

METRO FLOOD STUDY WORK GROUP MEETING

Thursday, November 12, 2009

3:30 p.m.

Fargo City Commission Room

A meeting of the Metro Flood Study Work Group was held at 3:30 p.m. on Thursday, November 12, 2009 in the Fargo City Commission Room.

Work Group Members present: Fargo City Commissioner Tim Mahoney, Fargo City Commissioner Brad Wimmer, Moorhead Council Member Nancy Otto, Moorhead Council Member Lauri Winterfeldt, Cass County Commissioner Darrel Vanyo, Cass County Commissioner Scott Wagner, Clay County Commissioner Grant Weyland, Clay County Commissioner Kevin Campbell, Cass County Water Resource District Manager Tom Fischer, Buffalo-Red River Watershed District Manager Gerald VanAmburg.

Work Group Members absent: Moorhead Council Member John Rowell.

Staff Members present: Fargo City Administrator Pat Zavoral, Fargo City Engineer Mark Bittner, Moorhead City Manager Mike Redlinger, Moorhead City Engineer Bob Zimmerman, Moorhead Senior Engineer Jody Bertrand, Cass County Administrator Bonnie Johnson, Cass County Engineer Keith Berndt, Clay County Administrator Vijay Sethi.

Others present: U.S. Army Corps of Engineers Senior Planner & Project Manager Craig Evans, West Fargo Commissioner Bryan Schulz, Fargo City Attorney Erik Johnson, Moorhead City Attorney Brian Neugebauer, Cass County State's Attorney Birch Burdick, Clay County Attorney Michelle Winkis, Southeast Cass Water Resource District Attorney Sean Fredricks, U.S. Congressman Earl Pomeroy.

Co-Chair Mahoney introduced U.S. Congressman Earl Pomeroy.

Congressman Pomeroy stated the Federal funding from the Water Resources Development Act does not become available every year. He said the bigger the price tag on the option selected by this group, the tougher the task will be to get the funding. He wished the group luck on the task at hand.

Co-Chair Mahoney said John Rowell submitted a correction for the draft of the November 5, 2009 meeting minutes reflecting his statement clarifying a North Dakota 30K option might offer the best chance at getting the required benefit/cost ratio required for federal funding.

Grant Weyland moved the minutes from the November 5, 2009 Metro Flood Study Work Group meeting be approved with the correction submitted by Mr. Rowell. Nancy Otto seconded the motion.

All members of the Metro Flood Study Work Group present voted aye, and the motion was declared carried.

Mr. Zavoral said the focus seems to be on the options on the North Dakota side. There is a dilemma, he said, with the January 1 timetable and the need to reach a conclusion by then.

Mark Bittner said the Corps needs to include the numbers for a 30K ND diversion, requested by the group at the last meeting, so the group can meet the December deadline for the selection of a preferred option.

Craig Evans said the Corps is looking at ways to cut costs on the North Dakota options. The fact that the North Dakota diversions cross several tributaries, he said, complicates matters.

There was discussion regarding the possibility of adding more resources to help with meeting the deadline for the choice of a preferred option. Tim Mahoney and Grant Weyland agreed it was important to add additional resources in order to meet the deadline and to make sure the ND diversions were included.

In response to a question from Nancy Otto regarding additional costs for the additional manpower, Craig Evans said the Corps budget should be able to handle the additional resources. He said the sooner the group limits the possible preferred options, the sooner the Corps will define the benefit/cost ratio. Mr. Evans said the Corps is looking for direction but not necessarily the final option at this point. He said the engineers can then focus on the benefit/cost ratio figures and the group can select an option by the end of December. He said the Corps and the other engineers are running the models for the plans but until that is done, they cannot write the report that explains the data. He said there will be no action by the Corps if the plan selected is under the 1.0 benefit/cost ratio, so the group needs to be careful on the selection and be sure time is not wasted choosing a plan that does meet the required ratio.

In response to a question from Gerry VanAmburg regarding the possibility of all the effort being put into the ND plans and MN having better ratios, Mr. Evans said the MN plans will be considered along with the ND options in order to arrive at the National optimal plan.

Kevin Campbell said it is the consensus of this group to move forward with permanent flood protection with the goal of a plan meeting a higher level and larger area of protection. The group, he said, needs to narrow the options for the Corps so the Corps can focus on the benefit/cost ratio.

Jeffrey Volk, Moore Engineering, said the group is seeking a decision too fast. He said by narrowing the options, the engineers will be on track to have the data by the end of December so the group can select a preferred option by January.

Lauri Winterfeldt moved the list of alternatives be narrowed to a MN 35K option and ND 30K and 35K options. Grant Weyland seconded the motion.

All members of the Metro Flood Study Work Group present voted aye and the motion was declared carried.

There was discussion regarding the potential for sponsorship and ownership for a Certified Corps of Engineers Project.

Craig Evans said there needs to be a local non-federal sponsor that would be responsible for owning the real estate, operation, maintenance, rehabilitation and future replacement of the project before construction begins.

Erik Johnson said there was cooperation between Breckenridge and Wahpeton on the diversion that was built on the Minnesota side. Breckenridge was the owner, he said, and Wahpeton contributed funds.

Brian Neugebauer said water resource boards could provide possible sponsorship with Joint Powers Agreements also being necessary with the project involving two states. There are lots of options, he said, with the toughest thing being maintenance. He said the details can be worked out after the option is picked.

In response to a comment from Kevin Campbell regarding cost sharing between the two states, Sean Fredricks said both states lend themselves to assessment districts. He said both sides would also have input through a Joint Powers Agreement.

Kevin Campbell said there will be long term impacts on both sides of the river and there will be hard decisions to be made because of funding from both sides. He said the committee will need a broader group for input for all the decisions to be made after the final option is approved.

Mr. Zavoral said maintenance of the project is part of the sponsorship piece which will be discussed at a later time.

There was discussion regarding cost sharing.

Mr. Campbell said cost sharing should be based on benefits. He said a starting point is needed for further discussion to take place. The Corps, he said, has broken down the options by benefits in the preliminary figures.

Scott Wagner said the costs and cost sharing will be dictated by which side of the river the diversion is built on. He said North Dakota is committed to raising the money for a ND option but public consent will be needed for special assessments.

Tom Fischer said the Corps' evaluation of the benefits may be different than the local authorities'. The committee, he said, should come up with the larger figures and then the individual jurisdictions will decide how to fund the preferred option.

Gerry VanAmburg said local funding could be a contentious issue and receiving help from economists would be beneficial for both sides of the river. He said the Corps is looking at national numbers so local input would be beneficial.

Mr. Zavoral said the local watershed boards as well as both Fargo and Moorhead special assessment departments have the experience to come up with a range of possibilities for funding.

Co-Chair Campbell announced the next meeting of the Metro Flood Management Committee would be November 24, 2009 at 7:30 a.m. at a place to be determined by the Mayors of Fargo and Moorhead. He said the next meeting date for the Working Group would be decided at the November 24th meeting.

The meeting was adjourned at 4:55 p.m.

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