

FLOOD SALES TAX COMMITTEE
AUGUST 15, 2022—1:00 PM

1. MEETING CALLED TO ORDER

Commissioner Mary Scherling called a meeting of the Flood Sales Tax Committee to order on Monday, August 15, 2022, at 1:01 PM in the Commission Room, Cass County Courthouse. The following members were present: Commissioner Rick Steen; County Finance Director, Brandy Madrigga; County Administrator, Robert Wilson; County Engineer, Jason Benson; Water Resource District Representative, Rodger Olson, and Commissioner Mary Scherling via Microsoft Teams. Also present was Assistant County Engineer, Tom Soucy; Commissioner Duane Breitling; and Senior Accountant, Sarah Heinle.

2. MINUTES APPROVED

MOTION, passed

Mr. Steen moved and Mr. Olson seconded that the minutes of the previous meeting be approved as written. Motion carried.

3. FLOOD SALES TAX FUND UPDATE

Ms. Madrigga said the Flood Sales Tax Fund has \$9.68 million in approved projects with \$4.34 million left to pay and an unencumbered balance of \$5.88 million.

4. PROJECT REQUESTS

Cass Highway 81 Slide Repair

Mr. Benson said the Highway Department is requesting a 75% cost share, or \$950,287 to repair a slide on the west side of Cass Highway 81 approximately 300 feet south of 88th Avenue South along the Wild Rice River. He said this project was discussed at the last Flood Sales Tax Committee meeting in April and since then the State Water Commission (SWC) has approved \$732,950 for the project. He said the final design plans for the repair will be completed in the next few weeks. He said the repair has various factors including geotechnical issues and will require a repair that combines riprap and steel wall sheet pile.

Mr. Steen asked if the City of Fargo and Cass Rural Water, who have utilities in the slide, will participate in the cost share. Mr. Benson said the cost to the City of Fargo and Cass Rural Water are small and both entities will be asked to cost share. Mr. Benson discussed the line repairs needed to the Fargo and Cass Rural Water utilities.

Mrs. Scherling said bank stabilization has failed in other parts of the County such as on Cass Highway 31, she asked how this project is different. Mr. Soucy said Cass Highway 31 was a deeper slide on the Red River and started due to a leaking pipe. He said the County has seen similar successful bank stabilization on 100th Avenue along the Wild Rice River.

Mr. Olson asked if this area will be affected by the Metro Flood Diversion being constructed. Mr. Benson said the sliding issue is not due to flooding and the diversion will not affect the slide. Mr. Olson asked how the 75% cost share request fits into the Flood Sales Tax Policy. Mr. Benson said the policy is that projects can be requested at 50% or more for non-retention projects based on the funding levels of the Flood Sales Tax Fund. He said the request is for 75% due to the current high funding levels of the Flood Sales Tax Fund.

Mr. Steen said he struggles to support Sales Tax Funding for projects done by the Highway Department. Mr. Benson said he understands the concern and said the Highway Department has

only made two or three requests for Flood Sales Tax Funding and the requests were for needed flood control not road functions.

MOTION, passed

Mr. Steen moved and Mr. Olson seconded to approve the Cass Highway 81 Slide Repair Project at a 75% cost share in an amount not to exceed \$950,287 and with the expectation that the City of Fargo and Cass Rural Water have a cost share. On roll call vote, the motion carried unanimously.

Reed Township Sheyenne Riverbank Stabilization

MOTION, passed

Mr. Steen moved and Mr. Olson seconded to approve the Reed Township Sheyenne Riverbank Stabilization Project request at a cost share of 50% in the amount of \$8,650. Discussion: Mike Opat of Houston Engineering, Inc. was present on behalf of Reed Township. Mr. Opat said Reed Township is requesting a 50% cost share to complete a feasibility study for Sheyenne Riverbank Stabilization along Martin Drive. He said homeowners from Martin Drive are present at the meeting. He said the feasibility study is the first step in the project and Reed Township will likely be coming back to the Flood Sales Tax Committee for additional funding requests. On roll call vote, the motion carried unanimously.

Elm River Dam No. 3 Improvements

Mr. Benson said the Elm River Water Resource District is requesting a 75% cost share in the amount of \$14,025 to make repairs to the Elm River Dam No.3. He said the Highway Department staff have reviewed the request and believe the requested project and cost share meet the Flood Sales Tax Policy requirements. He said the SWC has approved a cost share of \$213,000 and the Red River Joint Water Resource District has approved a \$168,300 cost share. Mr. Benson said the Elm River Dam No. 3 has direct impacts on Cass County and work is scheduled to be completed before the end of 2022.

MOTION, passed

Mr. Olson moved and Mr. Benson seconded to approve the Elm River Dam No. 3 Improvements Project request at a cost share of 90%. Discussion: Mrs. Scherling asked if Trail County and Steel County are directly cost sharing for the improvements. Lyndon Pease, Engineer for the Elm river Joint Water Resource District from Moore Engineering was present and said Trail and Steel County are not directly contributing, however, all three counties split the local share through an assessment district paid to the Elm River Water Resource District on an annual basis. Mr. Pease said the majority of the benefit is to Cass County and downstream from the problem area is a Cass County Road. On roll call vote, the motion carried unanimously.

5. OTHER BUSINESS

Brandon Oye, City of Casselton Engineer from Moore Engineering was present and discussed a project request to repair the Swan Creek Diversion. Mr. Oye said the application was presented at the last Flood Sales Tax Committee meeting and the bid for the project is ready to be awarded. He said the SWC denied funding for the project last week as the project is not eligible based on the SWC policies. He said the Swan Creek Diversion is man made and does not have a natural flow and the SWC was concerned with the lagoon. He said the estimated cost is \$700,000 and the City of Casselton is requesting a 75% cost share or \$525,000.

Mr. Steen said he does not want to act on the presented application today as it was not on the agenda. He said if the request is urgent, the Committee could call a special meeting to review the application.
Application for Funding

Mr. Benson presented a draft application for funding from the Cass County Flood Sales Tax Committee. He said the application was created to give the Committee a better understanding of each project request. The application includes basic information such as project name, date, funding request amount and percentage, location, name of owners/applicant, engineer name, signature, and brief narrative description of reason for application. The application also includes sections for entity eligibility, project eligibility, cost share eligibility, project priority, and evaluation criteria. Mr. Benson said in addition to the application, applicants will be required to submit a funding request memorandum and location map.

Mrs. Scherling said a full project cost breakdown should be added to the application to show the total project cost, and amounts of other funding sources such as the SWC. Mr. Benson said he will add this information and welcomes any other feedback.

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:57 PM.

Minutes prepared by Taylor Kaushagen, Commission Assistant