

MINUTES OF MEETING
DIVERSION AUTHORITY PUBLIC OUTREACH COMMITTEE
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 8, 2013

The Diversion Authority Public Outreach Committee met on May 8, 2013, at 2:00 p.m. at the Cass County Highway Department, West Fargo, North Dakota.

The following Committee members were present: Kevin Campbell, Clay County Commissioner; Ken Pawluk, Cass County Commissioner; Mike Thorstad, West Fargo City Commissioner; Brenda Elmer, Moorhead City Commissioner; Brad Wimmer, Fargo City Commissioner and Gerald Van Amburg, Buffalo-Red River Watershed District. Absent: Rodger Olson, Cass County Joint Water Resource District.

Also present were Tom O'Hara, CH2MHill; Eric Dodds, Daron Selvig and Rocky Schneider, Advanced Engineering and Environmental Services, Inc.; Lyndon Pease, Moore Engineering, Inc.; Keith Berndt, Cass County Administrator; Carol Harbeke Lewis, Cass County Joint Water Resource District Secretary-Treasurer; Arden Breimeier, property owner in Oxbow; Mike Bice, property owner in Hickson; and Don Nelson, property owner in the Comstock area.

Kevin Campbell called the meeting to order.

Minutes

It was moved by Brad Wimmer, seconded by Mike Thorstad and unanimously carried to approve the minutes of the March 13, 2013, meeting.

Right of Entry Committee report

Lyndon Pease updated the Committee on access issues relating to the Fargo-Moorhead Area Diversion Project.

Review of findings from upstream resident meetings

Meetings were held with individual property owners from Hickson, Bakke Subdivision and rural properties in that area to discuss possible impacts from the Fargo-Moorhead Area Diversion Project. Eric Dodds said property owners were shown water depths and details relating to the project. The land acquisition process and timing were also discussed. Most indicated they would prefer a buyout as opposed to relocation and they would like to know as soon as possible.

Some suggestions were heard about protecting rural residences. Five rural property owners may have an interest in moving. There are 40 property owners on the ring levee alignment in Oxbow that will need to move. Tom O'Hara said the Corps of

Engineers would like to keep the extra area included inside the ring levee as small as possible to minimize the impacts on the floodplain. Discussion will be held about allowing more space to accommodate outside residents that change their mind and want to move inside the protected area. Mr. O'Hara said the design work for the ring levee project will take 10 to 15 months.

North Dakota legislative report

Sections 7-11 and 15 of North Dakota HB 1020 were reviewed.

Two-year outreach plan

Rocky Schneider reviewed the two-year outreach plan. Ken Pawluk said there needs to be continued outreach with all legislators to keep them up-to-date on the Fargo-Moorhead Area Diversion Project. Mr. Pawluk would also like to see the State Water Commission more involved with the Diversion Authority. Mr. Schneider will pass along his request.

Additional outreach items were discussed as follows:

- Outreach to various state groups, large companies and civic groups.
- Holding informational public meetings in neighborhoods and rural communities. A meeting may be held in conjunction with a public meeting the Corps of Engineers is planning to hold on the Environmental Assessment in late June.
- A meeting with Minnesota legislators.
- Mr. Pawluk would like to see another water tour held here in the future. Carol Harbeke Lewis serves on the *North Dakota Water Education Foundation* Board and will contact them about the matter.
- Submitting a monthly article in the *North Dakota Water* magazine. Ms. Lewis will also check into this for the Committee.

Mr. Schneider will set up a schedule to address the issues discussed.

Mr. O'Hara said the WRDA bill is being debated on the floor of the U.S. Senate this week. A delegation representing the Diversion Authority will be traveling to Washington, D.C. the week of May 20th.

E-Newsletter and FMDiversion.com update

The E-newsletter will have a legislative update, an update from the Corps of Engineers, the success of "Sandbag Central" and alternatives for the proposed ring levee around Oxbow, Hickson and Bakke Subdivision. Mr. Schneider informed the committee that the newsletter goes to all legislators.

The website will include coverage from the public meeting hosted tonight by the Minnesota Department of Natural Resources relating to the scoping side of the Environmental Impact Statement.

Discussion with property owners present

Mike Bice asked how the Diversion Authority has the right to make decisions relating to property owners that do not elect them. Mr. Pawluk said the Diversion Authority was

created through a *Joint Powers Agreement* and that decision was ratified by each of the entities involved.

Mr. Pawluk said Cass County approved a plan for emergency diking on Cass County Highway 81 to protect Bakke Subdivision in 2009. He pointed out that Bakke Subdivision and Hickson benefit from the Fargo-Moorhead Area Diversion, along with every other community in the valley. Mr. Bice said several residents disagree.

Don Nelson said property owners in the Comstock area have not been contacted with regard to the project. Mr. Nelson was advised that when the design gets to the same level in that area, meetings will be held with property owners. Mr. Dodds said Flowage Easements will be obtained and property owners will receive compensation for the best use of the impacted land. Mr. Pawluk said more and more information is being developed as the project evolves to answer some of their questions.

Adjournment

There being no further business to be considered, it was moved by Mike Thorstad, seconded by Ken Pawluk and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

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