

**FLOOD SALES TAX COMMITTEE
AGENDA FOR OCTOBER 2, 2017**

Cass County Commission
Conference Room
11:30 AM

1. Call to Order
2. Approve minutes from previous meeting
3. Flood sales tax fund update
4. Draft policy on use of funds
5. Erie Dam/Brewer Lake repairs update
6. Review of additional projects for 2017
7. Other business
8. Adjournment

cc: Local Media

**FLOOD SALES TAX COMMITTEE
MARCH 20, 2017—1:00 PM**

1. MEETING TO ORDER

Commissioner Mary Scherling called a meeting of the Flood Sales Tax Committee to order on Monday, March 20, 2017, at 1:00 PM in the Commission Conference Room, Cass County Courthouse, with the following present: County Auditor Michael Montplaisir; Joint Water Resource District Representative Rodger Olson; County Commissioner Mary Scherling; County Commissioner Rick Steen; and County Administrator Robert Wilson.

Also present were County Commissioner Arland Rasmussen; County Engineer Jason Benson; Deputy County Engineer Tom Soucy; Rush River Water Resource District Vice Chairman Dick Sundberg; Clifton Township representatives Randy Laufenberg and Pamela Gregerson; Casselton Auditor Sheila Klevgard; and Engineers Brandon Oye and Chad Engels, Moore Engineering.

2. ELECTION OF COMMITTEE CHAIRPERSON

MOTION, passed

Mr. Montplaisir moved and Mr. Olson seconded to elect Mary Scherling as the Chairperson of the Cass County Flood Sales Tax Committee. Motion carried.

3. MINUTES APPROVED

MOTION, passed

Mr. Steen moved and Mr. Montplaisir seconded to approve the meeting minutes from July 18, 2016, as presented. Motion carried.

4. FLOOD SALES TAX FUND UPDATE

Mr. Montplaisir said over \$3 million has been paid out for approved projects. There is \$772,506.05 in encumbrances yet to requested for reimbursement for previously approved projects. The unencumbered fund balance is over \$4.3 million.

Mrs. Scherling asked how current sales tax revenues compare to this time last year. Mr. Montplaisir said revenues are down about 1%.

5. STATUS OF PREVIOUSLY APPROVED PROJECTS

Brandon Oye of Moore Engineering gave brief updates on the status of several open projects of which he is involved.

6. COST SHARE PERCENTAGE

Mr. Olson said he would like to discuss the cost share percentage this committee provides for detention projects. Due to the great benefit provided to residents for detention projects and the continued growth of the flood sales tax fund, Mr. Olson believes the committee should consider funding these projects at 100%, instead of 50%.

Mr. Steen asked when the policy to provide the current 50% cost share was put in place. Mr. Montplaisir said this committee designated the 50% cost share at its

inception but it is not dictated by any commission policy. The purpose of the cost share is to ensure local buy-in for projects.

Mr. Steen suggested that detention projects be funded up to a certain percentage, without locking in a specific rate for all projects. This would allow the committee leeway in designating appropriate percentages for different projects depending on the merits of the project, the exhaustion of other funding sources, and the available funding in the flood sales tax fund.

Mr. Olson said detention projects follow a protocol which includes a vetting process and funding requests to the ND State Water Commission and the Red River Joint Water Resource District; funds are requested through this committee only after those funding sources have been exhausted.

MOTION, passed

Mr. Steen moved and Mr. Olson seconded to give the Flood Sales Tax Committee the authority to approve funding for detention projects for up to 75% of the local share. Discussion: Mr. Olson said he believes it should pertain only to detention projects approved by the Red River Joint Water Resource District. Mr. Steen agreed. Motion carried.

7. REVIEW AND SELECTION OF PROJECTS TO BE FUNDED IN 2017

Tower Township Improvement District No. 77

Chad Engels of Moore Engineering was present to discuss Tower Township Improvement District No. 77. Mr. Engels said this is not a formal request, but an inquiry into the potential cost share for the project. The possibility of a formal request may come at a future date.

Mr. Engels said the project would entail a drainage pipe that private drain tile would connect to. The pipe would be gated and would utilize control structures regulated by an operating plan and controlled by the Maple River Water Resource District. It would benefit agriculture and provide flood damage reduction benefits to township and county roads by bringing sloughs down to manageable levels during wet cycles.

At this time the cost of the project is wide ranging as the scale is unknown; landowners would like to have an idea of their potential assessments before fully engaging in the project.

Mr. Montplaisir asked if county and township roads will be assessed as part of the assessment district. Mr. Engels said township roads will definitely be assessed.

County Engineer Jason Benson cited a similar project in Pontiac Township that had a predominately indirect benefit for the county for assessment purposes. That project received a 25% cost share from this committee.

MOTION, passed

Mr. Montplaisir moved and Mr. Wilson seconded to provide a 25% cost share for Tower Township Improvement District No. 77. Motion carried.

Upper Maple River Dam Project

Mr. Engels said the Upper Maple River Dam project was completed in 2016. Flood sales tax dollars were contributed to the project, and the remaining balance of the local cost is \$722,768.36. Per the newly increased cost share percentage provided to detention projects, a 75% cost share is being requested.

MOTION, passed

Mr. Steen moved and Mr. Olson seconded to approve an additional appropriation of \$361,500 for the Upper Maple River Dam Project. Motion carried.

Erie Dam/Brewer Lake Project

Mr. Engel said last year \$25,000 was approved by this committee for repairs for the Erie Dam (Brewer Lake). The outlet structure is in need of repairs and improvements but no maintenance district exists to fund the repairs. The North Dakota Game and Fish Department (Game and Fish) has been non-responsive to maintenance requests, and State Water Commission funds are not available for maintenance projects. Costs associated with the repairs are expected to be as much as \$50,000. The County Park Board has contributed \$15,000, but the Rush River Water Resource District has no funds to cover the remaining cost. The request at this time is to fund the final \$10,000 of the project.

Mrs. Scherling asked what plan will be put in place to pay for future maintenance costs. Mr. Engel said stainless steel will be used where possible to extend the life of the repairs.

Rush River Water Resource District Vice Chairman Dick Sundberg was present. Mr. Sundberg said he is working on an agreement with Game and Fish but it has not yet been signed and it has been a difficult process.

MOTION, passed

Mr. Montplaisir moved and Mr. Olson seconded to approve an additional appropriation of \$10,000 for the Erie Dam/Brewer Lake Project. Motion carried with Mrs. Scherling, Mr. Montplaisir, Mr. Wilson, and Mr. Olson voting “Yes”; Mr. Steen voting “No”.

Clifton Township Road

Clifton Township Chairman Randy Laufenberg was present to discuss a request for assistance with road repairs due to flooding. Mr. Laufenberg said Clifton Township currently has three roads that are underwater and the township does not have the funds to repair them. Mr. Laufenberg believes the Maple River Dam contributes to the flooding.

Mr. Olson asked if the roads would still face flooding issues without the dam. Mr. Laufenberg said the roads flooded before the dam was built, but he believes the dam contributes to the duration that the water remains on the roads.

Mr. Olson said if the flooding is a direct result of the dam, there may be maintenance funds available to assist with road repairs.

Mr. Benson said this committee has refrained from directly funding flood damaged road repair projects in the past, but FEMA funds have been available after major flooding events to assist townships with repair costs. Due to flood mitigation efforts already put in place and the impending diversion project, the likelihood of reaching the eligibility threshold for FEMA funds in the future has greatly diminished. Without funding assistance, some roads may not be repaired for years as townships do not have the funds to do so.

Mr. Montplaisir suggested that the project be tabled at this time and that the township approach the Maple River Water Resource District to see if dam maintenance funds are available.

Casselton FEMA Letter of Map Revision Project

Mr. Oye said the City of Casselton is requesting funding assistance to prepare and submit a FEMA Letter of Map Revision (LOMR).

Mr. Oye said the effective Flood Insurance Rate Map (FIRM) for Casselton dates from 1989 and shows developable areas to be in the floodplain or floodway. A preliminary revised FIRM dated January 2016 indicates that much of this area will no longer be in the floodplain; however, it is unknown when this map will be released and it may be at least two more years. FEMA and the Office of the State Engineer have recommended that the effective FIRM be corrected with a LOMR in order to better administer development and construction. Flood insurance costs for some residents would also be reduced.

MOTION, passed

Mr. Olson moved and Mr. Steen seconded to approve the Casselton FEMA Letter of Map Revision Project in the amount of \$10,000. Discussion: Mrs. Scherling asked if there will be any issues when the new Flood Insurance Rate Map is released. Mr. Oye said mapping for the Casselton area of the updated FIRM has already been completed so there will be no conflict. Motion carried.

8. ADJOURNMENT

MOTION, passed

On motion by Mr. Montplaisir, seconded by Mr. Steen, and all voting in favor, the meeting was adjourned at 2:06 PM.

Cass County Sales Tax Activity (420)			
Cash Basis - 2017			
8/25/2017			
Date=	Description	Amount	Balance
	Balance Forward		5,918,721.31
2017	Sales Tax	11,535,665.37	17,454,386.68
2017	Interest	13,104.74	17,467,491.42
1/4/2017	Diversion Board of Authority	(1,170,211.48)	16,297,279.94
2/7/2017	Diversion Board of Authority	(1,062,421.53)	15,234,858.41
3/21/2017	Diversion Board of Authority	(1,688,675.00)	13,546,183.41
4/4/2017	Diversion Board of Authority	(962,137.62)	12,584,045.79
4/18/2017	County Projects	(10,000.00)	12,574,045.79
5/2/2017	Diversion Board of Authority	(906,549.70)	11,667,496.09
5/31/2017	County Projects	(361,500.00)	11,305,996.09
6/6/2017	Diversion Board of Authority	(987,985.04)	10,318,011.05
7/18/2017	Diversion Board of Authority	(1,332,737.30)	8,985,273.75
8/8/2017	Diversion Board of Authority	(1,125,357.22)	7,859,916.53
8/16/2017	County Projects	(11,183.50)	7,848,733.03
8/16/2017	County Projects	(12,202.64)	7,836,530.39
8/16/2017	County Projects	(10,263.87)	7,826,266.52
9/6/2017	Diversion Board of Authority	(1,381,686.49)	6,444,580.03
			6,444,580.03
			6,444,580.03

Reserved for County Projects - Cash	5,371,541.24	
Reserved for Diversion Project	1,073,038.79	6,444,580.03

Summary

2017 Receipts

Transfer	-
Sales Tax Revenue	11,535,665.37
Interest Revenue	13,104.74
Total Receipts	<u>11,548,770.11</u>

2017 Expenditures

Diversion Board of Authority	(10,617,761.38)
City of Fargo - Cash Flow Other Sources	-
County Projects	(405,150.01)
Land Purchase	-
Total Expenditures	<u>(11,022,911.39)</u>

Receipts over Expenditures 525,858.72

Balance from 2016 5,918,721.31

Balance Current 2017 6,444,580.03

Reserve for County Projects 2017 Activity

Balance of Cash Carried forward from 2016	4,737,301.94
2017 Reserves (9%)	1,039,389.31
Total	<u>5,776,691.25</u>

County Projects - Expenses Paid in 2016

2012 City of Argusville Diking	-	
2012 Maple-Steele WRD Study	-	
2012 City of Mapleton - Lift Station	-	
2013 Pontiac Township - Project No 73	-	
2013 City of Argusville - Levee improvement	-	
2013 City of Casselton - Levee Repairs	-	
2013 Maple-Steele - Dam Project	-	
2014 City of Mapleton Levee Recertification 2012-1	-	
2014 Pontiac township Project no 73 additional	-	
2014 Upper Maple River Dam	-	
2014 Lake Bertha Flood Water Detention	-	
2014 Detention project Development	-	
2015 Normanna Township Slide Repair and Road Move	-	
2015 Upper Maple River Detention Study Phase II	-	
2015 Rush River Detention Study Phase II	-	
2015 Swan Creek Detention Study Phase II	-	
2015 Harwood Levee Improvements	-	
2015 Casselton Industrial Park Improvements	-	
2015 Reed Township Road Raise	-	
2016 City of Mapleton Levee Raise	-	
2016 City of Mapleton Levee Recert change order	-	
2016 Erie Dam Repairs	-	
2016 Absaraka Dam Repairs	11,183.50	
2016 Garsteig Dam Repairs	12,202.64	
2016 Embden Dam Repairs	10,263.87	
2016 Drain 77 Study Maple River Water Resource	-	
2017 Upper Maple River Dam Project	361,500.00	
2017 Erie Dam Project	-	
2017 Casselton Map Revision Project	10,000.00	
Total County Project Expenditures 2016	<u>405,150.01</u>	-
Cash Balance Reserve for County Projects	<u>5,371,541.24</u>	

Encumbrances:

2012 City of Argusville Diking	-	
2012 Maple-Steele WRD Study	-	
2012 City of Mapleton - Lift Station	-	
2013 Pontiac Township - Project No 73	-	
2013 City of Argusville - Levee improvement	-	
2013 City of Casselton - Levee Repairs	(5,039.05)	PO129226
2013 Maple-Steele - Dam Project	(17,500.00)	PO129227
2014 City of Mapleton Levee Recertification 2012-1	-	
2014 Pontiac township Project no 73 additional	-	
2014 Upper Maple River Dam	-	
2014 Lake Bertha Flood Water Detention	(66,215.45)	PO129228
2014 Detention project Development	-	
2015 Normanna Township Slide Repair and Road Move	-	
2015 Upper Maple River Detention Study Phase II	(45,500.00)	PO129229
2015 Rush River Detention Study Phase II	(45,500.00)	PO129229

2015 Swan Creek Detention Study Phase II	(45,500.00)	PO129229
2015 Harwood Levee Improvements	(231,949.26)	PO129230
2015 Casselton Industrial Park Improvements	(242,500.00)	PO129231
2015 Reed Township Road Raise	-	
2016 City of Mapleton Levee Raise	(11,754.88)	PO129232
2016 City of Mapleton Levee Recert change order	-	
2016 Erie Dam Repairs	(25,000.00)	PO129233
2016 Absaraka Dam Repairs	-	PO129234
2016 Garsteig Dam Repairs	-	PO129235
2016 Embden Dam Repairs	-	PO129236
2016 Drain 77 Study Maple River Water Resource	-	PO126397
2017 Upper Maple River Dam Project	(361,500.00)	PO129696
2017 Erie Dam Project	(10,000.00)	PO129697
2017 Casselton Map Revision Project	(10,000.00)	PO129698
Total Encumbrances	<u>(1,117,958.64)</u>	(371,500.00)
Available Balance for County Projects	<u>4,253,582.60</u>	

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY PROJECTSRIGHT OF WAY ENCROACHMENT POLICY

ADOPTED DATE: Amended 10/16/17 (Originally Adopted 08MM/02DD/YY10) PAGE 1 OF 23

PURPOSE

The purpose of this ~~p~~Policy is to provide guidance for the administration and funding of projects with Cass County Flood Control Sales Tax funds, prohibit encroachments upon the right of way for completed county highway projects funded through the Federal Aid Highway program, pursuant to 23 CFR Part 1.23, Rights of Way, and Part 710 Subpart D, Right of Way, Real Property Management.

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.

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.

~~The NDDOT is, according to Title 23 United States Code and 23 CFR 1.27, required to maintain, or cause to maintain, all federally funded highway projects. Title 23 United States Code 101 defines maintenance as: "...the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic control devices as are necessary for safe and efficient utilization of the highway."~~

~~Title 23 further requires a State transportation department to maintain each project constructed with Federal aid funds until such time that it no longer constitutes a part of the Federal aid system. It is the Federal Highway Administration's (FHWA) role to see that maintenance of Federal aid projects is adequate and to provide technical assistance in disseminating information on successful maintenance techniques.~~

~~It is the policy of the NDDOT to require all county and city projects receiving federal dollars to enter into an agreement with the Department to ensure that as recipients of federal money the counties and cities agree to abide by the terms and conditions required. The agreement will require counties receiving federal funds to provide an annual certification that all federally funded highway projects constructed are being maintained as required.~~

ADMINISTRATION

The Cass County Commission will organize and appoint members to a Flood Sales Tax Committee. This will be a five 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. One member from either the Southeast Cass, Maple River, Rush River, or North Cass Water Resource District.

While the Cass County Engineer is not a member of the Flood Sales Tax Committee, the County Engineer will serve as a technical representative to the Flood Sales Tax Committee.

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

~~Right of way boundaries will be marked with steel posts and right of way signs. The County will perform routine inspections for right of way encroachments each Fall and re-inspect each Spring. Those persons damaging or removing highway right of way signs will be held responsible for the repair or replacement of the signs.~~

~~In addition, and in accordance with N.D.C.C § 24-05-23, any landowner who encroaches upon a county highway right of way or its ditches or approaches will be given notice, no later than September 15th each year, by the Cass County Highway Department that the encroachment has been discovered. The landowner must remove the encroachment within 30 days of receipt of this notice. Failure to remedy this situation will cause the landowner to be liable to the County for damages resulting from the encroachment. The county will conduct the work necessary and the landowner will be liable for the cost associated with correcting the damages. The expense of the repair will become part of the taxes to be levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes are collected. Corrective action will include, but not be limited to, replacement of approved or recommended grass seed or correction of slopes or ditches that have been altered as a result of the encroachment.~~

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. Individual Farmsteads

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](http://www.swc.state.nd.us/project%20development/cost%20share.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.
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

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

GOVERNOR, Doug Burgum

DIRECTOR, Terry Steinwand

DEPUTY, Scott A. Peterson

100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095

Phone: (701) 528-6500

FAX: (701) 528-6552

RECEIVED
MAY 04 2017

May 2, 2017

Rush River Water Resource District
William Hejl, Chairman
1201 West Main Avenue
West Fargo, ND 58078

Dear Chairman Hejl:

Thank you for your time and consideration regarding the repair proposal and concerns of the water control structures at Brewer Lake. We received and reviewed your letter of request for assistance regarding the necessary repairs.

While the principle spillway structure is sound, based on monitoring conducted by the State Water Commission (SWC), there is failure of the hypolimnion drawdown feature which was installed and jointly funded by the North Dakota Game and Fish Department (Department) and the SWC. Given the SWC's familiarity with the structure, the Department and the SWC will make all necessary repairs, and at no cost to the Rush River Water Resource District.

The Department's Fisheries Division staff members have been in contact with Moore Engineering alerting them of this change in funding direction. If you wish to further discuss Brewer Lake repairs, or potential reimbursement options for incurred design costs associated with your repair proposal, please do not hesitate to contact Greg Power, Fisheries Division Chief, at (701) 328-6323.

Sincerely,



Terry R. Steinwand
Director

Cc: Garland Erbele, State Engineer, State Water Commission

Worden, Heather

From: Montplaisir, Michael
Sent: Monday, September 25, 2017 4:02 PM
To: Worden, Heather; Wilson, Robert
Subject: FW: Erie Dam / Brewer Lake
Attachments: 2017-05-02 - NDGF Letter regarding Repair Funding.pdf

We should discuss this at the sales tax meeting, we set aside \$10,000 out of the sales tax for this project which will now be funded by SWC and Game and Fish.

Michael Montplaisir, CPA
Cass County Auditor
Montplaisirm@casscountynd.gov
701-241-5600

From: Lewis, Carol
Sent: Monday, September 25, 2017 4:00 PM
To: Montplaisir, Michael <MontplaisirM@casscountynd.gov>
Subject: Erie Dam / Brewer Lake

Carol Harbeke Lewis
Secretary-Treasurer
Cass County Water Resource Districts
1201 Main Avenue West
West Fargo, ND 58078-1301
Phone: 701-298-2381
Fax: 701-298-2397
Lewisc@casscountynd.gov



CITY OF CASSELTON

PO Box 548

Casselton, North Dakota 58012

Phone (701) 347-4861 • Fax (701) 347-4505
cassaudit@casselton.org

SHEILA K. KLEVGARD, Auditor

LEE ANDERSON, Mayor

DELVIN LOSING, City Attorney

April 25, 2017

Mike Montplaisir, County Auditor
Cass County
P O. Box 2806
Fargo, ND 58108-2806

**RE: Casselton Farms Addition and Central Cass School Addition area storm water improvements
Casselton, North Dakota**

Dear Mr. Montplaisir:

The City of Casselton is respectfully requesting funding assistance from the Cass County Flood Risk Reduction funds to offset project costs of a City owned and maintained storm water detention pond and lift station.

The storm water pond and lift station are necessary to support the proposed Casselton Farms residential development and also the addition and improvements to the Central Cass School that are underway. These projects are very important to our community and will enhance our ability to continue the population growth we have enjoyed for the past two decades. The pond and lift station project will be paid for through special assessments on the benefitting properties.

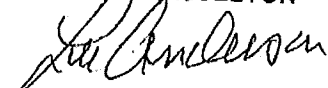
The pond and lift station are designed to accommodate a 100 year rain event (6.24 inches in 24 hours) without negatively impacting the downstream drainage system that eventually becomes Drain 64 through our City. Without these facilities, additional residential development and the improvements to the school would over burden the drainage system on the City's north side and exacerbate street flooding and impact school facilities. As noted, the storm water pond and lift station are needed to support two projects that ultimately foster Casselton's growth without adversely impacting existing property or facilities. Receiving Flood Risk Reduction funds will directly reduce the special assessments levied on the school and Casselton Farms development.

Enclosed you will find a copy of the engineer's report and area map for this project. The total estimated cost will be \$1,090,000. Therefore, the City of Casselton is respectfully requesting 50% of the cost, or a total of \$545,000.

Please add this request to your next committee meeting for consideration.

Please contact Steve Iverson, Project Manager at Moore Engineering Inc. if you have any questions or need additional information about the project. He can be reached at (701) 551-1084.

Sincerely,
CITY OF CASSELTON



Lee Anderson
Mayor

Enclosure

cc: Sheila Klevgard – City Auditor, City of Casselton



925 10th Avenue East
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530



STORM SEWER IMPROVEMENT DISTRICT No. 2017-1
STORM SEWER LIFT STATION No. 7 AND RETENTION PONDS
ENGINEER'S REPORT

The undersigned is the Engineer for the City of Casselton, Cass County, North Dakota, and submits the following report to the City Council of said City.

Storm Sewer Improvement District No. 2017-1 will involve the construction of improvements consisting of storm sewer, storm water retention ponds, storm lift station, outfall structure, generator, concrete driveway, crushed concrete driveway and all items of work and materials which are necessary or reasonably incidental to the completion of the improvement. The area of the proposed improvements is described in the maps hereto and made a part thereof.

Based upon the estimate of the probable cost, attached hereto and made a part thereof, and the engineering information and studies, the work proposed in said district is feasible.

Dated this 28th day of February, 2017

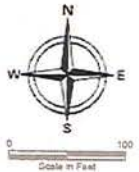
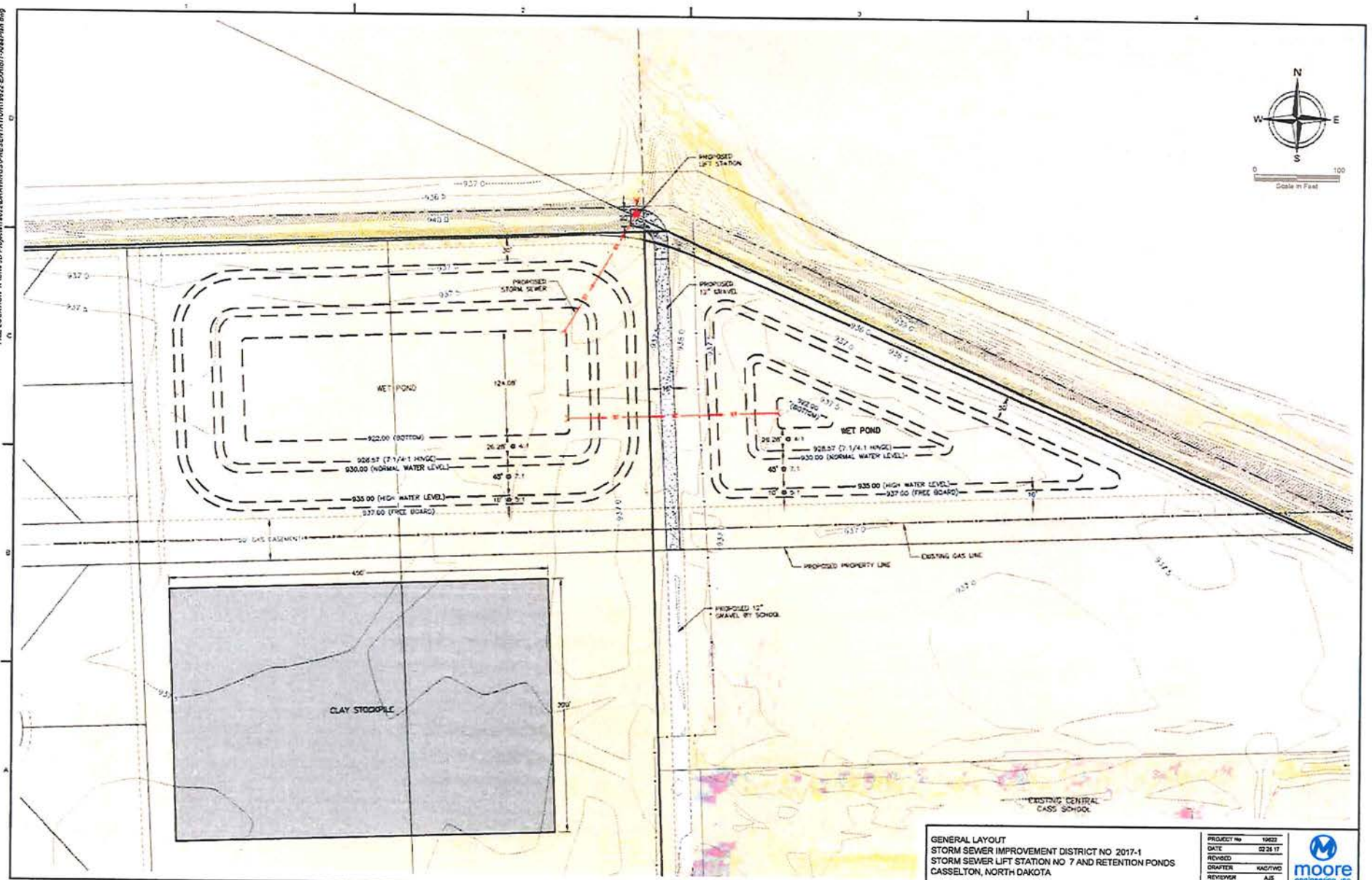


Brandon Oye, PE
Moore Engineering, Inc.
Engineer for City of Casselton, North Dakota



Kyle McCamy, PE
Moore Engineering, Inc.
Professional Engineer

FILE LOCATION: R:\csw 2D Project\180220\DWG\GEN\SEVEN\10101180220.DWG



GENERAL LAYOUT
STORM SEWER IMPROVEMENT DISTRICT NO 2017-1
STORM SEWER LIFT STATION NO 7 AND RETENTION PONDS
CASSELTON, NORTH DAKOTA

PROJECT NO	19022
DATE	02 28 17
DESIGNED	
DRAWN	KAG/WD
REVIEWER	AJE



**STORM SEWER IMPROVEMENT DISTRICT NO. 2017-1
STORM SEWER LIFT STATION NO. 7 AND RETENTION PONDS
CASSELTON ND**

Engineer's Opinion of Probable Cost

<u>ITEM</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
<u>Storm Sewer Items</u>				
1. Storm Sewer - 24" PVC	LF	20	\$60.00	\$1,200.00
2. Storm Sewer - 36" RCP	LF	250	\$80.00	\$20,000.00
3. Storm Sewer - 54" RCP	LF	164	\$150.00	\$24,600.00
4. Storm Sewer Plug	Each	2	\$250.00	\$500.00
5. End Section - 36" RCP Flared	Each	2	\$1,600.00	\$3,200.00
6. End Section - 54" RCP Flared	Each	1	\$4,000.00	\$4,000.00
<u>Roadway Items</u>				
1. Embankment	CY	50	\$10.00	\$500.00
2. Clay Borrow - Provided	CY	50	\$10.00	\$500.00
3. Subgrade Preparation	SY	775	\$2.50	\$1,937.50
4. Reinforcement Fabric	SY	775	\$1.50	\$1,162.50
5. Driveway - 12" Crushed Concrete	CY	200	\$35.00	\$7,000.00
6. Driveway - 7" Concrete	SY	150	\$60.00	\$9,000.00
<u>Pond Items</u>				
1. Excavation - Pond - On Site	CY	60,000	\$3.50	\$210,000.00
2. Seeding - Type II	Acre	6	\$1,000.00	\$6,000.00
3. Mulch - Type A - Permanent Straw	Acre	4	\$450.00	\$1,800.00
4. Erosion Control Blanket - Straw	SY	11,000	\$1.00	\$11,000.00
5. Topsoil Replacement - 4"	CY	1,350	\$5.00	\$6,750.00
6. Riprap & Fabric - 18" Class III	CY	100	\$100.00	\$10,000.00
7. Temporary Pumping	LSum	1	\$2,500.00	\$2,500.00
8. Storm Sewer Outlet Structure	LSum	1	\$5,000.00	\$5,000.00
9. Storm Sewer Lift Station	LSum	1	\$325,000.00	\$325,000.00
<u>General Items</u>				
1. Cleaning	LSum	1	\$750.00	\$750.00
2. Storm Water Management	LSum	1	\$1,000.00	\$1,000.00
3. Traffic Control	LSum	1	\$500.00	\$500.00
4. Mowing	Acre	6	\$200.00	\$1,200.00
5. Watering	Each	6	\$300.00	\$1,800.00
6. Excavation - 6" Topsoil Stripping	CY	4,500	\$2.50	\$11,250.00
7. Topsoil Replacement - 4"	CY	2,000	\$5.00	\$10,000.00
8. Rock Check	Each	1	\$1,000.00	\$1,000.00
9. Stabilized Construction Entrance	Each	1	\$1,500.00	\$1,500.00
10. Temporary Access Road	LSum	1	\$7,500.00	\$7,500.00
11. Material Testing Allowance	Allowance	1	\$10,000.00	\$10,000.00
Total Construction				\$698,150.00
Engineering Services				\$146,100.00
Geotechnical Reports				\$6,000.00
Legal & Bond Counsel				\$20,000.00
Bond Discount				\$16,500.00
Administration & Publication				\$1,500.00
Capitalized Interest (6 Months @ 4.0%)				\$21,500.00
Contingencies (~20%)				\$180,250.00
TOTAL PROJECT				\$1,090,000.00

**STORM SEWER IMPROVEMENT DISTRICT NO. 2017-1
STORM SEWER LIFT STATION NO. 7 AND RETENTION PONDS
CASSELTON ND**

Engineer's Project Cost Breakdown and Comparison

Created: 02/28/17

Total Acres = 93.64

Item	Estimated Cost	Cost/Acre
Storm Sewer	\$1,056,379.19	\$11,281.00
Roadway	\$33,620.81	\$359.00
Total	\$1,090,000.00	\$11,640.00

Assessed Land	Acres	Assessment
Existing School	32.36	\$376,670.40
Option Land #1	3.37	\$39,226.80
Option Land #2	7.30	\$84,972.00
Casselton Farms	50.61	\$589,100.40
Total	93.64	\$1,089,969.60

Notes:

1. Pond Items are included in Storm Sewer costs.
2. General item costs are spread proportionally to Storm Sewer and Roadway Items.
3. Soft costs are spread proportionally to Storm Sewer and Roadway Items.
4. Casselton Farms area in acres excludes 50' Gas Easement and Proposed Right of Ways.

**STORM SEWER IMPROVEMENT DISTRICT NO. 2017-1
STORM SEWER LIFT STATION NO. 7 AND RETENTION PONDS
CASSELTON ND**

Engineer's Special Assessment Example

Created: 02/28/17

Special Assessments with 4% Bond + 1.5% Interest for City																
Assessed Land	Acres	Storm Sewer (Acre)	Roadway (Acre)	Total	Underground					Roadway				Combined Payment		
					Subtotal	Loan Period (yrs)	Interest Rate	Yearly Payment	Monthly Payment	Subtotal	Loan Period (yrs)	Interest Rate	Yearly Payment	Monthly Payment	Yearly	Monthly
	94	\$1,056,379.19	\$33,620.81	\$1,090,000.00	\$1,056,379						\$33,620.81					
Existing School	32.36	\$365,062.27	11,618.64	\$376,680.91	\$365,062	25	5.50%	\$27,215.16	\$2,241.80	\$11,618.64	15	3.50%	\$1,008.79	\$83.06	\$28,223.94	\$2,324.86
Option Land #1	3.37	\$38,017.92	1,209.98	\$39,227.89	\$38,018	25	5.50%	\$2,834.21	\$233.46	\$1,209.98	15	3.50%	\$105.06	\$8.65	\$2,939.27	\$242.11
Option Land #2	7.30	\$82,353.35	2,621.02	\$84,974.37	\$82,353	25	5.50%	\$6,139.39	\$505.72	\$2,621.02	15	3.50%	\$227.57	\$18.74	\$6,366.96	\$524.46
Casselton Farms	50.61	\$570,945.65	18,171.18	\$589,116.83	\$570,946	25	5.50%	\$42,563.63	\$3,506.11	\$18,171.18	15	3.50%	\$1,577.71	\$129.90	\$44,141.34	\$3,636.01
1/8 Acre Lots	0.125	\$1,410.16	44.88	\$1,455.04	\$1,410	25	5.50%	\$105.13	\$8.66	\$44.88	15	3.50%	\$3.90	\$0.32	\$109.02	\$8.98
1/4 Acre Lots	0.25	\$2,820.32	89.76	\$2,910.08	\$2,820	25	5.50%	\$210.25	\$17.32	\$89.76	15	3.50%	\$7.79	\$0.64	\$218.05	\$17.96
5 Acres	5.00	\$56,406.41	1,795.22	\$58,201.62	\$56,406	25	5.50%	\$4,205.06	\$346.38	\$1,795.22	15	3.50%	\$155.87	\$12.83	\$4,360.93	\$359.22
7 Acres	7.00	\$78,968.97	2,513.30	\$81,482.27	\$78,969	25	5.50%	\$5,887.09	\$484.94	\$2,513.30	15	3.50%	\$218.22	\$17.97	\$6,105.30	\$502.91

*The examples shown are dependent upon many variables which include, but are not limited to: scope in final plans, bids received from contractors, loan periods approved by City, additional interest applied by City, and final special assessment breakdown recommended by the Special Assessment Commission and approved by the City Council.



May 26, 2017

RECEIVED
CASS COUNTY COMMISSION

JUN 5 2017

Maple River
Water Resource
District

Rodger Olson
Chairman
Leonard, North Dakota

Jurgen Suhr
Manager
Page, North Dakota

Gerald Melvin
Manager
Buffalo, North Dakota

Chad Peterson
Chairman
Cass County Commission
P.O. Box 2806
Fargo, ND 58108-2806

Dear Chairman Peterson:

RE: Davenport Flood Risk Reduction
City of Davenport, North Dakota

Over the past few months, the City of Davenport and the Maple River Water Resource District (WRD) have jointly discussed the need for permanent flood protection for the City of Davenport. Discussion at past meetings has included historical flood events, past emergency flood protection measures, a recent study of the watershed in western Cass County and anticipated future changes to floodplain maps. FEMA's preliminary maps show portions of the City of Davenport in the future may be within Zone AE, which means flood insurance would be required on structures that have federally backed mortgages. The City of Davenport is particularly interested in preventing changes that may map structures in Davenport into a floodplain or potentially require residents to acquire flood insurance.

There is a need for a feasibility study to develop a flood risk reduction project to protect the City of Davenport. The scope of the study would include preliminary layouts, storm water modeling, identifying project alternatives, levy elevations and alignments, engineer's opinions of cost, maps, right of way constraints, and other items to fully identify a flood risk reduction project. The cost of a feasibility study is estimated to be approximately \$100,000.

The WRD will be the project sponsor and will enter into a joint powers agreement with the City of Davenport once funding is approved. It is anticipated that the study would be completed within six months of its commencement.

Upon conclusion of the feasibility study, it is assumed that a flood risk reduction project will be recommended to reduce the risk of flooding within the City of Davenport. At that point, geotechnical work, permitting and preliminary design work would be completed to finalize right of way acquisition. Final plans and construction could commence upon receiving all required approvals.

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrld@casscountynnd.gov
www.casscountynnd.gov

Chad Peterson
Page 2
May 26, 2017

The WRD is anticipating that the North Dakota State Water Commission will fund 35% of the feasibility study. With this letter and submission of supporting data, the WRD respectfully requests cost-share from the Cass County Flood Sales Tax Committee in the amount of \$32,500, which is 50% of the local share.

Enclosed is a map showing the location of the project. If you have any questions, please feel free to contact us or our project manager, Mike Opat at Moore Engineering, Inc., 701-499-5867 or mopat@mooreengineeringinc.com.

Sincerely,

MAPLE RIVER WATER RESOURCE DISTRICT



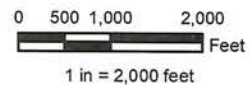
Carol Harbeke Lewis
Secretary-Treasurer

Enclosure
cc/enc: City of Davenport



**PROJECT LOCATION MAP
 DAVENPORT FLOOD RISK REDUCTION
 DAVENPORT, NORTH DAKOTA**

Created By: GIS Date Created: XXXX/16 Date Saved: 05/12/17 Date Plotted: 02/04/16 Date Exported: 05/15/17
 Plotted By: Paul.Bervik Parcel Date: XXXX/16 Aerial Image: 2015 County NAIP SIDS Elevation Data: Lidar
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
 T:\Projects\19600\19611\2017-05-11_Project Location Map.mxd





July 17, 2017

RECEIVED
CASS COUNTY COMMISSION

JUL 18 2017

Cass County
Joint Water
Resource
District

Chad Peterson
Chairman
Cass County Commission
P.O. Box 2806
Fargo, ND 58108-2806

Dear Chairman Peterson:

RE: Sheldon Addition Levee
Raymond Township, Cass County, North Dakota

Mark Brodshaug
Chairman
West Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Over the past few months, the residents of Sheldon Addition and the Cass County Joint Water Resource District (CCJWRD) have discussed the need for permanent flood protection. Sheldon Addition is located in Section 34 of Raymond Township and includes 14 homes.

The proposed project will include a 3,100' levee constructed on the north and east sides of the addition, tying into the township road on the west side and Cass County Highway 10 on the south side. The township road on the west side, 166th Avenue SE, will be raised to a higher elevation. Culverts with sluice gates will be included to allow for interior drainage.

We anticipate the North Dakota State Water Commission will fund 60% of eligible project costs. The CCJWRD respectfully requests 50% cost-share on the remaining local share in the amount of \$146,715 from the Cass County Flood Sales Tax Committee. Enclosed is a map showing the location of the project, a preliminary set of plans and the *Engineer's Opinion of Probable Cost*.

If you have any questions, please feel free to contact me or our project manager, Mike Opat, Moore Engineering, Inc., at 701-282-4692.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

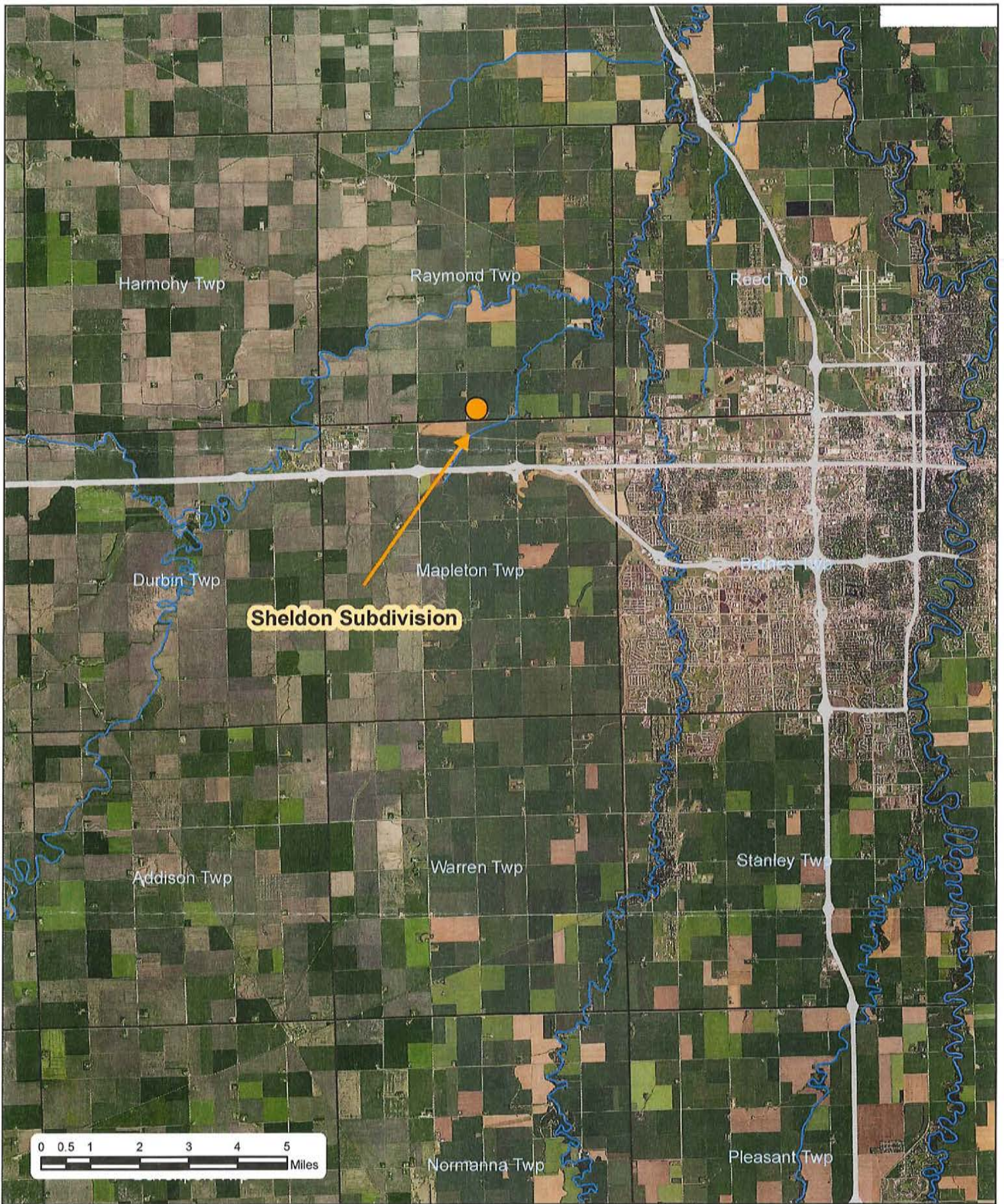
Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrđ@casscountynd.gov
casscountygov.com

Enclosures



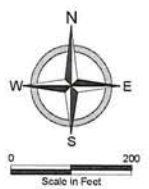
PROJECT LOCATION
SHELDON SUBDIVISION RING LEVEE
CASS COUNTY, NORTH DAKOTA

Created By: TEM Date Created: 6/23/17 Date Saved: 06/23/17 Date Plotted: 06/23/17 Date Exported: 06/23/17
 Plotted By: tyler.messio Parcel Date: XXXX/16 Aerial Image: 2015 County NAIP SIDS Elevation Data: Lidar
 Horizontal Datum: NAD 1983 UTM Zone 14N Vertical Datum: NAVD1988
 T:\Projects\19700\19739\CassShareMap.mxd



moore
 engineering, inc.

FILE LOCATION: R:\Civil 3D Projects\19739\DRAWINGS\DESIGN\19739-PP.dwg



PRELIMINARY



GENERAL LAYOUT
SHELDON SUBDIVISION LEVEE
CASS COUNTY WATER RESOURCE DISTRICT
CASS COUNTY, NORTH DAKOTA
GENERAL LAYOUT

DATE:	05 11 17
REVISED:	---
REVISED:	---
REVISED:	---
REVISED:	---
REVISED:	---
RECORD:	---
PROJECT No:	19739
MANAGER:	LMP
DESIGNER:	TEM
DRAFTER:	RJK
REVIEWER:	KRL

C-101
SHEET 1 OF 8

**Sheldon Subdivision Ring Levee
Cass County Water Resource District
Cass County, North Dakota**

Engineer's Opinion of Probable Cost - Material from off-site source

	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL	FUNDING SOURCES	
						NDSWC - 60%	LOCAL
1.	Mobilization	LS	1	\$5,000.00	\$5,000.00	\$3,000.00	\$2,000.00
2.	Excavation	CY	1,500	\$4.00	\$6,000.00	\$3,600.00	\$2,400.00
3.	Embankment	CY	1,125	\$4.00	\$4,500.00	\$2,700.00	\$1,800.00
4.	Inspection Trench	LF	3,000	\$6.00	\$18,000.00	\$10,800.00	\$7,200.00
5.	Fill - Import (Levee)	CY	7,975	\$22.00	\$175,450.00	\$105,270.00	\$70,180.00
6.	Fill - Import (Road)	CY	4,030	\$22.00	\$88,660.00	\$53,196.00	\$35,464.00
7.	Gravel - Class 13	CY	540	\$20.00	\$10,800.00	\$6,480.00	\$4,320.00
8.	Geotextile Fabric	SY	3,225	\$2.50	\$8,062.50	\$4,837.50	\$3,225.00
9.	Topsoil Strip and Spread	AC	4.2	\$1,250.00	\$5,250.00	\$3,150.00	\$2,100.00
10.	Seeding	AC	4.2	\$1,250.00	\$5,250.00	\$3,150.00	\$2,100.00
11.	CSP - 36"	LF	375	\$40.00	\$15,000.00	\$9,000.00	\$6,000.00
12.	Flared End Section - 36" CSP	EA	5	\$350.00	\$1,750.00	\$1,050.00	\$700.00
13.	Sluice Gate - 36"	EA	5	\$4,000.00	\$20,000.00	\$12,000.00	\$8,000.00
14.	Riprap - Class IV	CY	600	\$60.00	\$36,000.00	\$21,600.00	\$14,400.00
15.	Riprap Filter Blanket	SY	900	\$2.50	\$2,250.00	\$1,350.00	\$900.00
16.	Sedimentation Fence	LF	4,500	\$3.00	\$13,500.00	\$8,100.00	\$5,400.00
17.	Storm Water Management	LS	1	\$2,500.00	\$2,500.00	\$1,500.00	\$1,000.00
18.	Material Testing	INVOICE	Allowance	\$5,000.00	\$5,000.00	\$3,000.00	\$2,000.00
Total Construction					\$422,972.50	\$253,783.50	\$169,189.00
Engineering - Preliminary					\$15,000.00	\$0.00	\$15,000.00
Engineering - Design (35% cost-share)					\$34,000.00	\$11,900.00	\$22,100.00
Engineering - Construction					\$34,000.00	\$20,400.00	\$13,600.00
Contingencies (10%)					\$42,477.50	\$25,486.50	\$16,991.00
Legal Fees					\$10,000.00	\$0.00	\$10,000.00
Administration Fees					\$2,500.00	\$0.00	\$2,500.00
Right-of-Way Land Acquisition					\$27,050.00	\$0.00	\$27,050.00
Right-of-Way Administration					\$3,000.00	\$0.00	\$3,000.00
Easements & Monuments					\$3,000.00	\$0.00	\$3,000.00
Utility Company Relocations					\$20,000.00	\$12,000.00	\$8,000.00
Utility Relocation Administration					\$2,000.00	\$0.00	\$2,000.00
Fiscal					\$1,000.00	\$0.00	\$1,000.00
TOTAL PROJECT COST					\$617,000.00	\$323,570.00	\$293,430.00

R.O.W. Summary		
	Acres	Price/Acre
Permanent R.O.W.	5.2	\$5,000.00
Temp Const. Ease.	3.5	\$300.00

