

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS  
MARCH 16, 2015**

**1. MEETING CALLED TO ORDER**

Chairman Chad M. Peterson called the meeting to order at 3:30 PM with all members present as follows: Mary Scherling, Ken Pawluk, Rick Steen, Arland H. Rasmussen and Chad M. Peterson.

**2. PLEDGE OF ALLEGIANCE**

Heather Worden led the Pledge of Allegiance.

**3. MINUTES APPROVED**

***MOTION, passed***

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

**4. AGENDA, Order approved**

***MOTION, passed***

**Mrs. Scherling moved and Mr. Steen seconded to approve the order of the agenda. Motion carried.**

**5. CONSENT AGENDA APPROVED**

***MOTION, passed***

**Mr. Rasmussen moved and Mrs. Scherling seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.**

- a. Receive financial statement from the Auditor's Office for the month ended February 28, 2015.
- b. Approve checking account transactions for property purchases in February, 2015 for the FEMA flood buyout grant program and FM Diversion project.
- c. Receive and file Indemnity Bond on Lost Instrument for White Banner Uniform Shop; and authorize the county auditor and county treasurer to issue a duplicate check.
- d. Approve a raffle permit for the West Fargo Sheyenne Mustang Boosters to be held March 28, 2015, at the Red River Valley Fairgrounds Hartl Building in West Fargo, North Dakota.
- e. Approve a special event permit for The Bowler, Inc. to serve alcoholic beverages on August 1, 2015, during the hours of 4:00 PM to midnight for a wedding reception at the Red River Valley Fairgrounds in West Fargo, North Dakota.
- f. Authorize the chairman to sign a purchase order with John Deere Company in the amount of \$8,200 for the rental of two agricultural tractors for the Highway Department.
- g. Contract approval
  - Airborne Custom Spraying—mosquito control aerial spraying agreement for 2015 and 2016 and authorization application waiver required by the Federal Aviation Administration.

**6. METROPOLITAN COUNCIL OF GOVERNMENTS, Presentation on organization activities**

Bill Christian, Executive Director of Metropolitan Council of Governments (MetroCOG), was present. He was appointed to the position in November 2014, replacing Wade Kline. He provided a brief overview of the responsibilities of their organization as well as an annual review of activities. He said MetroCOG is the Metropolitan Planning Organization (MPO) for

the Fargo-Moorhead-West Fargo-Dilworth-Cass County-Clay County areas. MetroCOG is a regional planning agency and is available to work with the county on short and long-range planning.

Mrs. Scherling asked about traffic counts for County Road 17 North. Mr. Christian said their technical committee has only approved sites to conduct counts that are part of the long-range transportation plan. His goal is to implement a traffic count program in the next two years.

There was discussion about how transportation planning will be affected when the population in the metro area reaches 200,000 residents. Mr. Pawluk asked about plans for a bypass around Fargo-Moorhead. Mr. Christian said at this time traffic counts do not support the need for a bypass as the current interstate system has the capacity to handle traffic. Mr. Pawluk said corridor preservation should be considered now to plan for this option in the future.

The board thanked Mr. Christian for his presentation.

**7. FM FLOOD RISK MANAGEMENT DISTRICT NO. 1, Chairman authorized to sign and vote “yes” on ballots to create special assessment district**

Michael Montplaisir, Cass County Auditor, said two years ago the Flood Diversion Authority contracted with the Cass County Joint Water Resource District (CCJWRD) to study and develop a special assessment district plan for the diversion project. Ballots were mailed on March 10<sup>th</sup> for FM Flood Risk Management District No. 1. The CCJWRD is acting as the lead agency to help secure permanent financing for the diversion project. The maximum amount of the district is \$725 million based on the state and local share of the project less dollars already appropriated by the state.

Local governments are assessed indirect benefits in addition to benefits that are assigned to their individual properties. Indirect benefits include infrastructure, community and lifestyle, business and economy, and general benefit to the community that no longer has to be concerned with recurring flood events. Cass County has \$1,575,568.74 in direct assessments and \$241,666,666.67 in indirect assessments.

Mr. Peterson opened up the meeting for public comments. No one in the audience wished to address the board with any comments.

Mr. Pawluk asked for an overview of the special assessment district process. Mr. Montplaisir said the assessment district will help obtain a lower financing rate for borrowed funds. The intent is to pay the specials with sales tax dollars. Also, more dollars will be available to borrow since there are less issues with reserve requirements for assessment backed bonds compared to revenue backed bonds.

Rocky Schneider from AE2S said public informational meetings will be held this month to educate citizens about the assessment district being the method used to finance loans taken out for the diversion project. Mr. Peterson said without the diversion project in place, flood insurance rates will increase, and if the FEMA basement exemption is removed, the rates will be so high it will be difficult for residents to afford the cost to live in their homes.

Rodger Olson, Vice Chairman of the CCJWRD, said the message presented at the public meetings will be the intent to pay assessments with sales tax funding opposed to assessing property owners. Mr. Montplaisir said an intergovernmental agreement will be drafted with

Fargo, Cass County and the CCJWRD to lock in a payment plan and formally pledge sales tax dollars to back the assessment district. The agreement will also outline how the funds will be used toward debt payment and construction costs.

Mr. Steen suggested sales tax collections be pledged into a separate account to pay back the bonds. Mr. Montplaisir said currently all sales tax revenue is located in one account with 91% of the funds dedicated to the diversion project and 9% to other flood control projects. He said a separate account may be established for the 9% allocated to other projects.

Mr. Schneider asked the board to consider reaffirming its intent to dedicate the sales tax for payment of the special assessments. Mr. Pawluk said the county's objective has always been to pay for the diversion project with sales tax dollars.

***MOTION, passed***

**Mr. Pawluk moved and Mrs. Scherling seconded to authorize the Chairman of the Cass County Commission to vote and sign Cass County's ballots for the FM Flood Risk Management District No. 1 with a "yes" vote; and to reaffirm the county's intent to fund the diversion project including special assessments with sales tax funds. On roll call vote, the motion carried unanimously.**

**8. FLOOD DIVERSION MONTHLY BILLING, Approved**

Mr. Montplaisir discussed the billing from the FM Diversion Board of Authority for the month of February, 2015 and an additional billing for December, 2014 (Period 14) for engineering costs, project management services, and construction work on the OHB ring levee. The request today is to advance funds for the entire local share from loan proceeds. Cass County and Fargo City are equally responsible to pay back the loan.

***MOTION, passed***

**Mrs. Scherling moved and Mr. Steen seconded to approve the expenses for the Flood Diversion Board of Authority and advance from the loan in the amount of \$741,601.38 for the month of February, 2015, and \$60,873.35 for the month of December, 2014. On roll call vote, the motion carried unanimously.**

**9. WEBSITE USE AND INTEGRATION NEEDS STUDY, Agreement with Eide Bailly LLP approved**

Mr. Steen recused himself from discussion and voting on this item.

Terry Schmaltz, Information Technology Director, said the current county website was designed in 2007 before social media was invented. The site needs updates to software and hardware used to publish items as well as to its appearance. The use of GovDelivery, a service used by the public to receive email notifications of meetings and other county information, has declined over the years. The county needs the ability to communicate with the public, and he hopes the study will provide other options for the county to consider.

Mr. Schmaltz said Eide Bailly, LLP has submitted a consulting agreement to conduct a use and integration needs study to review data sources and usage. Departments will be interviewed to see what they are using on the site. Eide Bailly will then recommend a content management system best suited to Cass County. He hopes to encourage county departments to develop some content for their individual pages within the website.

***MOTION, passed***

**Mr. Pawluk moved and Mrs. Scherling seconded to authorize the chairman to sign the consulting agreement with Eide Bailly LLP for website consulting services in the amount of \$22,200. On roll call vote, the motion carried with four members voting “Yes” and Mr. Steen abstaining.**

**10. FLOOD CONTROL, State Water Commission payment to FM Diversion approved**

During the last three legislative sessions, the state legislature approved a total of \$175 million to be spent on flood control costs. Mr. Montplaisir said for consideration today is the eleventh request from the FM Diversion Authority. The costs cover relocation assistance for homeowners displaced by the El Zagal and OHB levee projects, and land purchases as part of the home buyouts related to the El Zagal and OHB levee projects.

***MOTION, passed***

**Mrs. Scherling moved and Mr. Steen seconded to authorize the chairman to sign the approval letter for the State Water Commission to distribute funds in the amount of \$470,398 to the FM Diversion pursuant to the terms and conditions of Senate Bill 2020. On roll call vote, the motion carried unanimously.**

**11. VOUCHERS, Approved*****MOTION, passed***

**Mr. Pawluk moved and Mr. Rasmussen seconded to approve Voucher No. 284,484 through Voucher No. 284,816. On roll call vote, the motion carried unanimously.**

**12. FLOOD DIVERSION; LEGISLATIVE UPDATE; MEETING UPDATE, Committee reports**

Keith Berndt, County Administrator, said a hearing will be held on March 26<sup>th</sup> in Minneapolis Federal Court to hear arguments on motions filed by the Richland-Wilkin Joint Powers Authority and Flood Diversion Authority.

Mr. Berndt will travel to Bismarck this week to attend a State Water Coalition meeting and a hearing on SB 2020 regarding funding for the diversion project.

Mr. Montplaisir will provide testimony in support of the Governor’s Task Force tax legislation in Bismarck on Tuesday, March 17<sup>th</sup>. Mr. Peterson will be in Bismarck this week to attend a hearing on the highway surge funding bill.

Commissioners reported on meetings they have attended the past few weeks.

**13. CORRESPONDENCE, Received and filed*****MOTION, passed***

**Mrs. Scherling moved and Mr. Pawluk seconded to receive and file correspondence outlined by the secretary as follows: Motion carried.**

- Notice of Cass County Township Officers’ Association annual spring meeting to be held at 7:30 PM on March 23, 2015, at the Casselton City Hall Auditorium in Casselton, North Dakota.

**14. ADJOURNMENT**


***MOTION, passed***

**On motion by Mr. Pawluk, seconded by Mrs. Scherling, and all in favor, the meeting was adjourned at 5:02 PM.**

ATTEST:

  
Michael Montplaisir – Auditor  
Cass County, North Dakota

APPROVED:

  
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Chad M. Peterson, Chairman  
Cass County Board of Commissioners