**FLOOD SALES TAX COMMITTEE**

**DECEMBER 7, 2020—1:00 PM**

1. **MEETING TO ORDER**

Commissioner Mary Scherling called a virtual meeting of the Flood Sales Tax Committee to order on Monday, December 7, 2020, at 1:00 PM, with the following present: County Engineer Jason Benson; County Finance Director Michael Montplaisir; County Commissioner Mary Scherling; County Commissioner Ken Pawluk; and County Administrator Robert Wilson. Joint Water Resource District Representative Rodger Olson was absent.

Also present were County Commissioner Rick Steen; Engineers Kurt Lysne and Chris Gross of Moore Engineering; Elm River Water Resource District Chairman Robert Thompson; and project applicant Kathy Auka.

1. **MINUTES APPROVED**

***MOTION, passed***

**Mr. Montplaisir moved and Mr. Benson seconded that the minutes of the previous meeting be approved as written. Motion carried.**

1. **FLOOD SALES TAX FUND UPDATE**

Mr. Montplaisir reviewed the Flood Sales Tax Fund, which has a current balance of $8.1 million, of which $7.8 million is for county projects. Encumbrances for approved projects total $1,588,174.76, which leaves $6.2 million available for county projects at this time. December payments and November and December receipts are not included in these figures.

Mr. Montplaisir said an approved funding request in the amount of $1.4 million to build an earthen ring levee around Davenport is not included on the approved projects list as a finalized request has not yet been received.

Engineer Kurt Lysne from Moore Engineering was present. Mr. Lysne said the Davenport ring dike project continues to move forward and all funding has now been secured. An accurate final project estimate can be expected in about a year, but $1.425 million can be used at this time to track the encumbrance.

1. **STATUS OF PREVIOUSLY APPROVED PROJECTS**

Mr. Montplaisir said quite a few payouts have been completed in the past few months for previously approved projects.

Mr. Lysne gave updates on the status of projects he was familiar with.

Mr. Benson said the Highway Department will continue to work closely with Mr. Lysne and the Water Resource Districts to ensure collaboration and that projects do not overlap.

Mr. Pawluk said he would like to see projects utilize clay and dirt piles generated from other large construction projects.

Mr. Pawluk said as projects are completed a news release should be sent to the media to ensure that rural citizens know that the flood sales tax is going to projects that benefit the outlying region outside of the metro. Mr. Wilson agreed.

1. **CONSIDER ADDITIONAL PROJECT REQUESTS FOR 2020**

Dan and Kathy Auka additional request for ring levee cost

Kathy Auka was present to discuss a previously approved ring levee project on her property. Ms. Auka said when the project was approved the estimated total project cost was $45,000, of which the State Water Commission approved funding of $24,347.83. This committee approved up to 50% of the local cost share, in the amount of $10,313.10. However, after contacting several contractors, project estimates ranged from $69,000 up to $226,000, leaving a much higher cost left to the property owners.

Ms. Auka said while she and her husband greatly appreciate the amount that has already been approved by this committee, they would like to request a higher cost share and a greater amount of assistance. The ring levee will not only be protecting their home, but a business that is also on the property.

Mrs. Scherling asked if the property is in the floodplain and if the Aukas have to pay flood insurance as she believes personal ring levees cannot be certified by FEMA. Ms. Auka said they are not currently required to pay flood insurance but it is her understanding that parts of the property will fall into the floodplain in the future.

Mr. Benson said the Western Cass Flood Insurance Study is expected to be completely adopted by the end of next summer, at which point portions of the Aukas’ property will be in the floodplain. He confirmed that personal ring levees cannot be certified by FEMA.

Mr. Lysne said levees need to be maintained and operated by entities participating in the National Flood Insurance Program in order to be certified by FEMA; however, this does not negate the fact that private levees are still appropriate and achievable.

Mrs. Scherling asked if the levee could be built cheaply as it will not be certifiable by FEMA and will not need to meet their standards. Mr. Lysne said they are already trying to keep this project as low cost as possible, but it will have to meet the standards of the State Water Commission to receive funding.

Mrs. Scherling asked how many other potential property owners may be in a similar situation once the Western Cass Flood Insurance Study is adopted. Mr. Lysne said many property owners will actually be in better positions as rural areas will be much better defined.

Mrs. Scherling asked why there is such a large disparity in the bids received by the Aukas. Ms. Auka said contractors have indicated that much of the anticipated cost would be for the transportation and labor to bring materials on-site.

Mr. Lysne said the Aukas do not have enough material on their own property to use for the project. Additionally, many contractors were very busy catching up on projects in 2020 after a wet fall in 2019, so securing contractors has been a challenge, especially for smaller projects.

Mr. Pawluk said as this project has already been approved, he believes this committee can continue to support the project at the same 50% cost share that was previously approved, even as the project costs have increased.

Mrs. Scherling said she would like to have an updated project cost estimate next spring before changing the funding.

Ms. Auka said the request for an accurate estimate is fair as the current range is very wide. Additionally, she would like to request consideration for this committee to provide more than 50% of the local share as all of the project costs have increased.

Mr. Steen clarified that he is not a committee member at this time, but this committee would have a much better understanding of the overall costs if an accurate project estimate was in place. This committee does have the authority to go above 50% for retention projects if projects to date are not significant.

Elm River Watershed Study

Elm River Water Resource District Chairman Robert Thompson was present to discuss a request to assist in funding a local cost share for a watershed study. Mr. Thompson said the study will evaluate alternatives to address deficiencies in two of the three dams owned and operated by the water district. The total study cost is $120,000, of which the local cost is $16,800. The request from this committee is for $4,000.

Engineer Chris Gross from Moore Engineering said the three dams in the district serve Cass, Traill, and Steele counties, and about 60% of the water from the watershed comes from Cass County.

Mr. Gross said some of the dams’ principal spillways seem to be undersized and emergency spillways have been used extensively.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Benson seconded to approve the Elm River Watershed Study in the amount of $4,000. On roll call vote, the motion carried unanimously.**

1. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:52 PM.

Minutes prepared by Brielle Edwards, HR Assistant