

MINUTES OF MEETING  
DIVERSION AUTHORITY PUBLIC OUTREACH COMMITTEE  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
MARCH 11, 2015

The Diversion Authority Public Outreach Committee met on March 11, 2015, at 2:00 p.m. at the Cass County Highway Department, West Fargo, North Dakota.

The following Committee members were present: Rodger Olson, Cass County Joint Water Resource District; Kevin Campbell, Clay County Commission; Mike Thorstad, West Fargo City Commissioner; Ken Pawluk, Cass County Commissioner; Jacob Gust, ad hoc Committee Member (by phone), Jessica Lee, Senator Hoeven's Office; and Elly Peterson, Fargo-Moorhead West Fargo Chamber of Commerce. Absent were Gerald Van Amburg, Buffalo-Red River Watershed District; Brenda Elmer, Moorhead City Commissioner; and Melissa Sobolik, Fargo City Commissioner.

Also present were Brett Coleman and Terry Williams (by phone), Corps of Engineers; Rocky Schneider and Daron Selvig, Advanced Engineering and Environmental Services, Inc.; Lyndon Pease, Moore Engineering, Inc.; Jason Benson, Cass County Engineer; Kevin Fischer, Fargo-Moorhead Area Association of Realtors; Don Nelson, Clay County resident; and Michelle Anderson, Cass County Joint Water Resource District staff.

**Minutes**

It was moved by Mike Thorstad, seconded by Mike Pawluk and unanimously carried to approve the minutes of the February 4, 2015, meeting.

**Right of Entry Committee report**

Lyndon Pease updated the board on access issues. Geotechnical borings on the southern alignment in the staging area will resume this week and are expected to continue through the end of March.

Metes and bounds surveys will begin this summer on the northern end of the diversion channel on 70 to 80 parcels of property regarding the Metro Flood Diversion Project. Letters will be sent out to the property owners and a public meeting is tentatively scheduled to be held at the Harwood Community Center on April 9, 2015, at 6:30 p.m. Access is needed on the western alignment between the Maple River and the Sheyenne River near West Fargo for survey work. *Right of Entry Agreements* are being sent to property owners. Geotechnical borings are being conducted on the Maple River.

Cultural resource surveys need to be done on 11 cemeteries, 6 in North Dakota and 5 in Minnesota, to determine whether the cemetery is eligible for listing on the National

Register of Historic Places. A cultural resource survey was recently completed on a Minnesota cemetery.

### **North Dakota legislative update**

Rocky Schneider gave the Committee a legislative update on the eminent domain HB 1332 and community facilities districts SB 2375. Eminent domain authority is intact under HB 1332. SB 2375 was turned into an interim study. The State Water Commission state funding budget passed and the hearing will be held on March 19, 2015, at 9:00 a.m.

### **Business Leaders Flood Taskforce update**

Rocky Schneider stated Chamber Day for legislative advocacy at the North Dakota capitol was February 12, 2015. Chamber members were given information to meet with their legislators. The Chamber will publish an article if Mr. Schneider submits it.

Kevin Fisher reported the Fargo-Moorhead Area Association of Realtors will meet with the city engineers. The Corps and FEMA flood level designations are not the same. FEMA plans to meet with the Corps after April 30, 2015. Mr. Fisher stated he is receiving a lot of questions. Once the FM Flood Risk Management Assessment District No. 1 ballot vote is explained, people stated they would rather have the assessment district instead of flood insurance.

### **Staging area relocations update**

Letters were sent to homeowners in the staging area to offer early buyouts for those interested in relocating to a new developed lot within the Oxbow-Hickson-Bakke Ring Levee. Three homeowners have accepted the offer. Brief discussion was held on the hope that more property owners will begin the process once they observe how it is done.

### **Retention update**

Brief discussion was held on a funding request received from the Buffalo-Red River Watershed District (BRRWD) for the Stony Creek Flood Damage Reduction and Restoration Project. The request is for 5% of the total of Phase I in the amount of \$87,480. A draft of the funding policy considerations was presented to the Finance Committee. The Finance Committee reviewed the request and recommended the issue be forwarded to the Technical Committee and the Red River Retention Authority.

### **Clay County communications regarding the Diversion Authority Budget and the Metro Flood Diversion Project**

Three letters were presented to the Committee. Del Rae Williams, Mayor of the City of Moorhead, issued a letter of her support, information and thoughts on Minnesota's interest regarding the proposed fiscal year 2015 budget for the Diversion Authority to BRRWD Chairman Gerald Van Amburg. Discussion was held on the approval of the budget by the other five Diversion Authority entities.

Grant Weyland, Clay County Commissioner, issued a letter to John Lindquist, Otter Tail County Commission Chair, to reinforce their partnership in the mission of the BRRWD and to support each other's efforts to alleviate flooding and manage the water resources

of the District. Mr. Weyland also issued a letter to the BRRWD Managers asking them to support and approve the budget to address and complete necessary Minnesota interests.

Mark Dayton, Minnesota Governor, was updated on the progress of the Metro Flood Diversion Project.

Brief discussion was held on the benefit of bringing all six entities of the Diversion Authority and elected officials together for a meeting potentially sponsored by Senator Hoeven. Jessica Lee said she would bring the matter before him when the legislature is in recess.

### **Finance District update**

Brief discussion was held on the public informational meetings regarding FM Flood Risk Management District No. 1 and ballot questions. There was a low turnout, but good questions were asked. Other scheduled media presentations and the next two public meetings were briefly discussed. Flood insurance costs were discussed and compared to assessments on property. The ballot deadline is April 30, 2015, at 5:00 p.m. Farm land assessments were compared to residential assessments.

Intergovernmental agreements will be in place to designate sales tax percentages from the City of Fargo (100 %) and Cass County (91%) to the Metro Flood Diversion Project. Brief discussion was held on excess sales tax revenues and where they will be applied.

### **E-Newsletter topics**

The following *Diversion Dialogue E-Newsletter Topics* will be addressed in March 2015: 1) Informational meetings are being held throughout March in order to detail the proposed assessment district which would finance a portion of North Dakota's local share of the Metro Flood Diversion Project; 2) Celebrating the North Dakota Senate's approval of funding for the Metro Flood Diversion Project by unanimous vote and the cross over to the House for the hearing process; 3) a conceptual 3-D rendering of the proposed floodwall and pedestrian overpass on 2nd Street N in downtown Fargo.

The informational public meeting videos will run on Fargo's public access channel twice a week, and possibly West Fargo's public access channel before the meeting at Liberty Middle School.

A request was made through the website to provide a link to the preliminary findings of NDSU's research on mitigation for agricultural lands affected by the Metro Flood Diversion Project. The study materials will be posted and available on [www.fmdiversion.com](http://www.fmdiversion.com) when they are completed.

Another question through the website involved a real estate purchase of undeveloped farm land. Research was done and the email participant was provided with the answer.

Based on the analytics from last month, Senator Hoeven's article gave the highest ratings. It was suggested an article be placed on the website discussing the West Fargo Diversion.

**Other business**

The Maple River Aqueduct Tour will be held on March 19, 2015.

**Adjournment**

There being no further business to be considered, the meeting adjourned without objection.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Cass County Joint Water Resource District  
Secretary-Treasurer