

FLOOD SALES TAX COMMITTEE
AGENDA FOR JUNE 1, 2020

Cass County Commission

Conference Room

1:00 PM

1. Call to Order
2. Approve minutes from previous meeting
3. Flood sales tax fund update
4. Status of previously approved projects
5. Review of projects and selection of projects to be funded in 2020
6. Other business
7. Adjournment

cc: Local Media

**FLOOD SALES TAX COMMITTEE
NOVEMBER 4, 2019—1:00 PM**

1. MEETING TO ORDER

Commissioner Mary Scherling called a meeting of the Flood Sales Tax Committee to order on Monday, November 4, 2019, at 1:00 PM in the Commission Conference Room, Cass County Courthouse, with the following present: County Finance Director Michael Montplaisir; County Commissioner Mary Scherling; County Commissioner Rick Steen; County Administrator Robert Wilson; County Engineer Jason Benson via conference call; and Joint Water Resource District Representative Rodger Olson via conference call.

Also present were Commissioner Duane Breitling; Commissioner Ken Pawluk; Deputy County Engineer Tom Soucy; County Planner Barrett Voigt; Cass County Water Resource District Secretary-Treasurer Carol Lewis; Red River Basin Commission Executive Director Ted Preister; and Engineers Kurt Lysne and Andrew Aakre from Moore Engineering.

2. MINUTES APPROVED

MOTION, passed

Mr. Steen moved and Mr. Montplaisir seconded to approve the meeting minutes from May 6, 2019, as presented. Motion carried.

3. FLOOD SALES TAX FUND UPDATE

Mr. Montplaisir reviewed the Flood Sales Tax Fund, which has a current balance of \$10,024,751.27, of which over \$2,837,713.07 is designated for the Diversion project. Encumbrances for approved projects total \$989,354.10, which leaves \$6,197,684.10 available for county projects.

Mr. Montplaisir discussed the funding request in the amount of \$1.4 million to build an earthen ring levee around Davenport, which was approved contingent on State Water Commission approval and funding participation.

4. STATUS OF PREVIOUSLY APPROVED PROJECTS

Mr. Montplaisir said there are \$989,354.10 in encumbrances yet to be requested for reimbursement of previously approved projects.

Engineer Andrew Aakre of Moore Engineering provided brief updates on the status of city projects still open. He said \$55,500 was approved this year for the Harwood Riverbank Rehabilitation project; however, after a geotechnical study was conducted, it was determined the project cost will be four or five times more than the original cost estimate. The study cost was \$2,500 and he asked if that expense could be reimbursed. Mrs. Scherling said to submit the cost for consideration. Mr. Aakre said the intention is to submit an updated project scope and cost estimate for consideration by the committee.

Engineer Kurt Lysne of Moore Engineering gave brief updates on the status of several open projects located outside rural cities.

5. REVIEW AND SELECTION OF ADDITIONAL PROJECTS TO BE FUNDED IN 2019

Dan and Kathy Auka Ring Levee Project in Berlin Township

Mr. Lysne said Dan and Kathy Auka submitted a request to construct a ring levee around their property in Berlin Township. The Rush River Water Resource District submitted a request for cost share assistance to the State Water Commission. The total project cost is \$45,000. The State Water Commission approved funding in the amount of \$24,347.83. The remaining local share is \$20,826.00.

Mr. Lysne said a 20% contingency was requested, but the state only approved a 10% contingency, which is the reason why the two figures do not total \$45,000. The request of the committee is for a 50% cost share of \$10,313.10.

Kathy Auka was present and said their property was flooded this past spring because of ice jams along the Rush River. Mr. Benson said this project will provide a benefit to this property that is located outside the Flood Diversion footprint.

MOTION, passed

Mr. Steen moved and Mr. Montplaisir seconded to approve 50% of the local cost share in the amount of \$10,313.10 for the Dan and Kathy Auka Ring Levee Project. On roll call vote, the motion carried unanimously.

Maple River Dam Site T-180 Safety Improvements Project

Mr. Lysne discussed a request from the Maple River Water Resource District for the T-180 Dam, located on a tributary of the Maple River in Section 24 of Highland Township northeast of Enderlin. There are deficiencies in the dam and upgrades are needed to the principal spillway pipe to ensure stability of the dam. The total project cost is \$320,000. A request for cost share assistance was submitted to the State Water Commission that will be addressed at their February 2020 meeting. The Red River Joint Water Resource District has also been asked for funding. Mr. Lysne said the project includes maintenance items, which are not covered by cost share funding through either the State Water Commission or Red River Joint Water Resource District. The request today is for a 75% cost share of \$34,140.89.

AMENDED MOTION, passed

Mr. Olson moved and Mr. Steen seconded to approve the Maple River Dam Site T-180 Safety Improvements Project at 75% of the local cost share in the amount of \$34,140.89. Discussion: Mr. Steen said Cass County policy does not cover maintenance costs either and believes the motion should be amended to eliminate the maintenance costs from the local cost share. Mr. Lysne said these costs total \$9,375.00. Mrs. Scherling moved and Mr. Steen seconded to amend the motion and change the cost share to reflect the removal of maintenance costs of \$9,375.00 for a total of \$24,765.89. On roll call vote, the motion on the amendment to the main motion carried with Mrs. Scherling, Mr. Steen, Mr. Wilson, Mr. Montplaisir and Mr. Benson voting “Yes”; and Mr. Olson voting “No”.

MAIN MOTION, passed

On roll call vote, the motion carried on the main motion to approve the project with Mrs. Scherling, Mr. Steen, Mr. Wilson, Mr. Montplaisir and Mr. Benson voting “Yes”; and Mr. Olson voting “No”.

6. ADDITIONAL COSTS FOR PREVIOUSLY APPROVED PROJECTS

Western Cass Flood Insurance Study Map Appeal

Mrs. Lewis said in March of this year the Cass County Commission approved a reimbursement to the Southeast Cass Water Resource District for 50% of an additional \$181,346.08 in costs for the Western Cass Flood Insurance Study (FIS).

Mr. Lysne said since that time, the City of Arthur has submitted an appeal to the Revised Preliminary Flood Insurance Rate Map (FIRM) and FIS, resulting in additional modeling associated with the study. The total cost to date is \$207,564.13 or \$26,218.05 in additional expenses. Mr. Lysne said additional costs may be incurred as a result of the map appeal.

The committee again recommended this request be forwarded to the Cass County Commission since this project is not eligible for funding under the current flood sales tax policy for consideration by this committee.

Lake Bertha Flood Control Project No. 75

The committee approved a 50% cost share of \$66,215.45 for Lake Bertha Flood Control Project No. 75 in 2016. The final cost exceeded the estimate by around \$16,000 due to an abandoned railway line, CRP land, and flood easements that added to the project scope. The Cass County Joint Water Resource District is asking for an additional cost share on the local costs of \$8,733.97.

MOTION, passed

Mr. Steen moved and Mr. Wilson seconded to approve an additional cost share of \$8,733.97 for the Lake Bertha Flood Control Project No. 75. On roll call vote, the motion carried unanimously.

7. OTHER BUSINESS

Red River Basin Commission Executive Director Ted Preister provided a brief presentation on a drainage connectivity project, which is completely voluntary and if landowners are not interested, the project will not proceed. The Red River Basin Commission will not move forward unless enough money is raised to cover 25% of the tile cost for participating landowners. The proposed study area is between Drain 70 and Drain 30 in Berlin Township. He is not asking for funding assistance today, but may ask for the committee to consider funding the cost of 1½ miles of infrastructure in the future.

Mrs. Scherling said the county is in a unique position to demonstrate this type of project and perhaps some of the costs may be relative to the goals of this committee.

8. ADJOURNMENT

The chairwoman declared the meeting adjourned at 2:01 PM.

Minutes prepared by Heather Worden, Commission Administrative Assistant



May 22, 2020

Finance Office

Michael Montplaisir, CPA
701-241-5600
montplaisirm@casscountynd.gov

Flood Sales Tax Committee
Cass County Government
211 9th St. S
Fargo ND 58103

Dear Committee Members:

As you review the financial reports for the sales tax fund you will note that currently we have \$7.6 million hand with encumbrances of \$950,148.34 for projects approved but not fully reimbursed as of now. Not on the encumbrance list is a ring levy project for the City of Davenport with a local cost projected to be \$1.4 million. I believe that project is still being considered by the State Water Commission for funding.

The available un-encumbered balance is \$6,664,475.08, if you consider the \$1.425 million for the Davenport ring levy the balance would be \$5,239,475.08.

Sales tax receipts through May 2020 are still strong. I do not believe that the effects of the slowdown in the economy due to the restrictions on shopping and other activities have been fully realized at this time due to the time delay in the sales tax process. The last 12 months over the previous 12 months shows a 5.5% growth rate.

Sincerely,


Michael Montplaisir
Cass County Finance Director

PO Box 2806
211 Ninth Street South
Fargo, North Dakota 58108

www.casscountynd.gov

Cass County Sales Tax Activity (420)			
Cash Basis - 2020			
5/21/2020			
Date	Description	Amount	Balance
	Balance Forward		8,512,304.61
2020	Sales Tax	5,752,174.64	14,264,479.25
2020	Interest	87,658.10	14,352,137.35
1/17/2020	Diversion Board of Authority	(990,276.07)	13,361,861.28
2/14/2020	Diversion Board of Authority	(1,659,957.84)	11,701,903.44
3/20/2020	Diversion Board of Authority	(1,698,324.84)	10,003,578.60
4/9/2020	Diversion Board of Authority	(820,938.90)	9,182,639.70
1/28/2020	County Projects	(8,733.97)	9,173,905.73
3/10/2020	County Projects	(887.22)	9,173,018.51
4/28/2020	County Projects	(24,147.39)	9,148,871.12
5/8/2020	Diversion Board of Authority	(1,227,822.58)	7,921,048.54
			7,921,048.54
			7,921,048.54

Reserved for County Projects - Cash	7,614,623.42	
Reserved for Diversion Project	306,425.12	7,921,048.54

Summary

2020 Receipts

Transfer	-
Sales Tax Revenue	5,752,174.64
Interest Revenue	87,658.10
Total Receipts	<u>5,839,832.74</u>

2020 Expenditures

Diversion Board of Authority	(6,397,320.23)
City of Fargo - Cash Flow Other Sources	-
County Projects	(33,768.58)
Land Purchase	-
Total Expenditures	<u>(6,431,088.81)</u>

Receipts over Expenditures (591,256.07)

Balance from 2019 8,512,304.61

Balance Current 2020 7,921,048.54

Sales Tax by Year

Year	Amount	Change
2011	7,612,423	
2012	14,494,309	
2013	14,964,867	470,558
2014	15,986,941	1,022,074
2015	16,929,904	942,963
2016	16,179,223	(750,681)
2017	15,530,079	(649,144)
2018	15,582,873	52,794
2019	16,031,097	448,224
2020	5,752,175	Through April

Current County Projects			
5/21/2020			
Project	Total Approved	Paid	Left to Pay
Round Hill Project	\$ 350,696.00	\$ 350,696.00	\$ -
City of Oxbow Diking	\$ 105,284.29	\$ 105,284.29	\$ -
2012 City of Argusville Diking	\$ 168,925.00	\$ 168,925.00	\$ -
2012 Maple-Steele WRD Study	\$ 20,562.00	\$ 20,562.00	\$ -
2012 City of Mapleton - Lift Station	\$ 52,500.00	\$ 52,500.00	\$ -
2013 Pontiac Township - Project No 73	\$ 448,000.00	\$ 448,000.00	\$ -
2013 City of Argusville - Levee improvement	\$ 23,874.73	\$ 23,874.73	\$ -
2013 City of Casselton - Levee Repairs	\$ 23,750.00	\$ 19,598.17	\$ 4,151.83
2013 Maple-Steele - Dam Project	\$ 17,500.00	\$ 1,793.70	\$ 15,706.30
2014 City of Mapleton Levee Recertification 2012-1	\$ 543,324.58	\$ 543,324.58	\$ -
2014 Pontiac township Project no 73 additional	\$ 52,000.00	\$ 52,000.00	\$ -
2014 Upper Maple River Dam	\$ 706,000.00	\$ 706,000.00	\$ -
2014 Lake Bertha Flood Water Detention (reduced from 242500)	\$ 74,949.42	\$ 74,949.42	\$ -
2014 Detention project Development	\$ -	\$ -	\$ -
2015 Normanna Township Slide Repair and Road Move	\$ 40,500.00	\$ 40,500.00	\$ -
2015 Upper Maple River Detention Study Phase II	\$ 45,500.00	\$ -	\$ 45,500.00
2015 Rush River Detention Study Phase II	\$ 45,500.00	\$ -	\$ 45,500.00
2015 Swan Creek Detention Study Phase II	\$ 45,500.00	\$ 10,990.59	\$ 34,509.41
2015 Harwood Levee Improvements	\$ 556,935.00	\$ 454,785.47	\$ 102,149.53
2015 Casselton Industrial Park Improvements	\$ 255,000.00	\$ 253,000.67	\$ 1,999.33
2015 Reed Township Road Raise	\$ 60,308.18	\$ 60,308.18	\$ -
2016 City of Mapleton Levee Raise	\$ 99,812.68	\$ 88,057.80	\$ 11,754.88
2016 City of Mapleton Levee Recert change order	\$ 14,867.00	\$ 14,867.00	\$ -
2016 Erie Dam Repairs (25,000 removed)	\$ -	\$ -	\$ -
2016 Absaraka Dam Repairs	\$ 11,183.50	\$ 11,183.50	\$ -
2016 Garsteig Dam Repairs	\$ 12,202.64	\$ 12,202.64	\$ -
2016 Embden Dam Repairs	\$ 10,263.87	\$ 10,263.87	\$ -
2016 Drain 77 Study Maple River Water Resource	\$ 20,000.00	\$ 20,000.00	\$ -
2017 Upper Maple River Dam Project	\$ 361,500.00	\$ 361,500.00	\$ -
2017 Erie Dam Project (10,000 removed)	\$ -	\$ -	\$ -
2017 Casselton Map Revision Project	\$ 12,472.45	\$ 12,472.45	\$ -
2017 Davenport Flood Risk Reduction Project	\$ 32,500.00	\$ 32,500.00	\$ -
2017 Sheldon Addition Ring Levee Project	\$ 462,750.00	\$ -	\$ 462,750.00
2017 Casselton Storm Water Improvments Projects	\$ 128,762.04	\$ 128,762.04	\$ -
2018 City of Arthur Storm Sewer	\$ 266,250.00	\$ 264,404.73	\$ 1,845.27
2018 City of Hunter Dam Projects	\$ 23,582.80	\$ 9,733.39	\$ 13,849.41
2018 Red River Basin Commission	\$ 125,000.00	\$ 56,702.74	\$ 68,297.26
2018 Mapleton Levy Recertification	\$ 30,323.00	\$ -	\$ 30,323.00
2019 Harwood Riverbank Rehabilitation Project	\$ 55,500.00	\$ -	\$ 55,500.00
2019 Upper Maple River Dam Improvements	\$ 21,233.13	\$ -	\$ 21,233.13
2019 Auka Ring Levy	\$ 10,313.10	\$ -	\$ 10,313.10
2019 T-180 Dam Safety Improvements	\$ 24,765.89	\$ -	\$ 24,765.89
Total	\$ 5,359,891.30	\$ 4,409,742.96	\$ 950,148.34

Reserve for County Projects 2020 Activity

Balance of Cash Carried forward from 2019	\$ 7,298,002.04
2020 Reserves	350,389.96
Total	7,648,392.00
Paid in 2020	33,768.58
Encumbrances	950,148.34
Un-encumbered Balance	<u>\$ 6,664,475.08</u>

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.

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 six-member committee made up of the following members:

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

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

FUNDING ELIGIBILITY

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

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

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

ADOPTED DATE: DECEMBER 4, 2017

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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. Generally levee projects should be constructed to FEMA and/or US Army Corps of Engineer standards. However, individual rural farmsteads cannot be "certified" by FEMA or the US Army Corps of Engineers as they not maintained by either a city or township that is a member of the National Flood Insurance Program.
7. Road Projects that provide infrastructure protection to prevent significant future flood damage. These requests may be standalone projects or in conjunction with post-flood damage repair with or without FEMA cost share.
8. Road access (road raises or other infrastructure improvements that will allow access to a city, subdivision, or rural residence/farmstead).
9. Embankment slumping along the Red River, Wild Rice River, Sheyenne River, Maple River, Rush and Lower Rush Rivers, and Legal Drains. River slumping projects may include road and infrastructure repair, home buyouts, and repair to legal drains.
10. Home buyouts for flooding and bank slumping.
11. Flood Recovery projects to include: Levee repair, road repair, bridge repair, and other infrastructure related repair projects. None infrastructure flood recovery such as debris removal and sandbag cleanup will not be eligible.

Cass County Sales Tax Cost Share:

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

SUBJECT: COUNTY SALES TAX FOR FLOOD RISK REDUCTION AND RECOVERY
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

HARWOOD TOWNSHIP
CASS COUNTY, NORTH DAKOTA

% 126 Brooktree Park
Harwood, ND 58042-4304

Daniel J. Palmer, Chairman
Allen L. Schumacher, Supervisor
James J. Haag, Supervisor

Jann Monson, Treasurer
Douglas A. Warnecke, Clerk
Douglas A. Warnecke, Zoning/Flood

dwjwdakota@earthlink.net

22 February 2020

RECEIVED
CASS COUNTY COMMISSION

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

FEB 24 2020

REF: Flood Risk
Reduction Projects


Dear Chairman Peterson:

Reference your inquiry letter of 18 February 2020 and the ½ cent, 20 year flood risk reduction sales tax. On behalf of the Harwood Township residents and the Township Board of Supervisors, the following considerations, observations and opinions are offered:

1. **Point of Contact (POC):** Douglas (Doug) A. Warnecke, Flood Plain Admin. Hwd Twp.
2. **Funding Sources:** Federal Emergency Mgmt Agency, Soil Conservation Service, State Water Commission, Water Resource Districts, ND Disaster Agency, Cass County Sales Tax and Landowners among any other available source(s).
3. **Project (site) Ownership/Maintenance :** Individual benefactor(s) and legal Owner associations on private property. Cass County and/or Harwood Township on road and culvert projects and Cass County on bridges.
4. **Project Descriptions:** Please see attached suggestions for serious consideration.

Consideration and observations are based on protection of health and safety, population aging/abilities, existing infra-structure, government entities and individual financial burdens, U. S. Postal Service delivery delays, ingress and egress from all Township points to emergency services, educational facilities, etc..

HARWOOD TOWNSHIP


Douglas A. Warnecke
Flood Plain Administrator
Zoning Administrator
Former Twp Assessor
Clerk, Harwood Twp
701-282-0356

dwjwdakota@earthlink.net

5 Attachments:
Contents/Abbreviations
Projects 1-12
Township Map
Siebels Subd Plat
Brooktree Pk Plat

cc: Twp Bd Members
File - Residents

ATTACHMENT CONTENTS

LOCATION NUMBER	PHYSICAL LOCATION	PAGE NUMBER
1	N ½ S ½ Sec 30, 28 th and 29 th St's (CC 32)	1
2	N ½ S ½ Sec 30, 28 th and 29 th St's (CC 32)	1
3	Sections 30 & 19 & Sec's 29 & 20. (CC 32)	1
4	Sections 29 & 20 - east side. (CC 32)	2
5	South East ¼ Section 20 Harwood Twp	2
6	NW¼ Sec 28 S of 28 th St E of I-29 & W of BNSF	3
7	E end Sec 29 170 th Ave-Rush River Crossing	3
8	E edge Sec 32, ½ mile N on 170 th Ave - 30 th St	4
9	NW ¼ Section 28 - Brooktree Pk Subdivisions	4 & 5
10	171 st Ave/29 th St & 27 th St/Sheyenne River. (Between Sections 21/22 and 28/27)	5
11	Sec's 16,15, 14, 11, 12, 13 /24, 25, 35, 36, 34	6
12	CC roads in Harwood Twp, all Hwd Twp roads	6 & 7

ABBREVIATIONS

BF E	Base Flood Elevation - 100 year water elevation.
BNSF	Burlington Northern Santa Fe Railroad.
CC	Cass County
FEMA	Federal Emergency Management Agency
I-29	Interstate Hiway # 29
NDCC	North Dakota Century Code
N	North
NFIP	National Flood Insurance Program
S	South
SEC	Section
SWC	State Water Commission
TWP	Township
WRD	Water Resource District

SUGGESTED FLOOD RISK REDUCTION PROJECTS
HARWOOD TOWNSHIP, ND

NOTE: PROJECTS NOT PRIORITIZED

LOCATION 1 & 2:

Part of the N ½ and S ½ of Sec 30 between 28th Street (CC Hiway 32) and 29th Street:

BENEFITTED:

Individual landowners and Formal Association (to be formulated) Siebels 1st and 2nd Subdivisions. Township road 169th Avenue. Cass County Hiway 32. Cass County, Federal Emergency Mgmt Agency and National Flood Insurance Program.

PROJECT DESCRIPTION:

Construct earthen dike south of and north of Rush River channel. Approximately .5 mile in length and 2' above base flood elevation.

PROJECT COST: To be determined upon completion of comprehensive study.

FUNDING SOURCES: All Available...

COMMENT:

This project would alleviate immediate flooding concerns in the interim to a possible diversion project - it would also be a long term backup in the event of a diversion failure. (New Orleans Levy and central states Mississippi River levies!)

LOCATION 3:

Between Sections 30 and 19 and Section 29 and 20. (CC Hiway 32)

BENEFITTED:

All individual residents upon sections 29 and 30. CC Hiway Dept., Harwood Township

PROJECT DESCRIPTION:

Install additional - larger flow culvert(s) under 28th Street (CC Hiway 32) oriented north and south on both the east and west sides of 169th Avenue. Large Tax base Contributor

PROJECT COST: To be determined.

FUNDING SOURCE: Cass County Hiway Department.

COMMENT:

Peak flood period photo's are available to show water levels at this site and on Sections

19 and 20 (Dry!)
ATCH 1 PG 2 of 7 - CCC/Peterson – 22Feb2020

HARWOOD TOWNSHIP, ND

NOTE: PROJECTS NOT PRIORITIZED

LOCATION: 4

Between Sections 29 and 20 - east side. (CC Hiway 32).

BENEFITTED:

Cass County Hiway Dept., Harwood Township and residents on Section 29.

PROJECT DESCRIPTION:

Elevate 28th Street (CC Hiway 32) at west terminus of paved section on the west side of I-29 overpass and install additional, larger flow culverts.

PROJECT COST: To be Determined.

FUNDING SOURCE: Cass County Hiway Department.

COMMENT:

Peak flood period photo's are available to show water levels at this site and on Sections 19 and 20 (Dry!)

LOCATION 5:

SE ¼ Section 20 Harwood Twp

BENEFITTED:

Farmstead owner - Lloyd Amundson

PROJECT DESCRIPTION:

Construct earthen dike along west side of farmstead site - east of 28th street culverts.

PROJECT COST: To be determined

FUNDING SOURCE:

Individual ring dike program, SWC, Soil Conservation Service, Water Resource Dist., Owner.

HARWOOD TOWNSHIP, ND

NOTE: PROJECTS NOT PRIORITIZED

LOCATION 6:

NW ¼ Section 28 - south of 28th street and east of I-29 and west of BNSF tracks.

BENEFITTED:

Two Residences and a farming related business entity.

PROJECT DESCRIPTION:

Elevate private roadway/dike to 2' above 100 year flood level. Provide adequate culvert controls for internal water collection.

PROJECT COST: To be determined.

FUNDING SOURCE:

Individual Ring Dike program - Soil Conservation Svc, Water Resource Dist. SWC, Owners.

LOCATION 7:

East end of Section 29 under 170th Avenue. Rush River Crossing.

BENEFITTED:

All residents west of I-29 in Harwood Township. Harwood Township. Rush River Water Resource District.

PROJECT DESCRIPTION:

Elevate road to 1' above 100 year Base Flood Elevation. Remove the "S" curve in 170th Avenue - straighten and replace culverts with a bridge structure and proper guardrails and signage.

PROJECT COST: To be determined.

FUNDING SOURCE: Rush River Water Resource District, Cass County, Harwood Twp, SWC et al.....

COMMENT:

Without providing elevation and suitable drainage under 28th Street (CC 32) to section 20 - this site is subject to flood failure and is the only routine as well as emergency vehicle roadway available to all areas west of I-29 in Harwood Township. It is currently an extremely dangerous culvert crossing whether flooding or not, day/nite, clear, stormy

HARWOOD TOWNSHIP, ND

NOTE: PROJECTS NOT PRIORITIZED

LOCATION 8:

East edge of Section 32, Approximately ½ mile north on 170th Ave from 30th St.

BENEFITTED:

All residents along and west of 170th Ave., Harwood Township, FEMA, et al.

PROJECT DESCRIPTION:

Elevate low section of road to 1' above 100 year Base Flood Elevation. Install suitable culverts or bridge structure to alleviate road overtopping and drainage for Section 32.

PROJECT COST: To be Determined

FUNDING SOURCE: All Available.

COMMENT:

This is a primary service road to all residents west of I-29 and is closed due to high water during flood periods.

LOCATION 9:

Brooktree Park and Brooktree Park 1st Subdivisions on NW ¼ Section 28 - North of 28th Street and East of CC Hiway 81, west and north of and on the Sheyenne River.

BENEFITTED:

Formal Association of Twenty Five family households, Harwood Township, West Fargo School District, City of Harwood and Cass County, Federal Emergency Mgmt Agency, ND Disaster Services and the National Flood Insurance Program.

PROJECT DESCRIPTION:

Raise north and east earthen dikes to 2' above 100 year Base Flood Elevation. Elevate east approach into development from CC hiway 81 by a minimum of 1 foot. Develop and provide a permanent water pumping system to drain "Park area" during river flood periods when culverts are closed. The "Park Area" contains development electrical and telephone services, a municipal sewage lift/pumping station to Harwood City; a swimming pool, ball diamond and playground equipment. Additionally, it is the central collection point for all interior snow melt/excess rainfall which must be pumped out to alleviate threat to the lift station and sewer manholes.

PROJECT COST: To be determined.

FUNDING SOURCE: All Available Programs.

HARWOOD TOWNSHIP, ND

NOTE: PROJECTS NOT PRIORITIZED

LOCATION 9: (Cont'd)

COMMENT:

The road/dike is utilized by all residents and West Fargo and Northern Cass School District buses. It is owned and maintained by Harwood Township. Brooktree Park represents a substantial contributor to the tax base of Harwood Township and Cass County.

LOCATION 10:

Low portions of 171st Ave between 29th St and 27th Street to the Sheyenne River. (Between Sections 21/22 and 28/27 Harwood Twp.

Additionally, there are several residences bordered on one side by the Sheyenne River which could be ring diked and are not included individually herein as "Location Sites".

BENEFITTED:

Residences, FEMA, ND Disaster Svcs, W Fargo School District, US Postal Svc, Harwood Twp, et al.

PROJECT DESCRIPTION:

Install proper culverts to aid drainage. Raise roadway by approximately 6" in low areas. Construct ring dikes

PROJECT COST: To be determined.

FUNDING SOURCE: All available.

COMMENT:

This is a critical emergency vehicle, school bus, mail delivery roadway serving several residents and a commercial farming business along the west and east sides thereof. This is the only ingress/egress roadway, during peak flood periods, as 28th St. east to 173rd Avenue (CC 32) is virtually impassable due to overland, Sheyenne flood and Red River back waters.

HARWOOD TOWNSHIP, ND

NOTE: PROJECTS NOT PRIORITIZED

LOCATION: 11:

Residents and Farmsteads in Sections 16,15, 14, 11, 12 and 13 as well as 24 and 25, 35, 36 and 34.

BENEFITTED:

Individual Owners, FEMA, NFIP, ND Disaster Svcs, Harwood Twp, et al.

PROJECTS DESCRIPTION:

Individual Ring Dikes constructed to a minimum of 2' over 100 year Base Flood Elev.

PROJECTS COST: To be determined on an individual site basis.

FUNDING SOURCE: Cost share among all available sources.

COMMENT:

The flooding in Harwood Township is reaching epic proportions and are increasing on an annual basis. The hardships, health and safety hazards, inconvenience, loss of individual productivity by employees and employers alike and loss of local business revenues are seriously impacted by these on-going events.

Additionally, the constant drain on Federal, State, County, Township and resident budgets can only worsen with additional events.

LOCATON 12:

All Cass County roads in Harwood Township and all Township roads with spot elevations below the 100 year BFE as mapped and as revised from time to time need to be elevated with the addition of suitable cap controlled culverts installed. As an example of a primary essential services roadway 173rd Ave, (CC 31) in several places should be raised with additional capped culverts added as required to continue adequate drainage and prevent backwater inundation.

COMMENTS:

Additionally, with the raising of I-29 and the increased flow thru new bridge structures there-under as well as the BNSF tracks - CC 81 will experience greater overtopping and shoulder erosion in Reed Township at the south edge of the City of Harwood.

Further, great concerns are being expressed with the prospect of Devils Lake waters into the Sheyenne River - which is already at capacity in these wet periods. Increased diking by Moorhead and Minnesota - narrowing the Red River Channel and forcing those waters to the west can only increase the levels in ND bordering areas.

ATCH 1 PG 7 of 7 - CCC/Peterson – 22Feb2020

ATCH 1 PG 7 of 7 - CCC/Peterson – 22Feb2020

HARWOOD TOWNSHIP, ND

NOTE: PROJECTS NOT PRIORITIZED

LOCATON 12: COMMENTS: (Cont'd)

More concerns are being expressed with the as planed termination of the proposed US Army Corps of Engineers ND Diversion project near Argusville. The concerns are with the backwaters from this terminus, in addition to the Sheyenne River terminus with the Red River in close proximity. It would appear, during peak floods, I.e., 1975, 1997, 2009 and 2010, 2019 diversion backwaters would aggravate flood conditions all along the Sheyenne River east of the BNSF tracks (CC 81) and along the Red River to Section 24 in Harwood Twp.

Further detailed clarifications and study are needed to refute or substantiate these expressed concerns.

A couple of substantial farm site ring dikes are in planning or progress stages in Harwood Township in Section 1 and 17.

I recall the NDCC addresses and does not allow the using of roads as water dikes - however, with the installation of suitable culverts and elevating the roads in those areas - it would not impede the flow of water, which I believe is the purpose of the law.

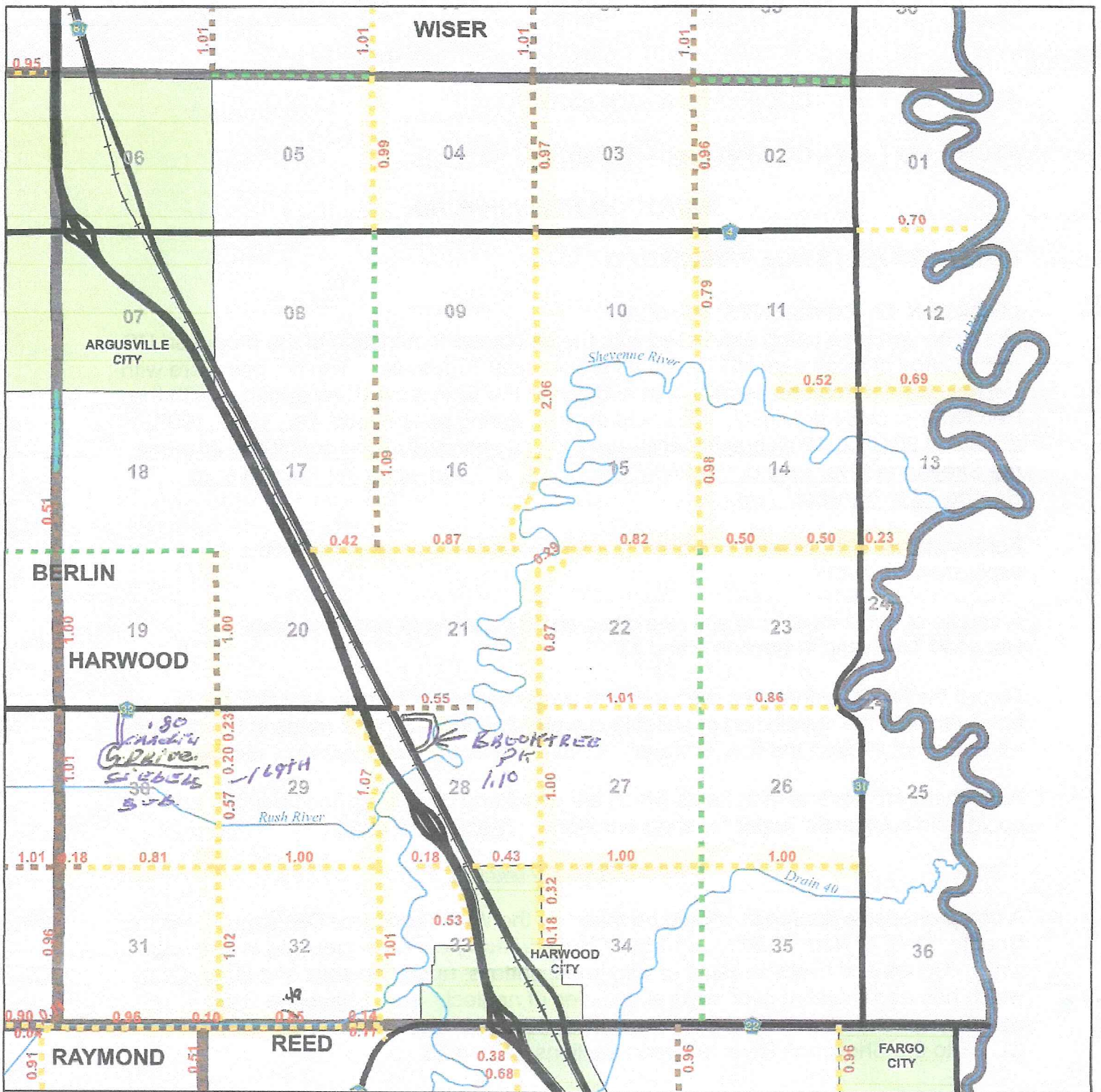
Also, there are several farm fields which are diked and dry during flood periods and could hold substantial water for short durations. (Section 19 et al).

ADDITIONAL COMMENT:

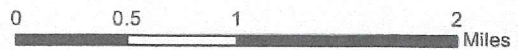
A comprehensive approach should be taken by the Water resource District(s), Cass County, State of North Dakota, and Soil Conservation Service to cleaning all drainage ways, ditches and rivers/streams of wild trees, cattails, bush, top soils and other debris which has accumulated over several decades of neglect. (I.e. Sheyenne River corridor, bottoms of county drains, north and south side ditches along 28th Street from CC 81 to the Sheyenne River between sections 21 and 28.

This action alone would enable a smoother flow of flood water as well as increased storage capacity when required.

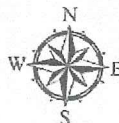
Note: Cass County Hiway Dept. has completed a 2019-2020 re-assessment of Cass County Hiway 32 west of I-29 to the east Berlin Township line. Contact Mr. Jason Benson or Mr. Ton Soucy, CC Engineer's for details. (Along Sections 20 and 19 in Harwood Township



Township Road Type - HARWOOD



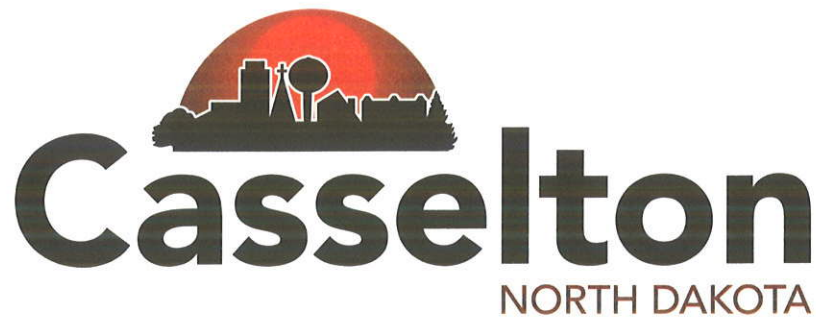
- | | | |
|---------------------------|----------------|-------------------|
| Township Road Type | Interstate | Railroad |
| Gravel | State Highway | River |
| Dirt | County Highway | Lake/Pond |
| Trail/Grass | Other Roads | Township Boundary |
| City Limits | | |



Map Created: 6/22/2015



DISCLAIMER: This map is made available as a public service. Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use, or misuse of the information herein provided.



SHEILA K. KLEVGARD, Auditor

LEE ANDERSON, Mayor

DELVIN LOSING, City Attorney

March 3, 2020

Cass County Commission
Attn: Chad Peterson, Chairman
Box 2806
211 9th Street South
Fargo, ND 58108

RE: Flood Risk Reduction Project Request
City of Casselton – Industrial Park Flood Protection Improvements

Dear Mr. Peterson:

We completed our flood protection project for the Industrial Park in late 2016. The project was intended to protect our Industrial Park from floodwaters that would enter the city from the west. This is a project that received cost-share from the Flood Risk Reduction fund. During the spring of 2019, it was identified that a portion of the flood protection dike was not properly constructed, thus allowing flood waters to potentially enter into the City's storm sewer system. A plugged/iced culvert stopped the floodwaters from entering the city's storm sewer system, but water did flood an adjacent underpass as shown in the attached picture. The original contractor that constructed the project, Adelman Concrete & Excavating, is no longer in business and the performance bond has since expired. In the essence of time, we had engineered plans prepared for the dike correction and contracted with Comstock Construction to complete the repairs this last fall. The work is now substantially complete, and final stabilization will be verified next spring.

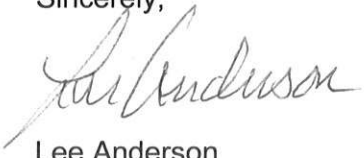
We are respectfully requesting approval of 50% in cost-share toward corrective work for this project. The project cost is estimated at \$60,000. We have been previously approved for \$255,000 in cost-share towards this project and have used \$253,000.67, leaving \$1,999.33 remaining. We have also been approved for \$23,750 in cost-share towards another levee repair project, but have only used \$19,598.17, leaving \$4,151.83 remaining. The previous levee repair project is complete and will have no further cost-share requests. Timing was of the essence in completing this corrective work, so we were unable to request cost-share prior to completing the work. We are respectfully requesting an additional \$24,000 in cost-share towards this project, which is the difference between our new cost-share request of \$30,000 and the unused balance of previously approved cost-share grants of approximately \$6,000.

CITY OF CASSELTON PO Box 548 Casselton, North Dakota 58012

Phone (701) 347-4861 ext 10 • Fax (701) 347-4505 • E-mail: cassaudit@casselton.org • www.casselton.com

Please find enclosed the additional information requested.

Sincerely,

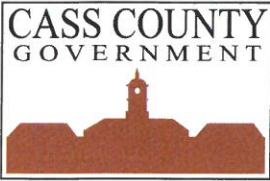
A handwritten signature in cursive script that reads "Lee Anderson". The signature is written in dark ink and is positioned above the printed name.

Lee Anderson

Mayor, City of Casselton

Project Description: **Industrial Park Flood Protection Improvements**

- 1) Point of Contact: Brandon Oye, Moore Engineering Inc.
- 2) Estimated Cost: \$60,000 (See attached Plans and Engineer's Opinion of Cost)
- 3) County Funding Requested: 50%
- 4) Other Funding Sources: Special Assessments
- 5) Who will own and maintain: City of Casselton



MEMORANDUM

Highway Department

Jason Benson, P.E.
County Engineer

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

Blaine Laaveg
Superintendent

TO: Cass County Flood Sales Tax Committee

FROM: Jason Benson, P.E. County Engineer

DATE: May 27, 2020

SUBJECT: Flood Sales Tax Request for Purchase of Hofer and Phillips Properties

Request the Cass County Flood Sales Tax Committee to fund \$873,083 for the acquisition and demolition of two flood properties.

Over the last several years Cass County has attempted to use FEMA funding to acquire both the Todd and Camilla Hofer property at 1415 88th Ave S (located on the Wild Rice River near the confluence with the Red River) and the Dan Phillips property at 2623 173 Ave SE, Argusville (located on the confluence of the Sheyenne and Red Rivers). Due no availability of FEMA HMGP funding and the unsuccessful application for FEMA FMA funding, we are now requesting use of the Cass County Flood Sales Tax funding. The Cass County Flood Sales Tax Policy allows for home buyouts for flooding and bank slumping.

These two properties are unique in that they are:

- Both were built prior to the current adopted 100-year flood plain, floodway, and Minimal/Limited Disturbance Zones along the river
- Both are now located within the 100-year flood plain, floodway, and Minimal/Limited Disturbance Zones along the river
- Both will still be flooded once the FM Diversion Project is complete due to their lower elevation and the FM Diversion now operating at 37 feet
- The Hofer property is facing significant access issues as their primary access is a County owned bridge that has been closed due to flood damage and the NDDOT bridge inspection identifying critical deficiencies. Their other access is also at risk due to bank stability and riverbank slumping. This section of the Wild Rice River is experiencing widespread slumping issues along Cass Highway 81 in the 88th Ave area. To replace the County Bridge would be more than \$1.3 million and would only services this one home. At this time the Cass County Highway Department recommendation is to remove this bridge. Trying to build a new access to the south would also be costly.

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

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

- The Phillips home has significant riverbank slumping. Over the last several years the bank adjacent to the house has slumped. This spring the slumping has intensified and the ground immediately against the basement foundation slumped nearly 10 feet leaving the structure in a precarious and unsafe condition.

These properties were unsuccessful in past rounds of FEMA funded buyouts. The Phillips property is still awaiting approval under a current FEMA application. In the past the County has used the FEMA process of attaining two appraisals. If approved for Cass County Sales Tax Funding, I recommend using the City of Fargo acquisition method of acquiring the property at 110% of the current assessed value as the acquisition cost. This recommendation is based on the variability appraisals due to the unique situations of these homes.

The current assessed value the properties are Hofer (\$458,000) and Phillips (\$216,800). When adding in the 10% plus demolition, asbestos removal, and administrative costs, the total acquisition cost is \$873,083.

SUGGESTED MOTION: Approve to fund \$873,083 for the acquisition and demolition of the Hofer and Phillips properties if unsuccessful in being approved in the current 2019 FEMA acquisition application.

Phillips - 2623 173 Ave SE, Argusville, ND 58005

Item	Cost Estimate
Acquisition Value (Assessed Value \$216,800 X 1.10)	\$238,480
Project Planning	\$2,500
Abstract Updating	\$175
Legal	\$890
Asbestos Survey	\$687
Asbestos Removal	\$30,000
Lead-Based Paint Survey	\$150
Demolition	\$25,000
Management	\$6,000
Total	\$303,882

Hofer - 1415 88th Ave S , Fargo, ND 58102

Item	Cost Estimate
Acquisition Value (Assessed Value \$458,000 X 1.10)	\$503,800
Project Planning	\$2,500
Abstract Updating	\$175
Legal	\$890
Asbestos Survey	\$687
Asbestos Removal	\$30,000
Lead-Based Paint Survey	\$150
Demolition	\$25,000
Management	\$6,000
Total	\$569,202

Totals	\$873,083
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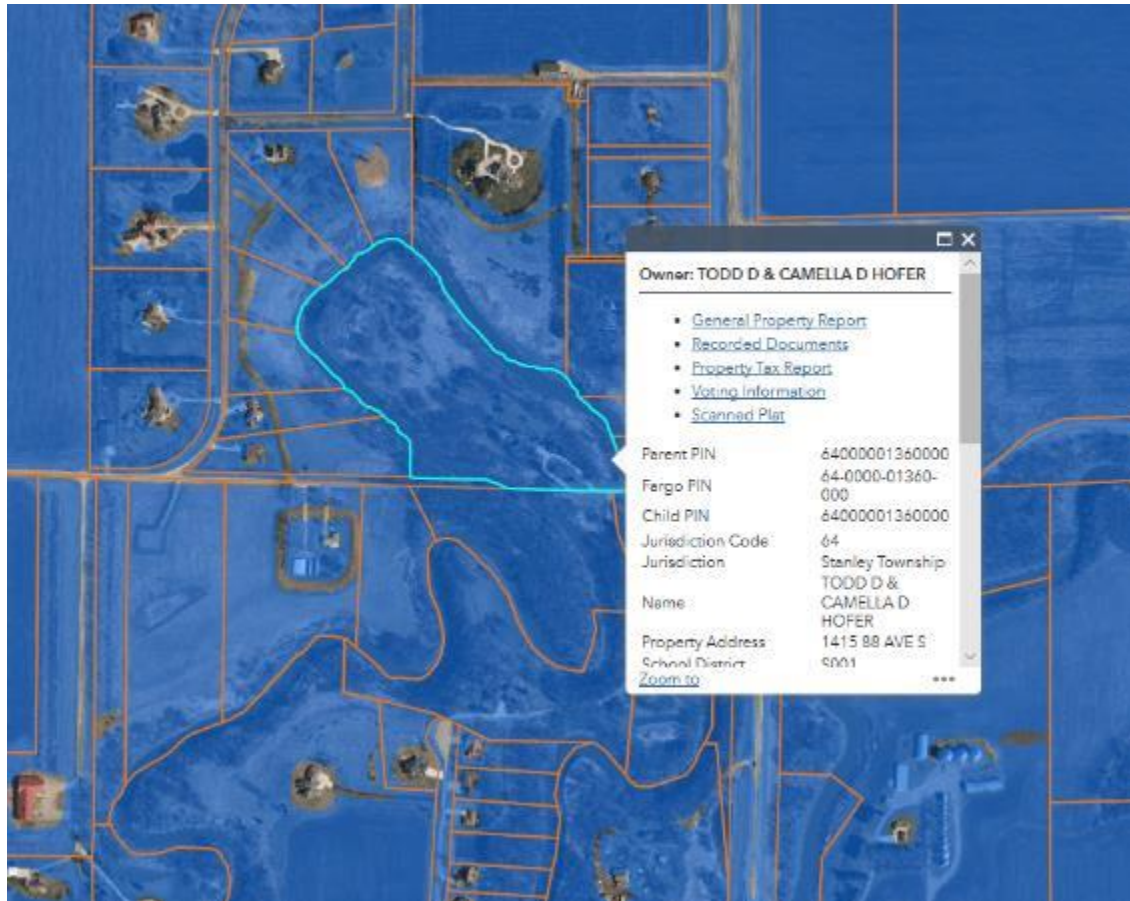
Hofer Property 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River

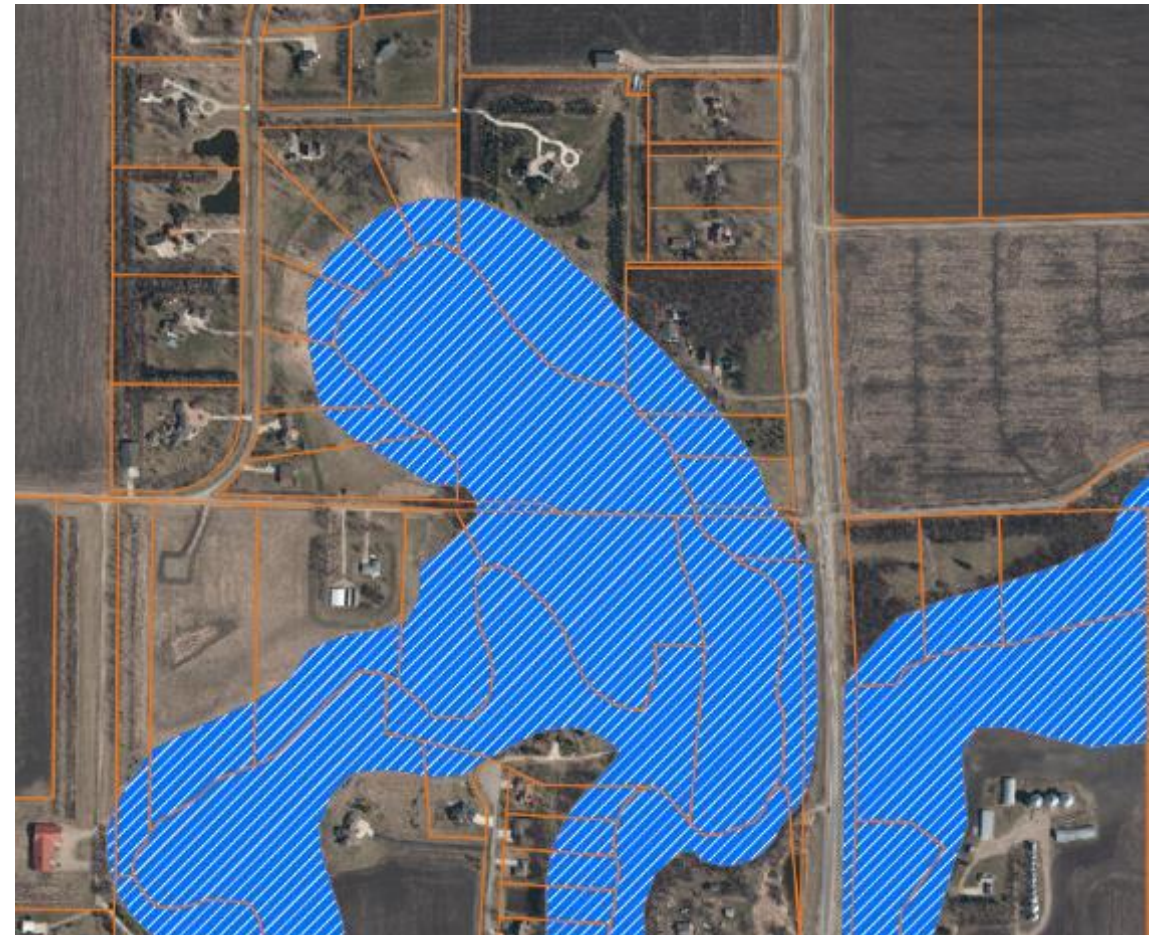
Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River

100-Year Floodplain



Floodway



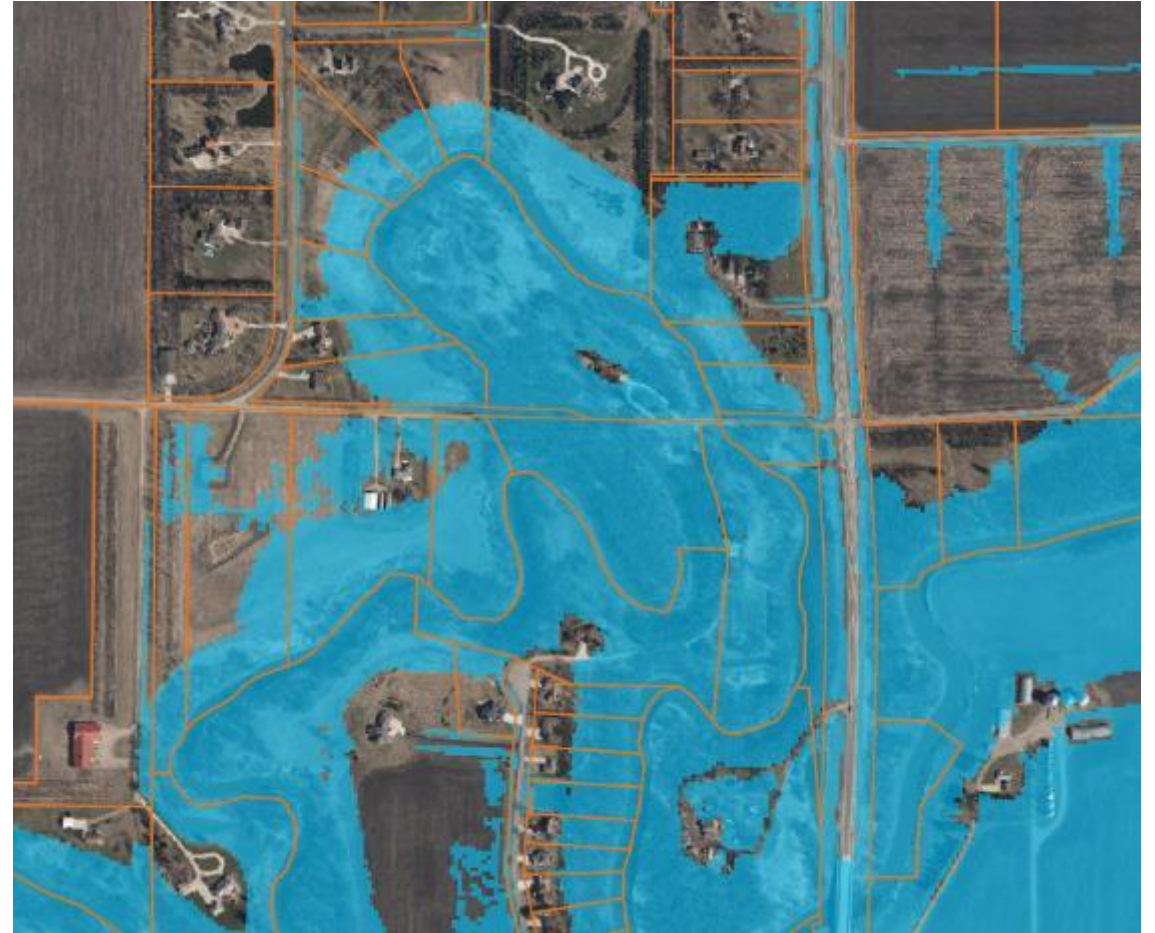
Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River

Minimal/Limited Disturbance Zone



Property with FM Diversion



Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River



Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River



Past flood damage
in 2009 and 2011

Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River



Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River

NDDOT Bridge Inspection:

Alert Code 1: All piling have moderate splitting. Bottom of backwall exposed at west abutment. Wingwalls are leaning and have erosion behind them. Steel tie-rod between girders is bent in center span. Upper bolted x-brace connection at south end Pier 3 is loose. Pile #1 at west abutment is leaning 1-1/4" in 2'. Abut 1 leaning east

Alert Code 2: Large splits in Abutment Pile #'s 1, 2, 4, & 5-east & Pile 5-west. Heavy debris against the north side of the structure is blocking the entire channel. - 9/26/2019

Alert Code 3: Both abutment caps have rotated and are 50% off of the piling. Abutment 4 is leaning west

Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River



Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River



Debris removal costs at this bridge have been upwards of \$25,000 per year

Hofer Property at 1415 88th Ave S

Located on the Wild Rice River near the confluence with the Red River

Hofer - 1415 88th Ave S , Fargo, ND 58102	
Item	Cost Estimate
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Project Planning	\$2,500
Abstract Updating	\$175
Legal	\$890
Asbestos Survey	\$687
Asbestos Removal	\$30,000
Lead-Based Paint Survey	\$150
Demolition	\$25,000
Management	\$6,000
Total	\$569,202

Phillips Property
2623 173 Ave SE, Argusville

Located on the confluence of the Sheyenne and Red Rivers

Phillips property at 2623 173 Ave SE, Argusville
Located on the confluence of the Sheyenne and Red Rivers

100-Year Floodplain



Floodway



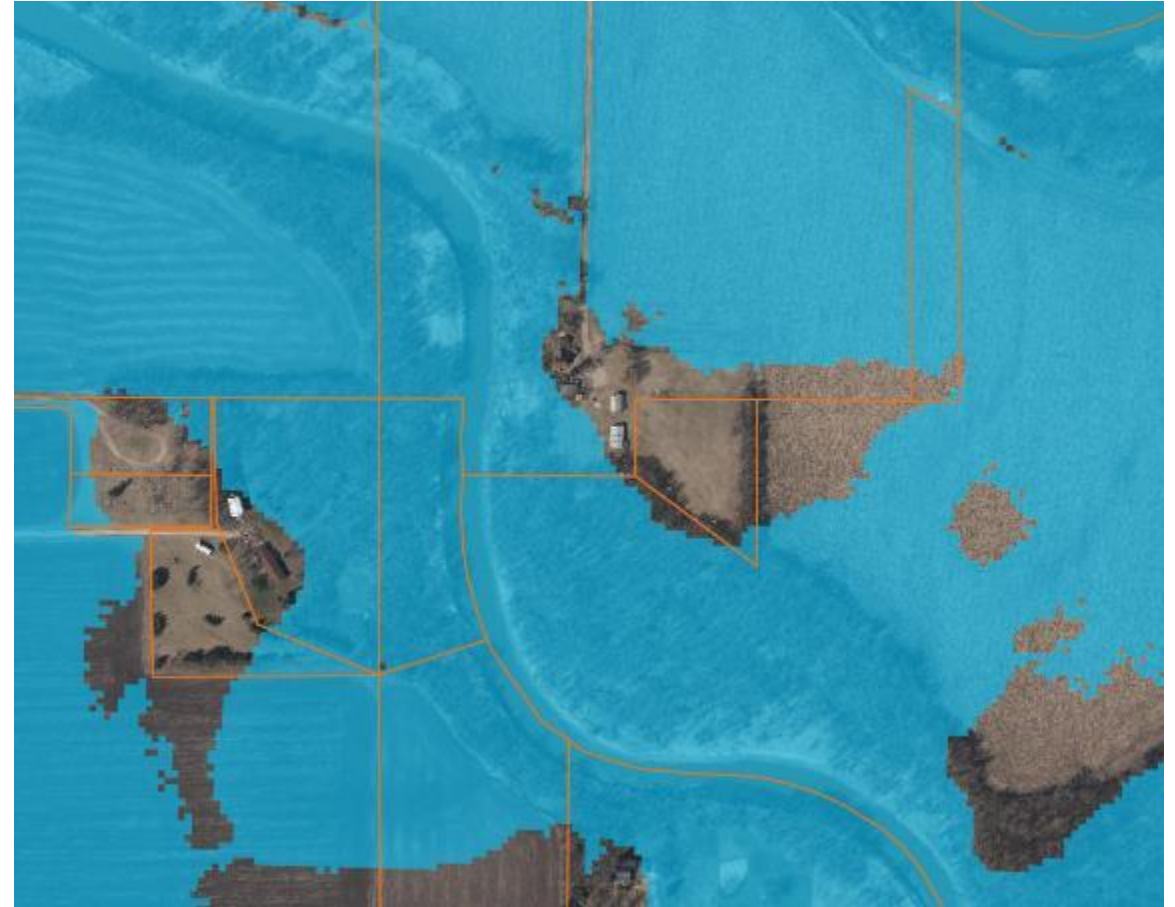
Phillips property at 2623 173 Ave SE, Argusville

Located on the confluence of the Sheyenne and Red Rivers

Minimal/Limited Disturbance Zone



Property with FM Diversion



Phillips property at 2623 173 Ave SE, Argusville
Located on the confluence of the Sheyenne and Red Rivers



Phillips property at 2623 173 Ave SE, Argusville
Located on the confluence of the Sheyenne and Red Rivers



Phillips property at 2623 173 Ave SE, Argusville
Located on the confluence of the Sheyenne and Red Rivers



Fall 2019 Photo



Spring 2020 Photo

Phillips property at 2623 173 Ave SE, Argusville
Located on the confluence of the Sheyenne and Red Rivers



Spring 2020 Photo



Spring 2020 Photo

Phillips property at 2623 173 Ave SE, Argusville
Located on the confluence of the Sheyenne and Red Rivers

Phillips - 2623 173 Ave SE, Argusville, ND 58005	
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