

FLOOD SALES TAX COMMITTEE
APRIL 18, 2022—2:00 PM

1. MEETING CALLED TO ORDER

Commissioner Mary Scherling called a meeting of the Flood Sales Tax Committee to order on Monday, April 18, 2022, at 2:01 PM in the Commission Room, Cass County Courthouse. The following members were present: Commissioner Rick Steen, Commissioner Mary Scherling, County Finance Director Brandy Madrigga, County Administrator, Robert Wilson, Assistant County Engineer, Tom Soucy for County Engineer, Jason Benson, and Water Resource District Representative, Rodger Olson. Also present was Commissioner Kapitan, Commissioner Breitling, and Human Resource Assistant, Jodi Miller.

2. MINUTES APPROVED

MOTION, passed

Mr. Steen moved and Mr. Olson seconded that the minutes of the previous meeting be approved as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Steen moved and Mr. Wilson seconded to approve the order of the agenda. Motion carried.

4. FLOOD SALES TAX FUND UPDATE

Ms. Madrigga said the Flood Sales Tax Fund has \$8.5 million in approved projects with \$3.2 million left to pay and an unencumbered balance of \$6.68 million.

Cass 15 Bridge

At the previous Flood Sales Tax Committee Meeting, the Committee approved funding for the Cass 15 Bridge project at 50% of \$2.28 million or \$1.14 million with the understanding that the Highway Department would reimburse the Flood Sales Tax Fund using CARES Act funds the Highway Department receives. Mr. Soucy said since the last meeting, the Highway Department has bid the project and it came back less at \$1.84 million total and the 50% cost share request is now \$920,984.85. He said at this time, the Highway Department has not been allocated any CARES Act funds. Mr. Soucy said this bridge replacement is needed for access during flood times and will provide benefits to the Fargo Moorhead Diversion Project and Maple River Water Resource District.

Mr. Steen said he is assuming if the Committee approves the updated amount, it would be approved with the same understanding that the funds would be reimbursed by CARES funds. He said this is a County project and should be funded by the County, however, the Committee should be prepared to fully fund the project in the case no additional funding is given to the Highway Department.

MOTION, passed

Mr. Steen moved and Mr. Olson seconded to approve the Cass 15 Bridge project at a 50% cost share in the amount of \$920,984.85 with the understanding that the Highway Department reimburse the Flood Sales Tax fund using COVID related funds. On roll call vote, the motion carried unanimously.

5. PROJECT REQUESTS FOR 2022Normanna Township Bank Stabilization

Normanna Township is requesting funding for a bank stabilization project on the Sheyenne River that is slumping and eroding away on the south side of 52nd Street. There was a study completed which identified three solutions. Mr. Soucy said the solution Normanna Township is proposing is to construct

a retaining wall and the total project cost is approximately \$2,059,583 and Normanna Township is requesting 90% funding for a total request of \$1,900,875. He said the high cost is difficult for the township to cover, even with 90% funding.

Mrs. Scherling asked if there are any other funding sources available. Mr. Soucy said there is a possibility that there may be funding through the State Water Commission. Mrs. Scherling asked if the retaining wall will work in this area as she has seen the wall stabilization not work in the past. She asked what the cost of moving the road would be. Mr. Soucy said the wall stabilization has risks and should work to fix the issues for this project. He said it would be costly to move the road and there is not enough land available to move the road and decrease the slope.

Mrs. Scherling asked if the erosion has been speeding up recently. Normanna Township Supervisor, Tyler Odegaard was present and said trees began to fall into the river beginning after the 2019 fall flood. Mr. Steen discussed the other two proposed solutions and both cost over \$4 million. Mr. Odegaard said it is impossible for the Township to complete a project of this amount due to the Township's limited ability to raise the mill levy and there are no other funding sources.

Kurt Lysne from Moore Engineering said the State Water Commission has a policy that will cover 50% of funding for bank stabilization for public infrastructure and said the Township would qualify. He said the funds are not guaranteed but are available to be applied for. Mr. Odegaard said he and the Township will pursue the funding from the State Water Commission.

MOTION, passed

Mr. Steen moved and Mr. Wilson seconded to approve the Normanna Township Bank Stabilization project at 90% of the local cost share contingent upon the State Water Commission approving 50%. Motion passed.

Lilleberg Buyout

Chad Lilleberg, property owner of 17373 26th Street Southeast in Argusville was present and proposed a buyout of his property due to riverbank slumping on the Red River that has caused him to lose part of his garage.

Mr. Steen asked if the request is for the building acquisition and demolition, not for the purchase of the land. Mr. Lilleberg said that is correct, the project would be to demolish the home and he would keep the land. Mr. Soucy said the land would be deed restricted to prevent further building or development of parcel. Mr. Lilleberg said the home sits on 32 acres of land and he owns the surrounding parcels. Mr. Steen asked if the entire 32 acres would be deed restricted. He said his concern is that if another home were built on the property, there would be similar issues in the future. Mr. Lilleberg said the entire parcel would be deed restricted.

MOTION, passed

Mr. Steen moved and Ms. Madrigga seconded to approve the Lilleberg Buyout at a cost share of 90%. On roll call vote, the motion carried unanimously.

Walburg Township Drop Culverts

Ryan Anderson and Jon Baumler, Township Supervisors for Walburg Township were present to discuss a request for a 100% cost share for three drop structures needed along 45th Street Southeast near Chaffee. Mr. Soucy said there is a 20-foot drop in less than a mile and the drop structures slow down the water flow. He said if this is not fixed now, it will cause larger issues and will cost significantly more in the future.

Mrs. Scherling asked why this is not a Water Resource District project. Mr. Soucy said this is not a legal drain and was given to the Township years ago as it is in the Township's road right of way.

MOTION, passed

Mr. Steen moved and Mr. Wilson seconded to approve the Walburg Township Drop Culverts at a 90% cost share of the total project cost, \$24,456.09. Motion passed.

Elm River Dam

Lyndon Pease, Engineer for the Elm River Joint Water Resource District from Moore Engineering was present to discuss a request for improvements to Elm River Dam 1 and 2. He said the Elm River Joint Water Resource District is made up of the Steel County Water Resource District, Trail County Water Resource District, and North Cass Water Resource District. He said the joint Board manages three dams- Elm River Dam 1, Elm River Dam 2, and Elm River Dam 3. He said Dams 1 and 2 need improvements to bring the dams into compliance with the State's current dam safety standards. Mr. Pease said the estimated total project cost is \$3,100,000 and the State Water Commission has approved funding 60% of the total project cost at \$1,671,000, and the Red River Water Resource District has approved 90% funding of the nonstate cost at \$1,286,100. He said the request today from the Flood Sales Tax Committee is two-thirds of the local cost share of \$142,000 or \$95,267.

Mr. Steen asked how much Trail County and Steel County are funding for the project. Mr. Pease said funding comes from each County Water Resource District and through the federal assessment district, the Counties themselves are not funding anything directly for the project.

Mrs. Scherling asked what the benefit of the Elm River Dam 1 and 2 are to Cass County. Mr. Pease said there is no direct benefit to Cass County. He said the benefit to Cass County is that all three dams are run under the same maintenance district and if these dams are not fixed, it strains the maintenance on all three dams.

Robert Johnson, Chairman of the Elm River Joint Water Resource District Board was present and discussed the flow of water through all three counties. He said water from Cass County flows to all three dams and are critical to the flowage system.

Ms. Madrigga said it seems that the local cost share is being covered at two-thirds cost share due to Cass County having the flood sales tax funding available where the other two counties involved do not have funding available for flood projects. Mr. Pease said the two-thirds was requested on the advice of the Cass County Highway Department and because two-thirds of the drainage area comes into Dam 1 and 2 from Cass County.

MOTION, passed

Mr. Olson moved and Mr. Steen seconded to approve two-thirds of the local cost share in the amount of \$95,267. On roll call vote, the motion carried unanimously.

Gill Township Slide Repair

Gill Township is requesting a 75% cost share of the total project cost of \$36,084 or \$27,063 to fund a slide repair on 146 Avenue Southeast in section 17/18.

Durbin Township Slide Repair

Durbin Township is requesting a 75% cost share of the total project cost of \$50,000, or \$37,500 to fund a slide repair project to move the road 75 feet from the Maple River on 160 1/2 Avenue Southeast.

Everest Township Side Repair

Everest Township is requesting a 75% cost share of the total project cost of \$28,000 or \$21,000 to fund a road realignment project along Buffalo Creek on 40th Avenue Southeast.

Maple River Township Slide Repair

Maple River Township is requesting a 75% cost share of the total project cost of \$60,000 or \$45,000 to fund a road realignment to move the road 40 feet away from the Maple River on 46th Street Southeast.

City of Mapleton Flap Gate

The City of Mapleton is requesting a 75% cost share of the total project cost of \$80,000 or \$60,000 to fund a flap gate retrofit on two storm sewer outfalls along the Maple River.

MOTION, passed

Mr. Steen moved and Ms. Madrigga seconded to approve the projects Gill Township Slide Repair, Durbin Township Slide Repair, Everest Township Slide Repair, Maple River Township Slide Repair, and City of Mapleton Flap Gate at a cost share of 75% for each project. On roll call vote, the motion carried unanimously.

City of Casselton Slide Repair

Brandon Oye, City of Casselton Engineer from Moore Engineering was present to discuss a request for a slide repair on the Swan Creek Diversion at two Casselton lagoons. He said the project was identified by the city public works department and the total project cost is estimated at \$850,000 and the City of Casselton is requesting 75% of the total project cost or \$637,500. He said they are pursuing State Water Commission funds for slope stabilization at a 50% cost share. Mr. Oye said it is hard to predict when the slope will give out and the largest risk is in the spring. He said the City attempted to get funds from the Governor's Fund and was unsuccessful due to the unknown timeframe the slide would have an immediate threat or failure.

Mrs. Scherling asked if the Swan Creek Diversion has any guarantees that it won't fail. Mr. Oye said there are factors of safety and there was another localized failure due to loose soil. Mr. Steen asked who constructed the Swan Creek Diversion. Mr. Oye said it was a joint project with the Maple River Water Resource District, Rush River Water Resource District, and City of Casselton. Mr. Steen asked if it is considered a legal drain. Mr. Oye said it is part of the Water Resource District and the direction from the Board was for City of Casselton to come up with a solution and the State Water Commission will consider funding.

Mr. Steen said the Flood Sales Tax Committee should wait to approve a funding amount until after other funding has been pursued.

Cass Highway 81 Slide Repair

Mr. Soucy said the Highway Department has been monitoring the movement of a slide located on Cass Highway 81 along the Wild Rice River. He said many of the issues of the slide involve utilities and a home in the area. He said the total project cost is \$1.5 million and the Highway Department is requesting a 75% cost share or \$1,125,000. He said the Highway Department will pursue additional funding from the State Water Commission and City of Fargo.

Mr. Steen suggested the Highway Department pursue the additional funding opportunities before the Flood Sales Tax Committee commit to a funding amount.

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:20 PM.

Minutes prepared by Taylor Kaushagen, Commission Assistant