

**FLOOD SALES TAX COMMITTEE
DECEMBER 5, 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, December 5, 2022, at 2:00 PM in the Commission Room, Cass County Courthouse. The following members were present: Commissioner Rick Steen; Commissioner Mary Scherling, County Engineer, Jason Benson; Water Resource District Representative, Rodger Olson, and County Administrator, Robert Wilson; via Microsoft Teams. County Finance Director, Brandy Madrigga was absent. Also present was Assistant County Engineer, Tom Soucy; Commissioner Duane Breitling; Commissioner Jim Kapitan; and Senior Accountant, Sarah Heinle.

2. MINUTES APPROVED

MOTION, passed

Mr. Olson moved and Mr. Steen seconded that the minutes of the previous meeting held on September 6, 2022 be approved as written. Motion carried.

3. FLOOD SALES TAX FUND UPDATE

Ms. Heinle said the Flood Sales Tax Fund has \$11.01 million in approved projects with \$5.62 million left to pay and an unencumbered balance of \$5.03 million.

4. STATUS OF PREVIOUSLY APPROVED PROJECTS

2022 Lilleberg Buyout

Mr. Benson gave an update on the 2022 Lilleberg Buyout. The Flood Sales Tax Committee approved 90% cost share funding for the buyout on April 18, 2022. Mr. Benson said the Lilleberg's garage is falling into the Red River due to riverbank slumping. He said the buyout has been delayed as the Lilleberg's are going through the subdivision process to place a new home on the same parcel as the buyout. Mr. Benson said the subdivision will be discussed at the Planning Commission meeting later this week and the next steps are for the Lilleberg's to have a geo technical study completed as required by the County's Subdivision Ordinance.

Mrs. Scherling said the Flood Sales Tax funds should be utilized for permanent fixes and not cause additional issues. Mr. Benson said if the property is deed restricted and a house can be placed on the property, there would be a contingency that no County funding or future buyouts would be provided. Mr. Olson said if the Flood Sales Tax Committee wants to put restrictions on use of funds, in this case, restricting where the buyout can relocate, the restrictions should be included in the Flood Sales Tax policy.

2022 Durbin Township Slide Repair

Mr. Soucy said at the Flood Sales Tax Meeting held on April 18, 2022, the Committee approved funding for Durbin Township to complete a slide repair project on 46th Street Southeast along the Maple River at a cost share of 75% of \$50,000. He said a waterline was discovered prior to the constriction that needed to be moved at the township's cost. The new request is 75% of \$55,930.

Durbin Township Supervisor, Keith Gohdes was present and the project was completed this fall and was essential to allow access to a nearby home. He said he is confident the work done will fix the sliding problem.

MOTION, passed

Mr. Steen moved and Mr. Olson seconded to approve the 2022 Durbin Township Slide Repair at a cost share of 75% of the total project cost of \$55,930. On roll call vote, the motion carried unanimously.

2022 Casselton Lagoon Slide Repair

City of Casselton Engineer from Moore Engineering, Brandon Oye was present and said the Cass County Flood Sales Tax Committee approved funding for the Casselton Lagoon Slide Repair on September 6, 2022 for 50% cost share up to \$350,000 and requested the City of Casselton request a cost share with the Maple River Water Resource District (MRWRD). He said on October 6, 2022 the MRWRD approved a 50% cost share for the City of Casselton's portion. He said the City of Casselton is requesting the Flood Sales Tax Committee cover \$545,000 or 75% of the total project cost of \$700,000. He said the local cost share would then be split 50/50 by the City of Casselton and MRWRD.

Mrs. Scherling asked how this project qualifies for Flood Sales Tax Funding. Mr. Benson said this project is eligible for 50% funding and the policy states if excess funding is available, a higher cost share can be approved by the Committee. Mr. Oye said the Swan Creek Diversion provides flood control for the City of Casselton.

MOTION, passed

Mr. Olson moved and Mr. Steen seconded to approve the increase in cost share from 50% to 75% of the total project cost of \$700,000 for the 2022 Casselton Lagoon Slide Repair. Discussion: Mr. Olson said the Swan Creek Diversion provides great flood protection to Casselton and if it failed, it could be catastrophic to Casselton.

Mrs. Scherling asked what the cause of the failure is. Mr. Oye said the failures are due to soil conditions. Mrs. Scherling asked if the presented slide repair project is the best solution. Mr. Oye said yes, this is the cheapest solution. Mr. Benson said moving the lagoon embankment would be much more expensive.

Mr. Steen said the drainage and saloon area surrounding the project is large. He asked why there is only a problem in the one area. Mr. Oye said the project area is the area that was identified as the most likely for failure due to soil conditions. Mr. Steen said he is concerned other areas along the diversion will need to be repaired. Mr. Oye said the presented project will fix the likely failure area and no one can predict where future failure areas may be. Mr. Steen said a geo technical study should be completed on the entire area of the lagoon to determine if the area is stable. On roll call vote, the motion carried unanimously.

2017 Sheldon Addition Ring Levee Project

Kurt Lysne of Moore Engineering was present and said this project has not been completed as the land acquisition process was complicated with the Metro Flood Diversion project. He said the project is located west of West Fargo and clay from the Metro Flood Diversion project will be used for a project cost savings. Mr. Steen asked if an updated project cost is known. Mr. Lysne said he believes the original estimates are still applicable with the cost savings from the clay.

2020 Davenport Levee

Mr. Lysne said the 2020 Davenport Levee is on hold waiting for a conditional letter from FEMA regarding if the levee is located in the flood plain. He said the hope is to get the letter and begin construction in 2023 or 2024. He said the project cost will likely be higher than the 2020 estimates.

2020 Hofer Property Buyout

Mr. Benson said demolition of the property has been completed and the local cost share will be decrease to only 10% as additional federal and state funds are available.

2015 Upper Maple River Detention Study Phase II

Mr. Lysne said the Upper Maple River Detention Study started as a study sponsored by the Maple River Water Resource District to identify retention projects. He said the study has been ongoing for many years and the planning group of the study has identified two locations for retention dams. He said of the two sites, the benefit cost ratio was fairly low and provide water quality benefits. Mr. Lysne said the preliminary designs have been drawn and the Flood Sales Tax Committee previously approved \$45,500 in local matching funds with the Water Resource District. He said when the project was submitted to get federal funding through the NRCS, only one site was approved. He said there is an additional cost to changing the plans to only one site and the Cass County Joint Water Resource District is now requesting an additional \$27,720 to get the project through final design and beginning construction.

Mrs. Scherling asked who the ultimate benefit is for. Mr. Lysne said the project is for retention from the Red River watershed. He the project will provide additional watershed storage during flooding events and has a downstream benefit to Barns County and Cass County.

MOTION, passed

Mr. Olson moved and Mr. Steen seconded to approve additional funding for the Upper Maple River Detention Study Phase II from 75% local cost share to 90% cost share, an additional \$27,720 for a total cost share of 73,220. On roll call vote, the motion carried unanimously.

5. PROJECT REQUESTS

City of Mapleton 2nd Storm Water Lift Station Replacement

Mr. Oye said the City of Mapleton is requesting the replacement of an exiting lift station on 2nd Street and County Road 11 that is a component of the City's levee system. He said the current station is undersized and the replacement will provide enough capacity to handle the peak discharge of its contributing drainage basin. He said the lift station is not used during a normal rain, it is used during flood events. The total project cost is \$830,000 and the request is for a cost share of 90% or \$747,000.

Mr. Steen said he supports funding the project, however not at a 90% cost share. Mrs. Scherling said typically local entities fund similar projects utilizing a special assessment. Mr. Oye said the City of Mapleton is approaching the project as a flood reduction project as the station provides internal flood protection. Mr. Benson said the project meets the criteria for flood sales tax funding. He said the project falls under a 50% cost share project, however, in the past, projects were approved for 75% funding as additional funds are available. Mr. Scherling asked if the project has applied for any other funding sources. Mr. Oye said the project could apply for State Water Commission funding, however the City of Mapleton is not currently part of the water plan which may pose an obstacle to obtain SWC funding.

Mr. Steen asked if the lift station is currently failing. Mr. Oye said the station is under sized and last spring when there was flooding, there was internal flooding in a nearby neighborhood to the east. Mr. Steen said he would like the project to apply for SWC funding and then come back to the Flood Sales Tax Committee.

MOTION, passed

Mr. Steen moved and Mr. Benson seconded to table action on the City of Mapleton 2nd Storm Water Lift Station Replacement until further information is received regarding State Water Commission funding. Motion passed.

6. OTHER BUSINESS

Mr. Steen said he would like to see an amendment to the Flood Sales Tax Policy that project funding would expire after a certain amount of time and projects would need to reapply. He said the Flood

Sales Tax fund has projects from six years ago and project cost has likely changed since funding was approved. He said the language in the project application that states if there are significant funds available, the Committee may authorize a larger cost share. He said the language is subjective. Mr. Benson said the language could be eliminated from the policy, however, was added with the intention to allow flexibility for additional funding for projects if funding is available.

Mr. Lysne said the Cass County Joint Water Resource District will be requesting the Flood Sales Tax Committee to approve a 90% local cost share for the final design of a levee in Amenia. The total project cost is \$195,000 and the Flood Sales Tax Funding is dependent on the amount of funding approved by the SWC. Mrs. Scherling said her concern with the levee is that one business in the area has opted out of the flood protection. Mr. Lysne said the business has plots outside the flood protection. Mr. Olson said the CCJWRD was responsive to the communities wants. Mr. Lysne said the business is raised and would not floods the building during flood events, however, would flood the land.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:15 PM.

Minutes prepared by Taylor Kaushagen, Commission Assistant