

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 2, 2009**

**1. MEETING CALLED TO ORDER**

Chairwoman Robyn Sorum called the meeting to order at 3:30 PM with all members present as follows: Scott Wagner, Vern Bennett, Ken Pawluk, Darrell Vanyo, and Robyn Sorum.

**2. PLEDGE OF ALLEGIANCE**

Bonnie Johnson led the Pledge of Allegiance.

**3. MINUTES APPROVED**

*MOTION, passed*

**Mr. Wagner moved and Mr. Bennett seconded that the minutes of the last regular meeting held October 19, 2009, and the special meeting held October 19, 2009, be approved as written. Motion carried.**

**4. AGENDA, Order approved**

*MOTION, passed*

**Mr. Pawluk moved and Mr. Vanyo seconded to approve the order of the agenda with the addition of a contract with the North Dakota Department of Transportation; two quit claim deeds; Bond for Lost Instrument; and revised Federal Aid program sheet for 2010-2011 to the consent agenda; removal of Social Services contracts from the consent agenda; and addition of a contract with Houston Engineering to the regular agenda. Motion carried.**

**5. CONSENT AGENDA APPROVED**

*MOTION, passed*

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

- a. Amend Commission Policy Manual Section 4.00, Advisory Boards and appoint Nate Monson to fill an unexpired term on the Cass County Housing Authority.
- b. Authorize the commission chair to sign a letter of support for Fargo Cass Public Health to apply for funding through the Communities Putting Prevention to Work Initiative Grant, which is part of the American Recovery and Reinvestment Act of 2009.
- c. Authorize the county auditor to transfer money from the Building Fund to the Flood Buyout Fund for home buyout expenses.
- d. Contract approval
  - North Dakota Department of Transportation—two traffic safety grants in the amount of \$12,000 and \$3,000 for alcohol enforcement;
  - Vanguard Appraisals, Inc.—contract and reappraisal specifications for revaluation of the City of Kindred;
  - Juvenile Accountability Block Grant (JABG) program—certification of award for funds submitted by the Cass County Juvenile Crime Enforcement Coalition for the federal fiscal year 2010;

- North Dakota Department of Corrections—contract to house juveniles within their facility in the event of an unforeseen emergency or if population numbers exceed capacity for an extended period of time;
  - North Dakota Department of Transportation—construction and maintenance agreement for City of Mapleton multi-use path.
- e. Authorize the chair and county auditor to sign quit claim deeds for tax-forfeited property in the City of Fargo and City of West Fargo redeemed by the former owners.
  - f. Receive and file Indemnity Bond on Lost Instrument for Scott N. and Margaret J. Schaar; and authorize the county auditor and county treasurer to issue a duplicate check.
  - g. Authorize the chair to sign revised Federal Aid program sheet for 2010-2011.

**6. SHERIFF'S DEPARTMENT, Presentation of award**

Sheriff Paul D. Laney thanked the board for the opportunity to present an award of appreciation today. The sheriff presented the award to Lt. Commander Matt Barker from the U.S. Coast Guard for assisting the county during the spring flood. Lt. Commander Barker thanked the county for the honor and said the Coast Guard is ready to help if they are needed again.

**7. YOUTH COMMISSION, Request to solicit food items for Fill the Dome**

Jon Mitzel, Chairman of the Cass County Youth Commission, and Austin Keller, West Fargo High School student representing Fill the Dome, a youth led project, were present. Mr. Mitzel said the youth commission is requesting permission to conduct a food drive within county offices. All canned goods will be donated to Fill the Dome.

Mr. Keller said in the last two years, Fill the Dome food drive has raised \$60,000 and 110 tons of food for local food pantries. This year's goal is to raise \$75,000, 75 tons of food and 7,500 signatures of awareness.

Mr. Vanyo commended local area youth for becoming involved with a noble and worthwhile project such as this one.

***MOTION, passed***

**Mr. Vanyo moved and Mr. Bennett seconded to allow the solicitation of canned good items from Cass County employees to be given to the Fill the Dome youth led food drive in support of local food pantries. On roll call vote, the motion carried unanimously.**

**8. TAX-FORFEITED PROPERTY, Hearing on appraisal**

Michael Montplaisir, County Auditor, said today is the date and time advertised for a public hearing on the appraisal of tax-forfeited property.

Chairwoman Sorum opened the public hearing. Since no one was present in the audience at this time, the public hearing was closed.

Mr. Montplaisir said the tax sale list will be published next Monday in the official county newspaper.

9. **RESOLUTION #2009-18, North Dakota flood diversion**

Mr. Wagner said he and Mr. Vanyo met with the Joint Water Resource District Board last week to discuss options for a flood diversion. The joint board approved a resolution in support of a North Dakota diversion. Mr. Wagner and Mr. Vanyo are members of the Metropolitan Flood Management Work Group, which will meet on November 5<sup>th</sup> to discuss several different alternatives for a diversion or levee system.

Tom Fischer, Chairman of the Joint Water Resource District Board, was present. He also is a member of the work group and has attended their meetings. The joint water board approved a resolution of support for the North Dakota diversion on October 22, 2009, and is willing to be a sponsor for the North Dakota diversion project if this option is chosen. The joint board is asking for support of the North Dakota option from county and city officials. The cost benefit ratio for a North Dakota diversion is still being studied in order to see if this is a viable alternative.

Mr. Vanyo supports the resolution but wants the county to also be open to other solutions and input from the Corps of Engineers. He said the type and level of protection also needs to be discussed by the county during this process.

Mr. Bennett asked how officials are going to increase the cost benefit ratio in order to bring it to a 1.0 or higher, which is necessary to receive federal funding. Mr. Fischer said transportation and protection of county roads were not used when determining the cost benefit ratio, and he believes once this information is considered, the number will be at 1.0, if not higher. Mr. Fischer said \$700 million in federal funding is at stake.

***MOTION, passed***

Mr. Pawluk moved and Mr. Bennett seconded to adopt Resolution #2009-18, Support for North Dakota Diversion. Discussion: Mr. Wagner said the study group needs to go through the process and see which option is chosen before the county considers financing options. Mr. Wagner said a special assessment district through the water resource district is one option or voters could be asked to either raise the mill for a dedicated fund or consider a sales tax. Mr. Fischer said the state will be involved with funding of a project, and he has spoken with North Dakota Governor John Hoeven, who is supportive of flood control in this area of the state. On roll call vote, the motion carried unanimously.

**RESOLUTION OF SUPPORT FOR NORTH DAKOTA DIVERSION  
RESOLUTION #2009-18**

WHEREAS, the Red River of the North and its tributaries in North Dakota and Minnesota are prone to frequent flooding, and flooding presents significant risks to communities in Cass and Clay Counties.

WHEREAS, the Cass County Commission seeks long-term flood control solutions to protect Cass County, and to reduce flood-related damages to infrastructure, commercial and industrial properties, homes, businesses, agricultural properties, and other properties for the benefit of Cass County and its residents.

WHEREAS, the United States Army Corps of Engineers (the "Corps") is currently conducting the FARGO-MOORHEAD METROPOLITAN FEASIBILITY STUDY (the "Study"), in cooperation with its local sponsors, the Cities of Fargo and Moorhead, to analyze various proposed measures to reduce flood risks for the benefit of the entire region.

WHEREAS, the Study has included analysis of several possible alternatives, including non-structural flood-proofing, diversion channels of various capacities in North Dakota and Minnesota, a levee system along the banks of the Red River of the North, and upstream retention.

WHEREAS, the Corps has conducted public meetings in the Fargo-Moorhead area to present the various options, as well as the results of the Corps' most recent cost-benefit analysis for each option, to the public and to the respective Congressional Delegations for North Dakota and Minnesota, the respective State governments, Cass and Clay Counties, City governments, water resource districts in North Dakota, watershed districts in Minnesota, and other local government entities.

WHEREAS, the Metropolitan Flood Management Work Group is an executive committee comprised of voting members from various local government entities, including the City of Fargo, the City of Moorhead, Cass County, Clay County, the Cass County Joint Water Resource District, and the Buffalo-Red River Watershed District.

WHEREAS, the ultimate objective of the Metropolitan Flood Management Work Group is to achieve local consensus regarding a locally-preferred option for permanent flood control for the region, for the benefit of North Dakota and Minnesota, and communities in each state.

WHEREAS, construction of a North Dakota diversion would result in substantial benefits unique to a North Dakota diversion option, including potential regional flood control benefits for the Sheyenne River, Maple River, Rush River, and Wild Rice River sub-watersheds, and including significant transportation benefits.

WHEREAS, the Study reveals construction of a North Dakota diversion would provide greater flood control benefits for a larger geographical area.

WHEREAS, several Minnesota communities have already voiced a preference for a North Dakota diversion.

WHEREAS, the Cass County Commission favors the North Dakota diversion option providing the greatest amount of flood control and protection benefits for the largest geographical area possible while qualifying for Federal cost-share.

WHEREAS, the Cass County Commission wishes to officially state its preference for a North Dakota diversion option.

NOW THEREFORE, BE IT RESOLVED, that the Cass County Commission favors and supports a North Dakota diversion project which would qualify for a Federal cost-share.

BE IT FURTHER RESOLVED, that the Cass County Commission will communicate its preference for a North Dakota diversion to the Metropolitan Flood Management Work Group, the North Dakota Congressional Delegation, the State of North Dakota, the City of Fargo, and other government entities.

**10. ROAD DEPARTMENT, Contract with Houston Engineering approved**

County Engineer Keith Berndt was present to discuss a contract for services with Houston Engineering to prepare a flood plan for the Highland Park Association. Mr. Berndt said Highland Park is a subdivision located north of Fargo and historically has been dry during flooding; however, this past spring the area almost flooded. The Highland Park Association solicited a proposal from Houston Engineering to draft a flood plan to be used for emergency or permanent flood fighting efforts. The association then contacted the county to see about a cost share for proposal costs, which are not to exceed \$13,000. Mr. Berndt recommends the county fund \$9,500 and Highland Park Association fund \$3,500. The association costs are for a review of road elevations, which he feels is a lower priority than other items within the contract which address dike construction and elevation surveys. He said the county would need additional information, which would be provided with this plan, in the event of another flood emergency.

Mr. Pawluk asked if the county has a policy or criteria to follow when contacted by a neighborhood association or subdivision for this type of service. Mr. Berndt said the county does not have a policy in place, but considers requests on an individual basis.

***MOTION, passed***

**Mr. Wagner moved and Mr. Pawluk seconded to authorize the chair to sign a contract with Houston Engineering Services, subject to state's attorney approval. On roll call vote, the motion carried unanimously.**

**11. VOUCHERS, Approved**

***MOTION, passed***

**Mr. Wagner moved and Mr. Bennett seconded to approve Voucher No. 240,209 through Voucher No. 240,487. On roll call vote, the motion carried unanimously.**

**12. CITIZEN COMMENT**

Keith Monson, resident and farmer in rural Harwood, was present. He expressed concern with four-wheel drive trucks traveling on minimum maintenance roads, which are muddy and soft because of the wet weather. These roads become rutted and are difficult for homeowners and farmers to use. He said the law needs to be changed so this type of activity is illegal, because currently it is not against the law.

Mr. Berndt said Mr. Monson's concerns are valid, but unfortunately he does not have an immediate answer to the problem. Mr. Wagner and Mrs. Sorum suggested the county engineer, state's attorney and sheriff meet to discuss whether the ordinance process could be implemented to remedy these kinds of issues. Mr. Vanyo said the county has an ordinance for weight restrictions on county roads, and also believes it is worthy to discuss this issue further.

Mr. Pawluk asked for a progress report to be given at the next meeting.

**13. EMERGENCY MANAGEMENT TRAINING; COURTHOUSE PICTURE; SOCIAL SERVICE SCHOLARSHIPS, Committee reports**

Mrs. Johnson said NIMS (National Incident Management System) training will be held for public officials on November 3<sup>rd</sup> at the Fargo Public Safety Building. The purpose is to ensure training and record keeping is up-to-date to meet federal emergency management requirements.

Mrs. Johnson said a new watercolor print of the Cass County Courthouse is on display outside the commission room. The watercolor, from U.S. Circuit Court Judge Myron Bright, was donated to the District Court, who in turn, donated it to Cass County.

Mr. Vanyo serves on a committee which will meet to review Social Service scholarships and determine which agencies will receive scholarship dollars in 2010.

**14. CORRESPONDENCE, Received and filed**

***MOTION, passed***

**Mr. Wagner moved and Mr. Vanyo seconded to receive and file correspondence outlined by the secretary as follows: Motion carried.**

- Letter from the North Dakota Department of Health soliciting public comment on request for an amended air pollution control permit to construct for the Tharaldson Ethanol Plant in Casselton, North Dakota.
- Letter from SRF Consulting Group Inc. requesting comments on proposed roadway lighting improvement project on I-94 from 9<sup>th</sup> Street East to near Drain 21 in Barnes Township (copy forwarded to county engineer);
- Letter from Lonnie Wangen, Commissioner of North Dakota Department of Veterans Affairs, regarding Veteran Service Officer training recently held in Bismarck;
- Letter from Senator Kent Conrad responding to the county's concerns about potential impact buyouts made through FEMA on flood protection projects;
- Letter from Senator Byron Dorgan regarding federal funding for the Fargo Moorhead Metropolitan Feasibility Study;
- North Dakota Department of Transportation revised federal aid program information for 2010-2011 (copy referred to county engineer).

**15. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Wagner, seconded by Mr. Vanyo and all in favor, the meeting was adjourned at 4:25 PM.**

ATTEST:

APPROVED:

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Michael Montplaisir – Auditor  
Cass County, North Dakota

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Robyn Sorum, Chairwoman  
Cass County Board of Commissioners