

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 5th 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.