

**FLOOD SALES TAX COMMITTEE  
AGENDA FOR NOVEMBER 19, 2018**

Cass County Commission

Conference Room

1:00 PM

1. Call to Order
2. Approve minutes from previous meeting
3. Additional project requests for 2018
  - a. FEMA floodplain mapping
  - b. Rush River snagging and clearing
  - c. Sheyenne River snagging and clearing
4. Discussion on flood sales tax potential projects forecast
5. Other business
6. Adjournment

cc: Local Media

**FLOOD SALES TAX COMMITTEE  
OCTOBER 1, 2018—12:00 PM**

**1. MEETING TO ORDER**

Commissioner Rick Steen called a meeting of the Flood Sales Tax Committee to order on Monday, October 1, 2018, at 12:00 PM in the Commission Conference Room, Cass County Courthouse, with the following present: County Engineer Jason Benson; County Auditor Michael Montplaisir; Joint Water Resource District Representative Rodger Olson; County Commissioner Rick Steen; and County Administrator Robert Wilson. County Commissioner Mary Scherling was absent.

Also present were Assistant County Engineer Tom Soucy; Water Resource District Secretary-Treasurer Carol Harbeke Lewis; Engineer Mike Opat, Moore Engineering; and Engineer Brandon Oye, Moore Engineering.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Montplaisir moved and Mr. Wilson seconded to approve the meeting minutes from May 7, 2018, as presented. Motion carried.**

**3. FLOOD SALES TAX FUND UPDATE**

Mr. Montplaisir reviewed the Flood Sales Tax Fund, which has a current balance of \$7.7 million. Approximately \$1.3 million of the balance is appropriated for the Diversion Authority, leaving the fund balance for county projects at \$6.4 million. Sales tax revenues have declined in recent years but have begun to slowly climb again and are currently on pace to slightly increase from last year.

**4. STATUS OF PREVIOUSLY APPROVED PROJECTS**

Mr. Montplaisir said there is \$1,379,607.89 in encumbrances yet to be requested for reimbursement for previously approved projects. The unencumbered fund balance is approximately \$5.0 million.

Mr. Benson arrived for the remainder of the meeting.

Mr. Montplaisir said each month the county receives payment from the state for the previous month's tax revenues. Once received, 91% of flood sales tax dollars are remitted to the City of Fargo as fiscal agent for the Diversion Authority.

**5. MAPLETON LEVEE RECERTIFICATON PROJECT**

Mapleton City Engineer Brandon Oye was present to discuss the Mapleton Levee Recertification Project. The request is for additional cost share for the previously approved project, as the final cost for construction and engineering services is now better known.

Mr. Oye said Mapleton requested and received additional funds from the State Water Commission, reducing the final request from this committee to an additional \$30,323.

Mr. Olson asked if this request will close out the project. Mr. Oye said yes.

***MOTION, passed***

**Mr. Olson moved and Mr. Montplaisir seconded to approve the additional cost share request for the City of Mapleton Levee Recertification Project in the amount of \$30,323. On roll call vote, the motion carried unanimously.**

**6. COUNTY FLOOD SALES TAX PROJECT ALLOCATION**

Mr. Steen said the Diversion Authority is in the process of updating their project financing model, and they have requested a decision from Cass County on when more of the county flood sales tax will be appropriated for the diversion project.

Mr. Montplaisir said originally, the county flood sales tax raised approximately 9% more funds than Fargo. As a result, the county kept 9% of the flood sales tax proceeds to fund rural projects. Fargo has since added additional tax for the project and now contributes more than the county.

Mr. Steen said options to consider in reducing what the county keeps for projects include immediately reducing the percentage; or letting the fund balance reach a certain cap amount before reducing or eliminating the percentage. Mr. Steen believes once the percentage has been reduced or eliminated the county should not expect to ever go back to retaining a higher percentage.

Mr. Olson said while he understands the importance of and supports the diversion project, he is not in favor of eliminating the appropriations for rural projects altogether, and he believes the county should proceed cautiously with drawing back.

Mr. Benson said alternatively, it would not be favorable for the fund to grow to a very large balance while there are no longer any viable projects to fund, causing the funds to go unused.

Mr. Steen said perhaps Mr. Benson can work with Mr. Wilson, Moore Engineering, and the Water Resource Districts to come up with a list of projects with estimated costs that may come forth in the next several years. Once a better idea of forthcoming projects is known, a cap can be set for the fund balance to reach before releasing a higher percentage of funds to the Diversion Authority.

Mr. Montplaisir distributed a handout comparing the Flood Sales Tax Fund balance if 5%, 6%, or 9% of the funds were retained by the county for projects. Mr. Montplaisir is in favor of keeping 6% of tax proceeds, once a cap has been reached on the unencumbered fund balance.

Mr. Montplaisir said the county made a commitment to the rural areas for flood protection and there are still needs out there to be met.

Mr. Steen said the Diversion Authority needs a decision on the matter before the end of the year.

**7. DAVENPORT FLOOD RISK REDUCTION PROJECT**

Engineer Mike Opat was present to discuss the Davenport Flood Risk Reduction

Project. A feasibility study was completed by the Water Resource District this summer due to anticipated future changes to floodplain maps that will require many residents to acquire flood insurance. The most cost effective option is to construct an earthen ring levee around the city.

The State Water Commission (SWC) did not have enough funds this year to provide a cost share, but the project is a high priority for the next biennium. The request to this committee for a 75% match of the local share still stands. As state revenues continue to increase the SWC may look for shovel-ready projects to fund.

***MOTION, passed***

**Mr. Olson moved and Mr. Benson seconded to approve the Davenport Flood Risk Reduction Project in the amount of \$1,425,000, contingent on the ND State Water Commission approving and funding a cost share for the project. Discussion: Mr. Steen said an amended request can be made to this committee if circumstances of the project change. On roll call vote, the motion carried unanimously.**

**8. LAKE BERTHA FLOOD CONTROL PROJECT REQUEST**

Mr. Opat said this committee previously funded the Lake Bertha Flood Control Project, which was completed this summer. The approved cost share was 50% at the time the project was approved. As the policy has now changed to a 75% cost share and project construction began and was completed after the policy change, the request is for this committee to retroactively approve a 75% cost share for the project, which is an increase of \$34,348.28, and a total cost share of \$103,044.85.

***MOTION, failed for lack of a second***

**Mr. Olson moved to approve the Lake Bertha Flood Control Project request for a retroactive 75% cost share in the additional amount of \$34,348.28. The motion died due to lack of a second.**

Mr. Montplaisir said approving a retroactive cost share would set a precedent for the same request for other completed projects.

**9. FEMA FLOODPLAIN MAPPING EFFORTS PROJECT**

Carol Harbeke Lewis, Secretary-Treasurer for the Water Resource Districts, said the FEMA Floodplain Mapping Efforts Project request was tabled at the last meeting. The committee had several questions and wanted to discuss the project with a representative of the Cass County Joint Water Resource District.

Mr. Steen said discussion for this request will be postponed until the next meeting.

**10. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Montplaisir, seconded by Mr. Wilson and all in favor, the meeting was adjourned at 1:01 PM.**



November 9, 2018

**Cass County  
Joint Water  
Resource  
District**

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

Dear Chairman Steen:

RE: Cass County Flood Sales Tax funding assistance for FEMA floodplain mapping efforts in Cass County

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Lance Yohe  
Manager  
West Fargo, North Dakota

Ken Loughheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

This letter is a follow up to the cost-share request submitted by Cass County Joint Water Resource District (CCJWRD) in April 2018 regarding FEMA floodplain mapping efforts in Cass County. The pending request was tabled at the Cass County Flood Sales Tax Committee's May 7, 2018, meeting and awaits further consideration / action at a future meeting. CCJWRD would like to supplement their initial request due to recent developments with the project.

As noted in the previous request, CCJWRD has acted as the coordinating agency on the Western Cass Flood Insurance Study (FIS) since 2013. Cass County requested CCJWRD take the lead on this effort because the county did not have the staff resources or expertise required to do so. Records show that the Cass County Planning Department had intended to submit a funding request to the Flood Sales Tax Committee back in 2013, but that request was never finalized. CCJWRD has been covering expenses pertaining to this effort with general fund dollars, but those funds are limited and these expenses are putting a strain on the budget. This effort would typically be handled and funded by the county or another agency other than a water resource district. CCJWRD is willing to continue acting as the lead agency, but requests funding assistance to offset expenses associated with its involvement.

CCJWRD's pending request was for costs incurred in the amount of \$141,346.08, plus an additional \$25,000 for ongoing review efforts. Since that time, FEMA has released revised floodplain maps and CCJWRD has identified issues with the maps. In order to properly address those issues, additional review and coordination with FEMA will be required. CCJWRD recently authorized spending an additional \$40,000 on this effort.

CCJWRD respectfully requests consideration for funding of costs previously incurred for the Western Cass FIS, as well as costs for future efforts related to this review effort, for a total of \$181,346.08.

If you have any questions, please feel free to contact us or the engineer for the CCJWRD, Mike Opat, Moore Engineering, Inc., at 701-282-4692.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

701-298-2381  
FAX 701-298-2397  
[wrld@casscountynod.gov](mailto:wrld@casscountynod.gov)  
[casscountynod.gov](http://casscountynod.gov)



RECEIVED  
CASS COUNTY COMMISSION

OCT 25 2018

October 24, 2018

## Rush River Water Resource District

Raymond Wolfer  
Manager  
Argusville, North Dakota

William A. Hejl  
Manager  
Amenia, North Dakota

Dick Sundberg  
Manager  
Harwood, North Dakota

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

Dear Chairman Steen:

RE: Rush River Snagging and Clearing Project

The Rush River Water Resource District (RRWRD), as well as the other water resource districts in Cass County, regularly undertake efforts to remove silt, vegetation and other obstructions from the rivers within their districts. These snagging and clearing projects help to maintain the conveyance capacity of these waterways and reduce the likelihood of debris accumulating at bridges and other constrictions in the channels. The result of these efforts is a more efficient channel that can convey more water within the channel and reduce overland flooding and related damages. These projects also reduce damages to bridges and other public infrastructure.

In the past, the North Dakota State Water Commission (NDSWC) provided 50% cost-share for snagging and clearing projects throughout the state, subject to the availability of funds. Within the last year funds have not only been unavailable, but the legislature and NDSWC have removed snagging and clearing projects from the list of projects that are eligible for cost-share participation from the state. This is unfortunate because the need for these projects, particularly in Cass County, is as great as ever due to the amount of deadfalls and woody debris that are falling into the river as a result of the current wet cycle and the additional water coming from Devils Lake. All of this excess water is saturating the banks and promoting erosion and bank failures that are pulling trees and vegetation into the river channels.

The RRWRD is currently planning to complete a snagging and clearing project on a reach of the Rush River extending approximately three miles downstream of North Dakota State Highway 18 near Amenia, as shown on the enclosed map. The estimated cost of the project is \$125,000.

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

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[www.casscountynnd.gov](http://www.casscountynnd.gov)

Rick Steen  
Page 2  
October 24, 2018

With this letter and submission of supporting data, the RRWRD respectfully requests cost-share from the Cass County Flood Sales Tax Committee. The RRWRD believes that the flood risk reduction and flood damage reduction benefits associated with this project, and other snagging and clearing projects, would warrant the Committee's participation in funding these projects that benefit parts of rural Cass County.

If you have any questions, please feel free to contact me or our project manager, Mike Opat, at Moore Engineering, Inc., 701-499-5867 or [mopat@mooreengineeringinc.com](mailto:mopat@mooreengineeringinc.com).

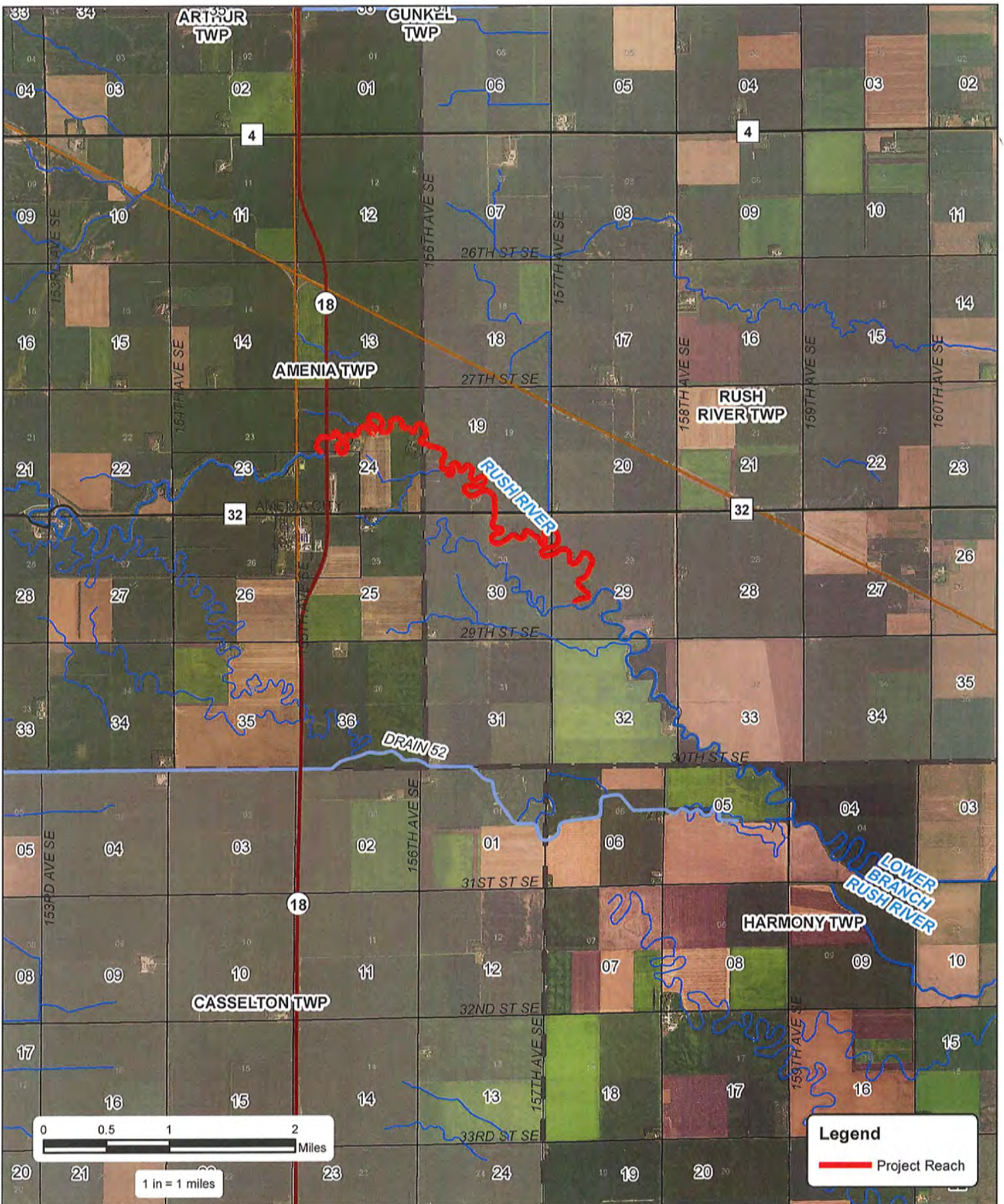
Sincerely,

RUSH RIVER WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer

Enclosures



**SNAGGING & CLEARING  
RUSH RIVER  
CASS COUNTY, NORTH DAKOTA**

Created By: GIS Date Created: 10/18/18 Date Saved: 10/18/18 Date Plotted: 10/18/18 Date Exported: 10/18/18  
 Plotted By: Jordan Prazak Parcel Date: 01/06/2016 Aerial Image: 2017 County NAIP SIDS Elevation Data: Lidar  
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988  
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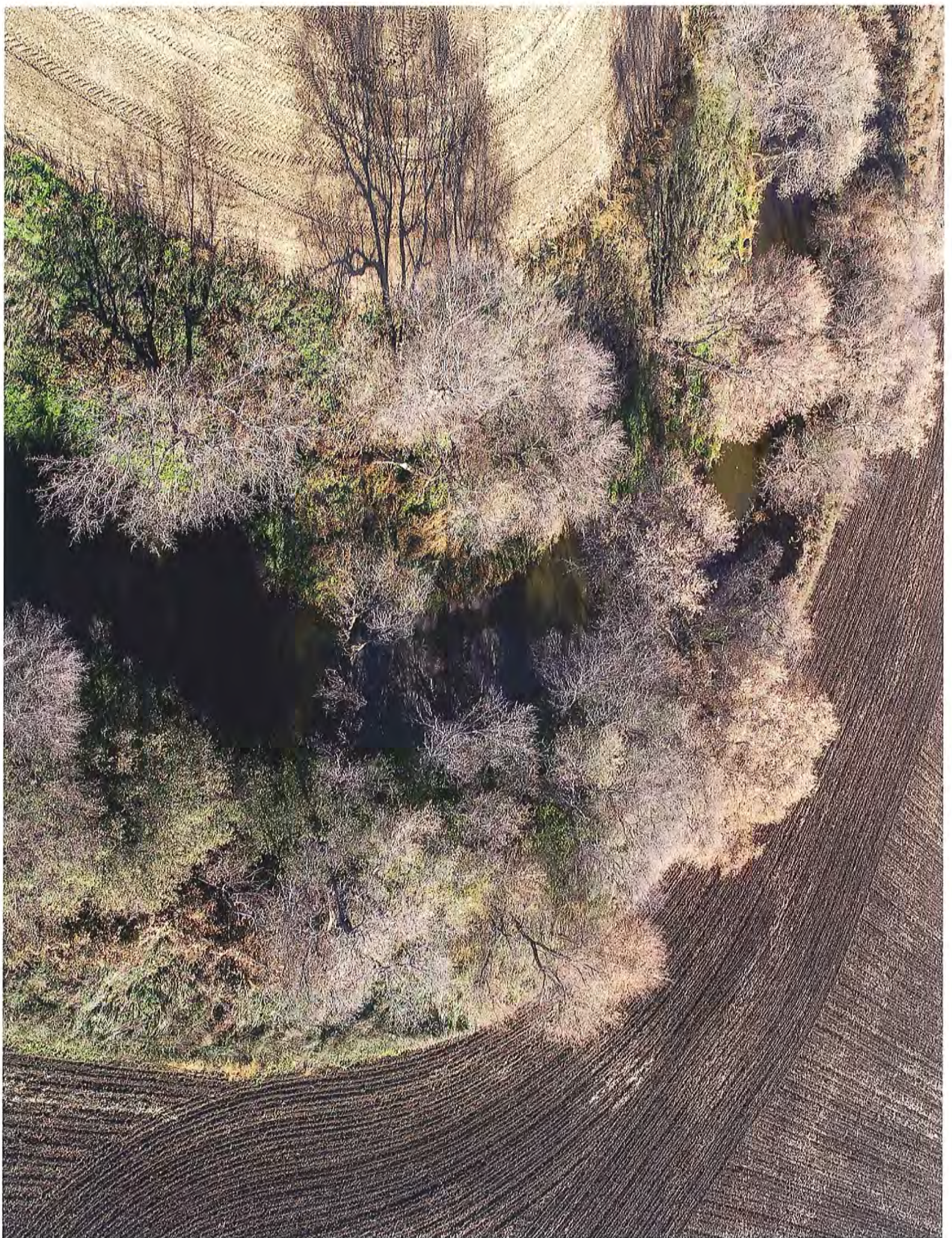








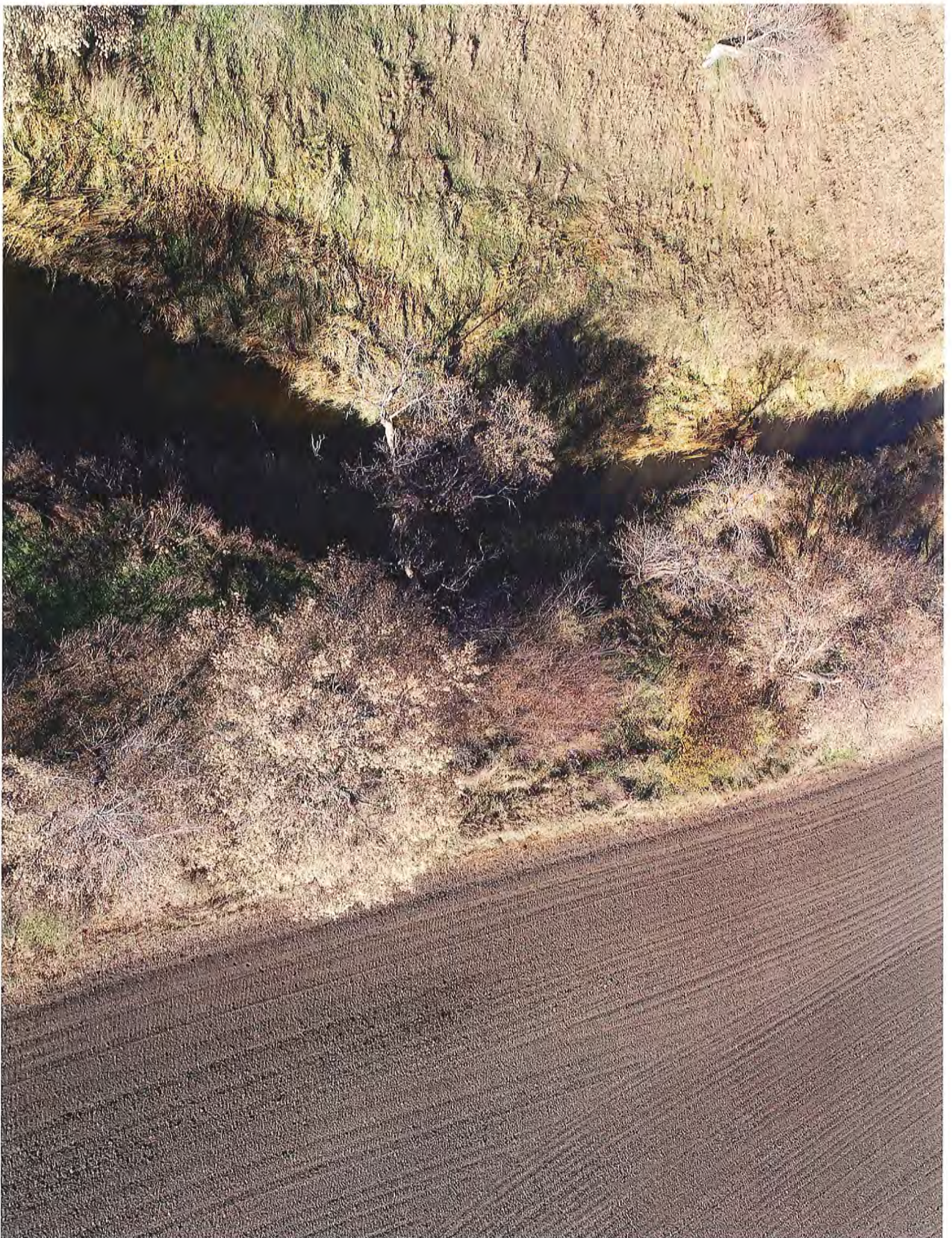
























November 13, 2018

Southeast Cass  
Water Resource  
District

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Lance Yohe  
Manager  
Fargo, North Dakota

Ken Pawluk  
Manager  
Fargo, North Dakota

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
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Rick Steen  
Chairman  
Cass County Commission  
P.O. Box 2806  
Fargo, ND 58108-2806

Dear Chairman Steen:

RE: Sheyenne River Snagging and Clearing Project

The Southeast Cass Water Resource District (WRD), as well as the other water resource districts in Cass County, regularly undertake efforts to remove silt, vegetation and other obstructions from the rivers within their districts. These snagging and clearing projects help to maintain the conveyance capacity of these waterways and reduce the likelihood of debris accumulating at bridges and other constrictions in the channels. The result of these efforts is a more efficient channel that can convey more water within the channel and reduce overland flooding and related damages. These projects also reduce damages to bridges and other public infrastructure.

In the past, the North Dakota State Water Commission (NDSWC) provided 50% cost-share for snagging and clearing projects throughout the state, subject to the availability of funds. Within the last year funds have not only been unavailable, but the legislature and NDSWC have removed snagging and clearing projects from the list of projects that are eligible for cost-share participation from the state. This is unfortunate because the need for these projects, particularly in Cass County, is as great as ever due to the amount of deadfall and woody debris that is falling into the rivers as a result of the current wet cycle and the additional water coming from Devils Lake. All of this excess water is saturating the banks and promoting erosion and bank failures that are pulling trees and vegetation into the river channels.

The WRD is currently planning to complete a snagging and clearing project on the Sheyenne River within Cass County. The estimated cost of the project is \$800,000.

Rick Steen  
Page 2  
November 13, 2018

With this letter and submission of supporting data, the WRD respectfully requests cost-share from the Cass County Flood Sales Tax Committee. The WRD believes that the flood risk reduction and flood damage reduction benefits associated with this project, and other snagging and clearing projects, would warrant the Committee's participation in funding these projects that benefit parts of rural Cass County.

If you have any questions, please feel free to contact me or our project manager, Mike Opat, Moore Engineering, Inc., 701-499-5867 or [mopat@mooreengineeringinc.com](mailto:mopat@mooreengineeringinc.com).

Sincerely,

SOUTHEAST CASS WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer

Enclosures









Cass County Flood Sales Tax Potential Project Forecast - Draft List for Years 2019-2030  
11/14/2018

Project Name	Project Sponsor	Project Type	Request Year	Total Cost	State Water Comm.		Red River Joint WRD		Cass Cnty Flood Sales Tax		Local	Notes
					%	SWC Total	%	RRJWRD Total	%	Sales Tax Total		
<b>Rural City Projects</b>												
Amenia Levee	CCJWRD/Amenia	Levee	2019/2020	\$ 3,000,000	60%	\$ 1,800,000	0%	\$ -	75%	\$ 900,000	\$ 300,000	Very rough estimate
Leonard's Way Flood Protection	City of Argusville	Levee	2020	\$ 1,000,000	60%	\$ 600,000	0%	\$ -	75%	\$ 300,000	\$ 100,000	Leonard's Way due to new FEMA floodplain
East View Flood Protection	City of Casselton	Levee	2022	\$ 500,000	60%	\$ 300,000	0%	\$ -	75%	\$ 150,000	\$ 50,000	
Original Townsite Retention	City of Casselton	Internal Retention	2023	\$ 1,500,000	0%	\$ -	0%	\$ -	75%	\$ 1,125,000	\$ 375,000	
Industrial Park Retention	City of Casselton	Internal Retention	2024	\$ 1,500,000	0%	\$ -	0%	\$ -	75%	\$ 1,125,000	\$ 375,000	
Gardner	City of Gardner	Flood Control	2025	\$ 2,500,000	60%	\$ 1,500,000			75%	\$ 750,000	\$ 250,000	Drainage improvements; levee
Flood Control Improvements	City of Harwood	Flood Control	2021	\$ 100,000	0%	\$ -	0%	\$ -	75%	\$ 75,000	\$ 25,000	storm water control structures
Levee Improvements	City of Harwood	Levee	2021	\$ 500,000	0%	\$ -	0%	\$ -	75%	\$ 375,000	\$ 125,000	will need to coordinate with accepted Diversion Plan
Hunter Dam reconstruction	City of Hunter	Retention	2030	\$ 1,500,000	60%	\$ 900,000	65%	\$ 390,000	75%	\$ 157,500	\$ 52,500	Dam= 545 ac-ft x \$2,000/ac-ft+ extra
Original Townsite Retention	City of Kindred	Internal Retention	2023	\$ 1,500,000	0%	\$ -	0%	\$ -	75%	\$ 1,125,000	\$ 375,000	
Development Park Flood Protection	City of Mapleton	Levee	2021	\$ 500,000	60%	\$ 300,000	0%	\$ -	75%	\$ 150,000	\$ 50,000	
Tower City Drainage Improvements	City of Tower City	Flood Control	2030	\$ 250,000					75%	\$ 187,500	\$ 62,500	
<b>Rural City Project Total Costs</b>				<b>\$ 14,350,000</b>		<b>\$ 5,400,000</b>		<b>\$ 390,000</b>		<b>\$ 6,420,000</b>	<b>\$ 2,140,000</b>	
<b>Water Resource District Projects</b>												
Snagging & Clearing	WRD	Snagging & Clearing	Annual	\$ 100,000	0%	\$ -	0%	\$ -	75%	\$ 75,000	\$ 25,000	Annual
Upper Maple Impoundment #1	CCJWRD	Retention	2020	\$ 16,000,000	60%	\$ 9,600,000	65%	\$ 4,160,000	75%	\$ 1,680,000	\$ 560,000	Site 5= 8,000 ac-ft @ spillway x \$2,000/ac-ft
Upper Maple Impoundment #2	CCJWRD	Retention	2021	\$ 9,400,000	60%	\$ 5,640,000	65%	\$ 2,444,000	75%	\$ 987,000	\$ 329,000	Site 2A= 4,700 ac-ft @ spillway x \$2,000/ac-ft
Floodway Buyouts	CCJWRD	Buyout		\$ 1,000,000	0%	\$ -	0%	\$ -	90%	\$ 900,000	\$ 100,000	FEMA=80%, Sales Tax=90% of local cost
FEMA mapping/Floodplain Management	CCJWRD		2019-2084	\$ 65,000	0%	\$ -	0%	\$ -	75%	\$ 48,750	\$ 16,250	
Upper Maple River Dam- Improvement	Maple River WRD	Retention	2019	\$ 100,000	0%	\$ -	65%	\$ 65,000	75%	\$ 26,250	\$ 8,750	
Tower Township Project #77	Maple River WRD	Retention/Drainage	2020	\$ 6,000,000	45%	\$ 2,700,000	0%	\$ -	25%	\$ 825,000	\$ 2,475,000	Committee approved 25%, but not list in obligations
Surface/Subsurface Drainage Study	RRBC/CCJWRD	Retention/Drainage									\$ -	Future projects could come out of this study
Snagging & Clearing	Southast Cass WRD	Snagging & Clearing	Annual	\$ 400,000	0%	\$ -	0%	\$ -	75%	\$ 300,000	\$ 100,000	Annual
Watershed Dam Repairs	WRDs	Retention	Annual	\$ 5,000	0%	\$ -	0%	\$ -	75%	\$ 3,750	\$ 1,250	Annual
EAP Updates	WRDs	EAP	Annual	\$ 5,000	0%	\$ -	0%	\$ -	75%	\$ 3,750	\$ 1,250	Annual
<b>Water Resource District Project Total Cost</b>				<b>\$ 33,075,000</b>		<b>\$17,940,000</b>		<b>\$ 6,669,000</b>		<b>\$ 4,849,500</b>	<b>\$ 3,616,500</b>	
<b>Grand Total</b>				<b>\$ 47,425,000</b>		<b>\$23,340,000</b>		<b>\$ 7,059,000</b>		<b>\$ 11,269,500</b>	<b>\$ 5,756,500</b>	

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

ADOPTED DATE: DECEMBER 4, 2017

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### 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.

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

ADOPTED DATE: DECEMBER 4, 2017

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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 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

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

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

ADOPTED DATE: DECEMBER 4, 2017

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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_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.

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

ADOPTED DATE: DECEMBER 4, 2017

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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