

**ROAD ADVISORY COMMITTEE
NOVEMBER 15, 2021**

1. MEETING TO ORDER

Commissioner Jim Kapitan called the Road Advisory Committee meeting to order at 2:04 PM on Monday, November 15, 2021. Members were present as follows: Duane Breitling, Jim Kapitan, Chad M. Peterson, Mary Scherling, Rick Steen, Jason Benson, Blaine Laaveg, and Scott Saewert in person and Bill Hejl via Microsoft Teams. Keith Monson was absent. Also present was Tom Soucy, Robert Wilson, and Kyle Litchy.

2. UPDATE ON 2021 CONSTRUCTION PROJECTS

Mr. Benson said nearly all of the projects for 2021 are complete. He said it was a good construction season and more projects were completed due to additional federal highway and bridge funding. He said \$16.9 million was spent on projects for 2021.

3. COVID FUNDING REQUEST AND ADDITIONAL 2022 PROJECT REQUEST

Mr. Benson said the County Finance Office has identified \$5.5 million in American Rescue Plan Act (ARPA) funds available for highway and bridge projects based on their calculations of lost revenue. He said there is a bill going through the federal House and Senate that if approved would allow Counties to spend up to 30% or up to \$10 million of ARPA funding on highway and bridge projects. Mr. Benson requested \$5.5 million of the County ARPA funds be allocated to the Highway Department to complete highway and bridge projects.

Mr. Benson said last week there was a state legislative special session where state ARPA funding was discussed. He said he was hoping the state ARPA funding would offset the loss of \$7.1 million in Prairie Dog funding in 2021 and 2022, and reduced revenue from the State Highway Distribution Fund that was decreased by almost \$800,000 per year. Mr. Benson said at the special legislative session the House passed a bill that the \$100 million in state ARPA funds would go to non-oil producing Counties using the highway distribution fund formula and Cass County would receive approximately \$13 million. He said later in the week, the Senate changed the bill to include all oil-producing Counties and capped the distribution at \$3 million dollars per county. He said the County will likely receive \$3 million. Mr. Benson said if you combine the \$3 million the Highway Department will get from state ARPA funding, and the \$5.5 million the Highway Department is requesting from County ARPA funding, that would make up the \$8 million lost from Prairie Dog and State Highway Distribution funding.

Mr. Benson said the North Dakota Association of Counties (NDACo) sent out a message saying federal legislation was passed by President Biden to provide federal funding for highway and bridges that will come directly to Counties through a grant. He said the Highway Department has projects ready for if funding becomes available. He said it may be several months before the fund allocation is available and criteria for projects is determined.

Mr. Benson said if the Highway Department were to get the additional \$5.5 million from County ARPA funds, the Highway Department recommends completing a box culvert project on Cass 81 and a subgrade repair on Cass 34. Mr. Benson said a 2022 budgeted project was to complete a subgrade repair on Cass Highway 34. He said part of the 2022-2026 comprehensive plan is to complete a subgrade repair on Cass 34 all the way to Arthur and then on to Erie. He said doing the entire project at once will reduce the cost per mile.

Mr. Steen asked if there is a timeframe for determining the state and federal highway funding that may be coming. Mr. Benson said he estimates it will be three to six months before more information is known about what was approved, when funding will be available, and the criteria for funding. Mr. Steen asked if the \$5.5 million the County would provide to the Highway Department due to lost revenue is part of

the \$34 million the County received in ARPA funds. Mr. Wilson said yes, it would have to be taken from the total \$34 million the County received and is available for Highway funding outside the restrictions that are placed on all funds. Mr. Peterson said the revenue shortfall can be used for anything, not just Highway Department funding. He said he will vote no on a motion to allocate the \$5.5 million to the Highway Department now as exact funding for the Highway Department from state and federal government is not clear.

Mr. Steen asked how much of the ARPA funding the Highway Department will need if the other funds from federal and state government goes through. Mr. Benson said \$8 million gets the Highway Department whole from losing funds from the Prairie Dog Funds and Highway Distribution fund. He said the estimation from the Upper Great Plains Transportation Institute between now and 2040, estimates the Highway Department needs \$440 million to sustain the County's highways and bridges. He said right now the County has spent on average \$12 million per year, times twenty years would be about \$200 million short of the \$440 million estimate. Mr. Steen said now the gap is \$8 million, he said if the Commission approves the \$5.5 million and then additional federal and state funding is received, can all of the funds be spent in 2022. Mr. Benson said yes, all of the funds could be spent in 2022, the Highway Department has projects prepared in anticipation of additional funds. He said he could bring the \$5.5 million funding request back to the Commission in March with projects prepared and bid out, in the event projects are approved for funding. Mr. Steen said he believes the projects need to be completed and supports bidding the projects and determining the source of funds before the next construction season.

MOTION, passed

Mrs. Scherling moved and Mr. Steen seconded to recommend the Cass County Commission approve funding for the additional 2022 highway and bridge projects. On roll call vote, the motion approved unanimously.

Discussion: Mr. Peterson said he is supportive of the Highway Department moving forward with developing the additional projects. He said he is not supportive of approving the source of funding for the projects today.

4. 2022 BUDGETED PROJECTS

Mr. Benson said an approved project for 2022 was to fix a bridge in Maple River Township. He is requesting the project be removed from the 2022 budget as there are geotechnical issues with the project and due to increased cost of the issues, the project is not able to get a 50% federal cost share match.

Mrs. Scherling asked if closing the bridge causes any local impacts to travel in this area. Mr. Benson said locals would have to take alternative routes and would only have a great impact on travel during harvest season. Mrs. Scherling asked if there is a public hearing or an option for residents living near the bridge to cost share and have the bridge fixed. Mr. Benson said the Highway Department will work with the Township to make sure they are aware of the closure and their feedback is considered. He said he has never heard of an assessment district or a township providing funding to repair a bridge. He said this is not a well-traveled road and will have minimal impacts. Mr. Benson said this bridge was closed earlier this year due to slumping and safety concerns. Mr. Peterson asked if the traffic count is known. Mr. Benson said 15 to 20 cars per day, with peak times during harvest and beet hauling. Mr. Saewert is a Township officer in the area and said he was not aware of the removal; however, he supports the removal as \$2 million is a high cost to replace the bridge.

MOTION, passed

Mr. Peterson moved and Mrs. Scherling seconded to recommend removing the bridge at sections 28/29 in Maple River Township from the 2022 budget, permanently close, and remove the bridge. On roll call vote, the motion carried unanimously.

5. 2022-2026 HIGHWAY AND BRIDGE PLAN

Mr. Benson said typically the highway and bridge comprehensive plan is presented around the time of County budget hearings and was delayed this year in hopes more information about additional funding was known. He said there will likely be changes to the plan in the future as more information and funding is secured. Mr. Benson said there are projects between 2023 and 2025 that could be moved up if funding is available.

MOTION, passed

Mr. Steed moved and Mr. Breitling seconded to recommend the Cass County Commission approve the Cass County Comprehensive Highway Plan for 2022-2026. On roll call vote, the motion carried unanimously.

6. DAVENPORT SHOP OPTIONS

Mr. Benson said the new Davenport Highway shop is complete and being used by the Highway Department. He said there needs to be a decision made on what to do with the old shop. He said a group of four townships in the southeast corner of the County [Normanna, Davenport, Pleasant, and Addison (KNDPA)] are interested in purchasing the shop for their motor grader and equipment. He said they have made an offer of \$125,000 for the shop. He said this is a reasonable value, if the shop was put up on a public sale, it may be bid higher than \$125,000; however, selling the shop to the local townships supports a strong partnership with these townships.

Brandon Kub from KNDPA was present and said this would be an ideal shop and location for the group to store their collectively owned motor grader operator.

Mrs. Scherling asked if an estimated value of the shop is known. Mr. Benson said there has been no formal appraisal done and the County Director of Equalization said \$125,000 is a fair price when compared to the values of similar properties. Mr. Breitling said he is in favor of selling the shop to the Townships and he would like there to be a condition that the sale is approved by the State's Attorney's Office.

MOTION, passed

Mr. Breitling moved and Mr. Peterson seconded to recommend the Cass County Commission approve the sale of the old Davenport Shop to the Kindred Normanna Davenport Pleasant Addison (KNDPA) Association for \$125,000 subject to State's Attorney approval. On roll call vote, the motion carried unanimously

7. HIGHWAY DEPARTMENT OFFICE REMODEL

Mr. Benson said the Highway Department's Offices were last remodeled in 1997 and all of the current cubicles, office furniture, wall coverings, and paintings are from 1997. He said the carpet was replaced and Vector Control offices were added in 2005. He said all of the offices are over capacity. He said an expansion was considered in 2018 to add 12 office spaces, and was not completed. Mr. Benson said the new office remodel and layout would allow for each division of the department; Vector, Planning, Water Resource District, Engineering, and Administration to have their own area and have a secure entrance for the building. This project was discussed and approved to forward to the Commission at the Building Committee meeting earlier today.

Mrs. Scherling asked if the Water Resource District (WRD) or Diversion Authority (DA) would have office space in the addition. Mr. Benson said the plan from 2018 includes additional offices for the WRD. Mrs. Scherling said the WRD and DA should be consulted before the remodel and addition plans are determined. Mr. Peterson said he agreed with Mrs. Scherling and thinks conversations need to be had with the WRD and DA on their office spaces.

MOTION, passed

Mr. Peterson moved and Mr. Steen seconded to recommend the Cass County Commission approve development of a cost estimate and plans for the 2023 budget for the Highway Department to build a new addition, install new carpet, cubicles, office furniture, and painting; and to have dialogue with the Water Resource District and Diversion Authority about office space needs. On roll call vote, the motion carried unanimously.

Mrs. Scherling asked if the WRD has the budget to construct their own office building facility. Mr. Breitling said WRD has the ability to levy for approved projects and he would have to research if that would include an office facility. Mr. Peterson said he does not believe they would have the ability to levy or have the budget for their own facility. He said they could pay rent to the County for office space at the Highway Department.

8. CASSELTON SOYBEAN CRUSHING FACILITY

Mr. Benson said a soybean crushing facility is being proposed in Casselton near the current Tharaldson Ethanol plant. He said it is a \$400 million dollar project and would expect 200 – 300 trucks hailing per day. He said currently the roads are gravel and would need to be paved for two miles. The cost to pave the two miles of road is \$4 million and the North Dakota Department of Transportation has agreed to a 50% cost share of \$2 million.

9. BREWER LAKE – ERIE TOWNSHIP ROAD

Mr. Benson provided an update on the Brewer lake township access road. He said the project was submitted for a 50% cost share through a grant application for 1.5 miles. He said the Highway Department will continue to look for Township road funding sources.

10. METRO COG INTERSTATE OPERATIONS STUDY

Mr. Benson said Metro COG is conducting an interstate operation study to identify future ring route locations around the east and west sides of the metro area. He said the study will conclude in late 2022 or early 2023 and include the FM Diversion corridor. Mr. Benson said this would be an alternative route for trucks to bypass the metro area.

11. ADJOURNMENT***MOTION, passed***

On motion by Mr. Breitling, seconded by Mr. Peterson and all-in favor, the meeting was adjourned at 3:17 PM.