

FLOOD SALES TAX COMMITTEE
AGENDA FOR AUGUST 15, 2022—1:00 PM
Commission Room, Cass County Courthouse

1:00 PM Meeting called to order
Approve minutes from previous meeting—April 18, 2022

1. Flood sales tax fund update
2. Review projects and consider funding
 - a. Cass Highway 81 Slide Repair
 - b. Reed Township Sheyenne Riverbank Stabilization
 - c. Elm River Dam No. 3 Improvements
3. Other business
4. Adjournment

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 Jim Kapitan; Commissioner Duane Breitling; and Senior Accountant, Sarah Heinle.

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 at the advisory 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

Current County Projects			
8/11/2022			
Project	Total Approved	Paid	Left to Pay
Closed Projects	\$ 4,617,185.62	\$ 4,617,185.62	\$ -
2015 Upper Maple River Detention Study Phase II	\$ 45,500.00	\$ 37,068.77	\$ 8,431.23
2015 Rush River Detention Study Phase II	\$ 45,500.00	\$ 34,422.58	\$ 11,077.42
2016 City of Mapleton Levee Raise	\$ 99,812.68	\$ 99,812.68	\$ -
2017 Sheldon Addition Ring Levee Project	\$ 462,750.00	\$ -	\$ 462,750.00
2018 City of Hunter Dam Projects	\$ 23,582.80	\$ 11,527.09	\$ 12,055.71
2018 Mapleton Levy Recertification	\$ 30,323.00	\$ 30,323.00	\$ -
2019 Upper Maple River Dam Improvements	\$ 16,384.76	\$ 16,384.76	\$ -
2019 T-180 Dam Safety Improvements	\$ 24,765.89	\$ -	\$ 24,765.89
2020 Hofer Property	\$ 512,281.80	\$ 496,455.85	\$ 15,825.95
2020 Davenport Levee	\$ 1,425,000.00	\$ -	\$ 1,425,000.00
2021 Gill Township Road	\$ 14,250.00	\$ -	\$ 14,250.00
2021 Maple River Township Road	\$ 64,970.00	\$ -	\$ 64,970.00
2022 Cass 15 Bridge	\$ 920,985.00	\$ -	\$ 920,985.00
2022 Normanna Township Bank Stabilization	\$ 950,438.00	\$ -	\$ 950,438.00
2022 Lilleberg Buyout	\$ 114,273.90	\$ -	\$ 114,273.90
2022 Walburg Township Drop Culverts	\$ 35,456.09	\$ -	\$ 35,456.09
2022 Elm River Dam	\$ 95,267.00	\$ -	\$ 95,267.00
2022 Fill Township Slide Repair	\$ 27,063.00	\$ -	\$ 27,063.00
2022 Durbin Township Slide Repair	\$ 37,500.00	\$ -	\$ 37,500.00
2022 Everest Township Slide Repair	\$ 21,000.00	\$ -	\$ 21,000.00
2022 Maple River Twonship Slide Repair	\$ 45,000.00	\$ -	\$ 45,000.00
2022 Mapleton Flap Gate - Storm Sewer Outfalls	\$ 60,000.00	\$ -	\$ 60,000.00
Total	\$ 9,689,289.54	\$ 5,343,180.35	\$ 4,346,109.19

Reserve for County Projects 2022 Activity

Balance of Cash Carried forward from 2021	\$ 9,597,789.87
2022 Reserves	687,337.90
Total	<u>10,285,127.76</u>
Paid in 2021	58,462.64
Encumbrances	4,346,109.19
Un-encumbered Balance	<u>\$ 5,880,555.93</u>

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY
PROJECTS

ADOPTED DATE: DECEMBER 4, 2017

PAGE 1 OF 4

PURPOSE

The purpose of this policy is to provide guidance for the administration and funding of projects with Cass County Flood Control Sales Tax funds.

GENERAL PROVISIONS

As passed during the 2010 election and extended in the 2016 election, the voters approved the following: The Cass County Home Rule Charter be amended to extend the existing flood protection-related sales, use, and gross receipts tax of one-half of one percent (1/2%) to be used solely for the engineering, land purchase, construction, and maintenance of flood control measures including the Metro Flood Diversion Project including associated special assessments and indebtedness, through December 31, 2084, and shall be rescinded when all of the costs, obligations, and debt for said project have been paid in full and satisfied, whichever event occurs first as provide in Resolution #2016-20.

Cass County Commission Policy 38.23 outlines Ordinance #2010-2 Amended (Flood Control Sales Tax) which serves as the ordinance for the establishment and regulation of the Cass County Flood Control Sales Tax.

This policy governs expenditures of funds from a one half percent County sales tax that started in 2011 and will end in 2084 to fund flood risk reduction projects. The primary purpose of the sales tax measure is to fund local costs associated with a planned Fargo Moorhead Area Flood Diversion project in either Minnesota or North Dakota. The planned diversion project will not address all flood damage risks in Cass County. Additional measures are necessary to reduce risk to areas within and outside of the diversion perimeter. Sales tax proceeds may also be expended for the Diversion and other flood risk reduction or recovery projects subject to funding availability and approval by the County Commission. The County sales tax proceeds should be used to leverage other sources of funding when possible.

County sales tax funds expended within incorporated cities: The County Commission through the Flood Sales Tax Committee may consider requests for flood risk reduction and recovery funding from cities within Cass County. The city will be responsible for planning and engineering costs associated with the project. Plans and specifications should be prepared by a professional engineer registered within the State of North Dakota. Projects won't be considered if they are strictly for new city development, especially cases where a developer would be shifting their cost to the County Flood Sales Tax. The city should also be able to demonstrate that other revenue sources for the project have been actively sought out. The preferred funding split is that City funds match the County sales tax proceeds on a 1:1 basis. Other funding splits may be considered by the Commission on a case by case basis to allow consideration to be given to unique circumstances and the ability of the City to pay 50% of the local cost share.

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY
PROJECTS

ADOPTED DATE: DECEMBER 4, 2017

PAGE 2 OF 4

County sales tax funds expended outside of incorporated cities: The County Commission, through the Flood Sales Tax Committee, may also consider flood risk reduction and recovery projects recommended by the County Engineer or requested by townships, neighborhood groups, or individuals for areas within and outside of the diversion protected area. Projects won't be considered if they are strictly for new rural development, especially cases where a developer would be shifting their cost to the County Flood Sales Tax. Special assessments may be considered as a local match to County sales tax funds. Funds may be expended for projects that provide benefit to Cass County residents but are physically constructed outside of the County boundaries such as retention projects. Funds may also be spent to assist property owners downstream from the diversion channel in offsetting diversion project impacts.

ADMINISTRATION

The Cass County Commission will organize and appoint members to a Flood Sales Tax Committee. This will be a six-member committee made up of the following members:

1. Two members of the Cass County Commission
2. Cass County Auditor
3. Cass County Administrator
4. Cass County Engineer
5. One member from either the Southeast Cass, Maple River, Rush River, or North Cass Water Resource District.

The Flood Sales Tax Committee will solicit project requests on a bi-annual basis. Meetings to review project requests will generally be held with one meeting in the fall (October-November) and one meeting in the spring (March-April). Requests received from political subdivisions and county staff for cost effective projects will be prioritized and considered for funding by the County Commission as funds available allow.

FUNDING ELIGIBILITY

Entities eligible for funding: Funding should generally be for flood protection for communities or individuals that live outside of the Diversion protected area or those within the Diversion protected area that do not receive a significant benefit from the Diversion. This includes:

1. Cities
2. Townships
3. Water Resource Districts
4. Farmsteads and Homesteads

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY
PROJECTS

ADOPTED DATE: DECEMBER 4, 2017

PAGE 3 OF 4

Types of projects eligible for funding:

1. Levee construction or recertification for cities or rural subdivisions. Generally levee projects should be constructed to FEMA and/or US Army Corps of Engineer standards and be able to bring the benefited area out of the 1% chance (100 year) floodplain. These levees would also need to be maintained at that standard by either the city or township that is a member of the National Flood Insurance Program. Rural subdivisions seeking this funding would need to complete an agreement with the township and form an assessment district for the long term maintenance of the levee.
2. Flood control projects.
3. Water retention or detention projects.
4. Dam construction or maintenance.
5. Lift Stations for removing storm water from within a levee protected area.
6. Rural Farmstead Ring Levees (in conjunction with the ND State Water Commission 50% cost share) as outlined on the ND State Water Commission website under “Cost Share” at http://www.swc.state.nd.us/project_development/cost_share.html. Generally levee projects should be constructed to FEMA and/or US Army Corps of Engineer standards. However, individual rural farmsteads cannot be “certified” by FEMA or the US Army Corps of Engineers as they not maintained by either a city or township that is a member of the National Flood Insurance Program.
7. Road Projects that provide infrastructure protection to prevent significant future flood damage. These requests may be standalone projects or in conjunction with post-flood damage repair with or without FEMA cost share.
8. Road access (road raises or other infrastructure improvements that will allow access to a city, subdivision, or rural residence/farmstead).
9. Embankment slumping along the Red River, Wild Rice River, Sheyenne River, Maple River, Rush and Lower Rush Rivers, and Legal Drains. River slumping projects may include road and infrastructure repair, home buyouts, and repair to legal drains.
10. Home buyouts for flooding and bank slumping.
11. Flood Recovery projects to include: Levee repair, road repair, bridge repair, and other infrastructure related repair projects. None infrastructure flood recovery such as debris removal and sandbag cleanup will not be eligible.

Cass County Sales Tax Cost Share:

1. Generally the cost share will be 50% of the “local” share of the non-retention projects, i.e. if a \$100,000 project had a 50% state cost share, the local share would be \$50,000 and the County cost share would be \$25,000.
2. Policy for Retention Projects: Cost share is 75% of the “local” share if they are approved by the Red River Joint Water Resource District.
3. Home buyouts for flooding and bank slumping: Cost share is 90% of the “local” cost with the homeowner paying 10% of the “local” cost.

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY

ADOPTED DATE: DECEMBER 4, 2017

PAGE 4 OF 4

4. If significant funds are available compared to the project requests, the County may authorize a cost share above 50% for non-retention projects and above 75% for Retention Projects.

PROJECT PRIORITIES

Priority of projects will be based on the following:

1. Population benefited by the project
2. Distribution of funds by location
3. Disbursement percentage determined by the number of people benefited
4. Cost effectiveness of the project
5. Permanency of the project
6. Effect of the diversion on the project
7. Does the project have long-term merit (benefits extend beyond 10 years)
8. Other sources of funding from local, state, or federal cost share programs.

Evaluation Criteria: The County Commission and/or Flood Sales Tax Committee may use some or all of the following criteria in determining funding priorities:

1. Benefit cost ratio
2. Land area benefited
3. Population benefited
4. Downstream flood reduction
5. Total acre-feet of retention storage

HISTORICAL REFERENCE: AUGUST 2, 2010



MEMORANDUM

TO: Cass County Flood Sales Tax Committee

FROM: Jason Benson, Cass County Engineer *JB*

DATE: August 9, 2022

SUBJECT: Agenda Item for August 15, 2022, Flood Sales Tax Committee Meeting: Request for funding for Cass 81 – Slide Repair on Wildrice River.

**Highway
Department**

Jason Benson, P.E.
County Engineer

Thomas B. Soucy, P.E.
Deputy County Engineer

Blaine Laaveg
Superintendent

This slide is located on the west of Cass Hwy 81 approximately 300 feet south of 88th Ave S along the Wild Rice River. Cass County hired Braun Intertec Corporation to complete Geotech Evaluation Report of this slide area a couple of years ago. An inclinometer was installed which measures the movement and depth of the slide. In the past two years movement has been relatively slow. Unfortunately, this April a significant slide occurred destroying the inclinometers and initiating a repair project that will need to be completed by the fall of 2022.

This slide is directly threatening the west side of Cass 81 along with several utilities parallel the west shoulder between Cass Hwy 81 in the slide area. Century Link has two lines; the first is 2' and the second is 7' from the slide. A force main sewer line that connects the City of Oxbow to the City of Fargo is located 12' from the slide. Cass Rural Water is the furthest away at 17' to the failure location. The shoulder of Cass Highway 81 is 39' from the Slide.

In April 2022, this project was brought to the Cass County Flood Sales Tax Committee for approval of an estimated project of \$1.5 million for Geotech, Design and Construction is the project scope. The Flood Sale Tax Committee requested the Cass County Highway Department seek additional funding from other sources prior to deciding on dedicating any funding. Staff then submitted funding requests to the ND State Water Commission. At the June 7th, 2022 State Water Commission meeting, a total of \$732,950 in state funding was approved for this Cass 81 slide project.

Due to the sanitary sewer force main concerns, the City of Fargo indicated they would be able to cost share with the project. Details for this cost share agreement are still being worked out based on the funding approved by the State Water Commission and the cost share approved by the Flood Sales Tax Committee.

Besides this agreement, future approvals will be brought to the Cass County Commission for this emergency repair project, to include cost share agreements with the City of Fargo, contract agreements for the construction work needed for this repair, and a budget adjustment for this work. This project is expected to be bid in late August and brought to the Cass County

1201 Main Avenue West
West Fargo, North Dakota
58078-1301

701-298-2370
Fax: 701-298-2395

Commission for contract approval in September with a construction completion date of November 2022.

Two Preliminary Options were developed with a Grading and Rip Rap option for \$841,920 and a Structural Steel Wall option for \$2,876,004. We are still working through final design and expect the final cost to be between \$1-\$2 million.

Based on the \$732,950 in ND State Water Commission funding, we are requesting the local share of the funding to be authorized at 75% to a maximum of \$950,287. This cover a maximum project cost of \$2 million.

Assumed maximum project cost	\$2,000,000
ND State Water Commission Funding	\$732,950
Total Local Cost	\$1,267,050
Requested 75% Flood Sales Tax Cost Share	\$950,287
Local Cost after Flood Sales Tax Cost Share	\$316,762

SUGGESTED MOTION: Approve the Cass Highway 81 Slide Repair Project using Flood Sales Tax dollars at 75% of the local cost to a maximum cost share of \$950,287.

MEMORANDUM

TO: Cass County Flood Sales Committee

FROM: Reed Township- Albert Frisinger, Supervisor

DATE: July 15, 2022

**SUBJECT: Agenda Item for August 2022 Flood Sales Tax Committee Meeting-
Request for funding for Sheyenne River Bank Stabilization Along Martin Drive
in Reed Township**

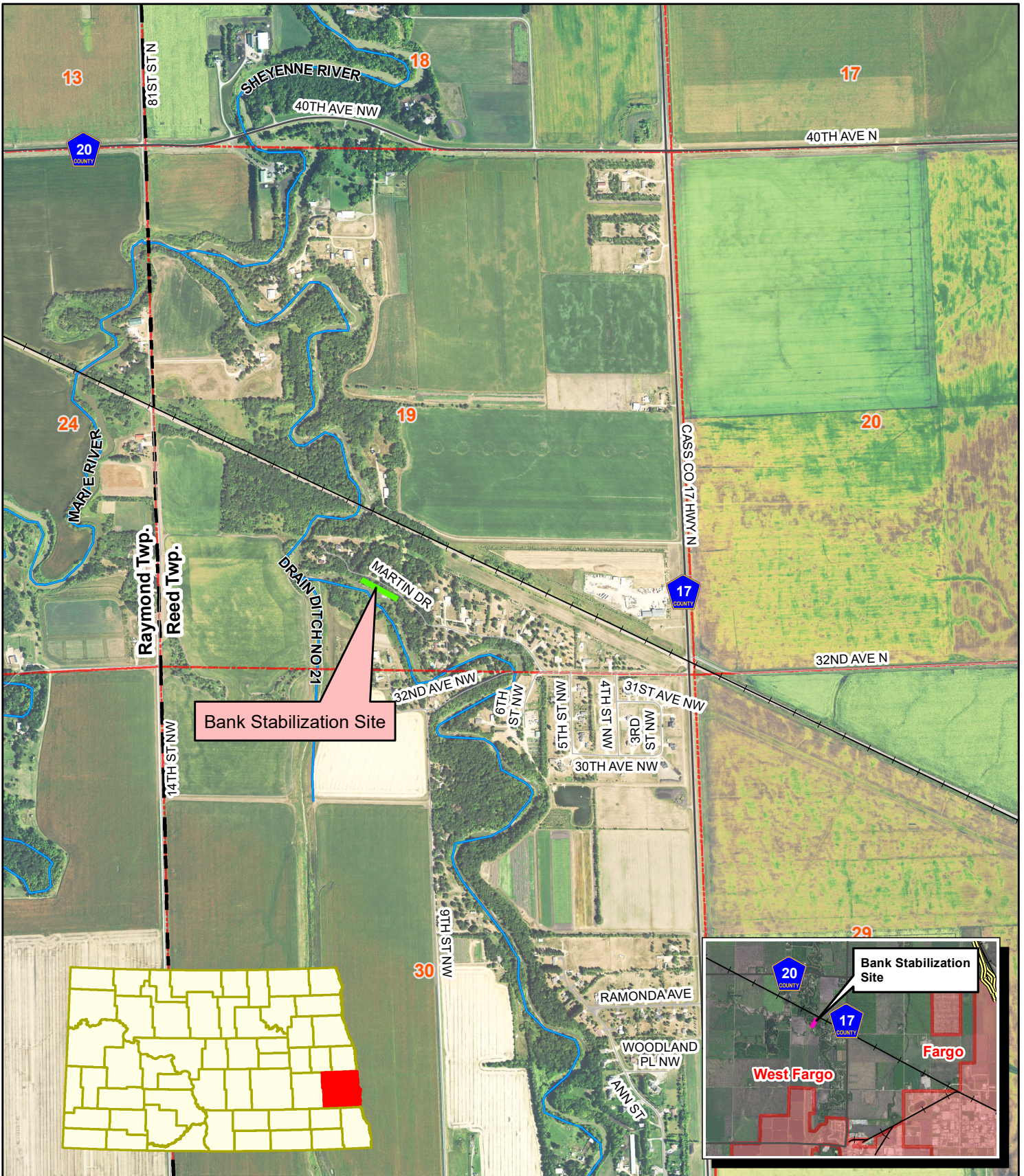
Martin Drive, located in Section 19 of Reed Township, runs along the Sheyenne River and the roadway has experienced significant impacts due to bank failures and erosion along the river. See attached map and photographs. It appears that these issues can be attributed to repeated flooding of the Sheyenne River. Martin Drive is a dead end, and further impacts to the roadway would jeopardize access to five residences. Those homeowners recently approached Reed Township about identifying and implementing a solution to this ongoing issue.

Reed Township contacted Houston Engineering, Inc. (HEI) for assistance in investigating this issue. HEI and Braun Intertec have provided Reed Township with a proposal for a feasibility study that will identify the cause of the bank failures and provide an estimated cost for alternatives that will address the issue. The township and the impacted homeowners will use this information to make a determination on proceeding with a project.

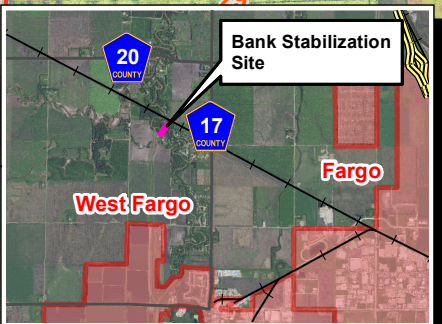
The feasibility study will include a preliminary topographic survey of the existing conditions along the bank of the Sheyenne River and Martin Drive for a length of approximately 1,000 feet. HEI will also determine existing property boundaries adjacent to the slope failure to identify the current location of the roadway in relation to those boundaries and any additional right-of-way that may be required. After the completion of the surveys and the geotechnical evaluation, HEI will prepare preliminary plans incorporating the geotechnical recommendations for the stabilization of the roadway, and prepare preliminary cost estimates for the project.

The total estimated cost of the feasibility study is \$34,600. Reed Township has applied for cost-share assistance through the North Dakota State Water Commission (NDSWC) and is anticipating receiving a grant in the amount of \$17,300 from the NDSWC. With the bank failures being attributed to flooding of the Sheyenne River, Reed Township is requesting cost-share assistance from the Cass County Flood Sales Tax Committee. Cass County has already purchased one residential property on the end of Martin Drive, and failure to address this issue and maintain access along Martin Drive could result in considerations for additional buyouts. Reed Township is requesting funding in the amount of 50% of the estimated local share, which amounts to \$8,650.

Suggested Motion: Approve Reed Township's request for funding the Martin Drive Bank Stabilization Feasibility Study in the amount of 50% of the estimated local share, which amounts to \$8,650.



Bank Stabilization Site



Martin Drive Bank Stabilization Feasibility Study

Date: 6/20/2022
Prepared by: JHL

Section 19, Reed Township, Cass County, North Dakota



Photo taken May 2022- Looking southeast from Larson driveway

Note: Bank failures have required the roadway to be relocated to the north at this location.



Photo taken May 2022- Looking northwest from Larson driveway

Note: Bank failures have required the roadway to be relocated to the north at this location.

Elm River Joint Water Resource District
PO Box 10
Hillsboro, ND 58045

August 12, 2022

Rick Steen, Chairman
Cass County Commission
P.O. Box 2806
Fargo, ND 58108-2806

Dear Chairman Steen:

Re: Elm River Dam No. 3 Improvements

The Elm River Joint Water Resource District (the "WRD") submitted a cost-share request on June 24, 2022 to the Cass County Flood Sales Tax Committee. This letter is amending and reducing our cost-share request.

The WRD respectfully requests the Cass County Flood Sales Tax Committee approve cost-share in the amount of \$14,025 for the Elm River Dam No. 3 Improvements, which is 75% of the local share. The Red River Joint WRD increased their cost-share amount at their last Board meeting. This resulted in a reduction in the local-share and a reduction in the Cass County Flood Sales Tax cost-share request (original request in June was \$49,088).

The WRD owns and maintains three dams in Cass, Steele and Traill Counties. Elm River Dam 3 is located along a tributary of the Elm River in Rich Township of Cass County just upstream of Cass Highway 26. Dam No. 3 has recently experienced damage and needs immediate repair.

Inspections by the State and our engineer has identified a failing principal spillway culvert and erosion above this culvert which is compromising the earthen embankment. The Project will replace the principal spillway culvert and restore the earthen embankment.

The estimated total Project cost is \$400,000. The Project has received cost-share from the State Water Commission and Red River Joint WRD cost-share. Unfortunately, the Project does not qualify for federal cost-share from the NRCS. Here is a summary of the cost-share:

- State Water Commission cost-share - \$213,000
- Red River Joint WRD cost-share - \$168,300
- Local cost-share - \$18,700

The existing federal project maintenance district only provides a maximum of \$41,880 each year for operation and maintenance costs. The WRD is already proceeding with improvements to Dam No. 1 and Dam No. 2, which in April the Cass County Sales Tax Committee approved cost-share in the amount of \$95,267.

It's critical that the repairs be completed in 2022 so the dam is ready for any potential spring flooding in 2023. We are coordinating with the State's Department of Water Resources to expedite the construction

permit review, if a permit is required, so that construction can begin in September and be completed by October of 2022. Enclosed with this letter is a Project map.

If you have any questions, please feel free to contact me or our Project Engineer, Lyndon Pease, Moore Engineering, Inc., at 701-282-4692.

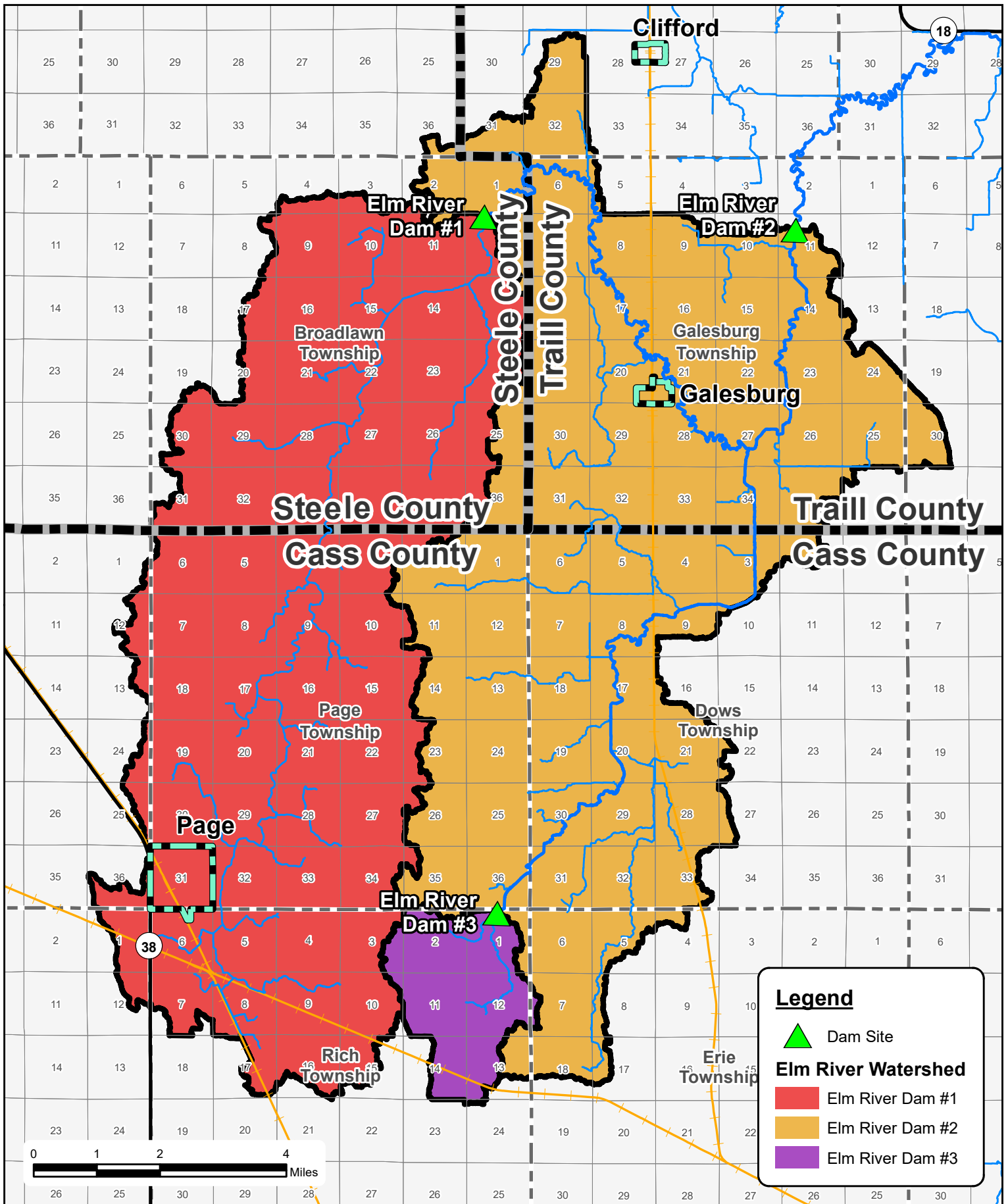
Sincerely,

ELM RIVER JOINT WATER RESOURCE DISTRICT



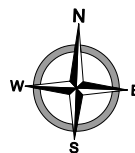
Jessica Spaeth
Secretary-Treasurer

Enclosures:
Project Map



**ELM RIVER DAMS
CASS, TRAILL & STEELE COUNTIES, NORTH DAKOTA**

Created By: KMV Date Created: 03/04/22 Date Saved: 03/04/22 Date Exported: 03/04/22
 Plotted By: kyle.volk Parcel Date: N/A Aerial Image: 2021 County NAIP SIDS Elevation Data: N/A
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
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moore
engineering, inc.