 (two sets), meetings.

Metro Flood Diversion Project – property owner negotiation / discussion

Mike Staber and Lindsay Koffler requested and discussed access to OIN 1961 from OIN 7004 regarding the Metro Flood Diversion Project. Ms. Koffler said he neighboring OIN 855 has access off Cass County Highway 17; however, the access to OIN 1961 from the north section line is not suitable to them and they had an understanding with the former

property owners of OIN 7004 to utilize the road along the south side of OIN 7004 for access to OIN 1961. OIN 7004 was purchased by the Water Resource District for the Metro Flood Diversion Project. Mr. Staber indicated he would like to purchase OIN 7004 from the Water Resource District. The Board discussed the access situation regarding OIN 1961 and indicated OIN 7004 will be sold with a Flowage Easement attached in the future. Mr. Staber said he would give the Water Resource District a Flowage Easement if he could purchase the property. Chairman Olson said he is very familiar with OIN 7004 and stated there was no access granted in writing to OIN 1961 from OIN 7004 prior to the purchase of OIN 7004 by the Water Resource District, so the Water Resource District has no responsibility to provide access to OIN 1961 through OIN 7004. After further discussion, the Board directed Jodi Smith to research the matter and bring the information to the next meeting for further discussion.

Metro Flood Diversion Project – appraisal / RHDP review / approval

John Albrecht discussed appraisals for OINs 8466 and 2024 regarding the Metro Flood Diversion Project.

It was moved by Chairman Olson and seconded by Manager Gust to approve the appraisals on the following properties as an estimate of just compensation for acquisition of property regarding the Metro Flood Diversion Project:

- OIN 8466, with an effective date of July 12, 2023
- OIN 2024, with an effective date of May 22, 2023

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – acquisition review / approval

It was moved by Chairman Olson and seconded by Manager Weston to approve the *Purchase Agreement* for OINs 2039 and 2041 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on a proposed leaseback of OINs 9431 and 9438 by the property owners following the sale of the properties to the Metro Flood Diversion Project. A motion was made by Manager Steen and seconded by Manager Gust to approve the settlement agreement for OINs 9431 and 9438, as amended, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Chairman Olson and seconded by Manager Weston to approve the *Purchase Agreement* for OIN 1369 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Discussion was held on a counteroffer for OIN 8919 regarding the Metro Flood Diversion Project. A motion was made by Manager Loughheed and seconded by Chairman Olson to approve the *Purchase Agreement* for OIN 8919 regarding the Metro Flood Diversion Project. Upon roll call vote, the following Managers voted in favor: Olson, Loughheed and Weston. Managers Gust and Steen voted against the motion. The motion passed.

Jodi Smith stated the property owners of OIN 818X are relocating their farmstead to OIN 816Y1 as part of the Metro Flood Diversion Project. The property owners of OIN 818X are acquiring OIN 816Y1 from the Water Resource District as part of an approved settlement agreement. Oly Olafson noted the property owners will need to be relocated from OIN 818X by the end of 2024 for the Metro Flood Diversion Project, so they need to begin construction on the replacement property soon. The property owners of OIN 818X currently rent OIN 816Y1 from the Water Resource District under a *Cash Crop Lease Agreement* for agricultural purposes; however, the *Agreement* does not allow construction on the property. Jodi Smith discussed a proposed *Rental Agreement* on OIN 816Y1 that would allow construction on the property.

A motion was made by Chairman Olson and seconded by Manager Steen to approve the *Rental Agreement* for OIN 816Y1 with Lawrence G. Richard and Susan E. Richard regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

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

It was moved by Manager Weston and seconded by Manager Steen to approve the relocation and replacement housing payment for OIN 839, as outlined in the letter dated August 2, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Weston to approve the relocation and replacement housing payment for OIN 8385, as outlined in the letter dated August 4, 2023, regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Olafson introduced Katy Moore, a recently hired land agent with HDR, Inc. The Board welcomed Ms. Moore.

Regional Conservation Partnership Program (RCPP)

Josh Hassell and Manager Weston updated the Board on the RCPP – Upper Maple River Watershed Plan. An on-site meeting was held recently with area property owners and the Natural Resources Conservation Service to further discuss the Plan and the design features in the Plan. The Plan is anticipated to be completed in September.

The Board next discussed various levee alignment options for the RCPP – Rush River Watershed Plan in detail with impacted property owners and City of Amenia officials. William Hejl indicated he has a potential solution regarding the levee alignment he would like to explore with the Water Resource District Engineers before the Board decides on the final levee alignment. Following discussion, the Board directed Moore Engineering, Inc. to prepare an exhibit depicting the revised levee alignment, as discussed, and bring the exhibit to the next Water Resource District meeting for consideration.

Maple River Dam – cultural sites

Brady Woodard reported repairs at two cultural sites at the Maple River Dam are beginning today. Kurt Lysne said the annual surveys of the cultural sites will begin soon and will be provided to the project Archaeologist.

Maple River Dam tieback levee – animal control

Mr. Woodard updated the Board on animal control efforts at the Maple River Dam tieback levee. Monthly inspections are conducted at the site.

Maple River Dam – weed control

Mr. Woodard said the weed control contractor is on site this week regarding the Maple River Dam.

Lake Bertha Flood Control Project No. 75

Mr. Woodard indicated a contractor is looking at the Lake Bertha Flood Control Project No. 75 sediment and cattail removal project and he hopes to get a quote from the contractor to complete the work this fall. Mr. Woodard will update the Board on the project at the next meeting.

Water Resources Development Act 2024 – email from Senator Cramer’s office seeking input by September 15, 2023

Manager Weston noted the Red River Joint Water Resource District and the Red River Retention Authority are gathering additional information from Senator Cramer’s office regarding the input requested for the Water Resources Development Act 2024.

Bills

It was moved by Manager Steen and seconded by Manager Gust to approve the payment of Checks #15277 through #15278 and the wire transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Lougheed, Weston, Gust and Steen. The motion carried unanimously.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer