

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
21, 1997**

**PROCEEDINGS OF
OF THE CITY OF
Friday, March**

The city council of the city of Grand Forks, North Dakota met in special session in the council chambers in the City Hall on Friday, March 21, 1997 at the hour of 12:00 noon with Mayor Owens presiding, pursuant to call by Mayor Owens, which was served on all members on March 20, 1997: Document No. 7272 - Notice.

Present at roll call were Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Klave, Babinchak, Hafner, Hagness - 10; absent: Council Members Hanson, Glassheim, Beyer, Bakken - 4.

**MATTER OF RATIFICATION OF AGREEMENT WITH CORPS
OF ENGINEERS FOR ADVANCE FLOOD EMERGENCY
PREPARATION**

Kenneth Vein, city engineer and director of public works, reported that this past Wednesday the engineering staff had met with Darrell Morey of the Corps of Engineers and presented information re. advanced measures program, and that staff would like to enter into agreement with the Corps. He stated that in the past the Corps has come in under emergency measures and only when City able to demonstrate emergency, would they come in and assist; and under this program will come in advance and assist City in fighting the flood (ie., cleaning ditches, helping with alignment and starting to build dikes earlier). He presented packet of information received from the Corps of Engineers containing eight enclosures and reviewed with the council in order to get executed in accordance to their requirements.

1) Project cooperation agreement: Mr. Vein reported this is basic agreement for the advance measures and which allows Corps to be here, that they will have one or two people here from the St. Paul office on Monday to work with staff, and has been reviewed and approved by the city attorney. He stated that Corps will only be responsible in assisting the City in the contract work, that the City will have to supply the clay necessary for building any clay dikes and Corps will then enter into contracts with contractors to haul and place that material, City will be responsible for removing material and repairing whatever damages have taken place. He stated that Corps will come in and basically give technical assistance and necessary contracting. He reported that staff has gone through and established line of defense which is to raise existing and propose new dikes to protect city along the river and tie back in along north and south ends at appropriate locations where necessary, in effect ring dikes. Mr. Vein also reported that other cities doing up and down the valley, but not aware of anybody using advance measures in previous years.

Council Member Beach noted that there is flood study going on, and asked whether this agreement would create any commitments on the part of the Corps to us, or vice versa, that relate to the study, or if this was stand-alone document. Mr. Vein stated it was a 100% stand-alone document.

Mr. Vein reported that the original request was that under emergency measures could the mayor just enter into the agreement, but Mr. Swanson had advised that there were several resolutions included which needed council action, and that there were no other concerns on the part of the city attorney.

Mayor Owens questioned under 7.c. which relates to cleanup costs, states that costs shall be borne solely by the local sponsor. Mr. Vein stated that Corps

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will supply material and haul, but City responsible for cleanup.

It was moved by Council Member Hagness to authorize City to enter into an agreement with the United States of America, represented by the U.S. Army Corps of Engineers, for flood emergency preparation. The motion was seconded by Council Member Ellingson. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Klave, Babinchak, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

Mr. Vein reported that Enclosure 2, Certificate of Authority, does not require council action, and which certifies that mayor has authority to sign.

Mr. Vein reported that Enclosure 3 is a council resolution authorizing such execution and which requires council action.

Council Member Hafner introduced the following resolution which provides that the City will provide lands, easements and rights of way for the emergency work, hold the United States free from all claims for damages attributable to construction work except for damages due to the fault or negligence of the United States or its contractors, etc. which was presented and read: Document No. 7273 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Babinchak that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Klave, Babinchak, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

Mr. Vein then presented Enclosure 4 which is Ownership Certification, and that the Sponsor's attorney must certify this portion, no action required by the council.

MAYOR OWENS RELINQUISHED CHAIR; PRESIDENT
HAGNESS PRESIDING

Mr. Vein then presented Enclosure 5, which is Right of Entry from the local Sponsor, City must execute this document, which grants the United States and

its contractors right of entry for the purpose of such construction and future federal inspection and maintenance, and need to approve this cooperation agreement.

It was moved by Council Member Polovitz and seconded by Council Member Klave to approve the cooperation agreement for Right of Entry and authorize the proper City officials to sign the agreement. Carried 10 votes affirmative.

Mr. Vein then reported that no action is required on Enclosures 6 through 9, which pertain to land easements, right of way assistance, at this time as it has not been determined if any additional lands or easements are going to be necessary. He reported that the Corps requires that if City goes off public land and onto private land need to have an easement before they will do any construction, and would be when they can identify those lands that they would bring back to council.

Council Member Hamerlik questioned whether it would be prudent to give authority to public service committee in event of an emergency. Mr. Vein reported he had questioned that once the City goes from advance measures to emergency measures, whether the council would have to reconvene to do that, and do not; however, they may want to give committee or someone power to act if emergency actions need to be taken later.

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It was moved by Council Member Ellingson and seconded by Council Member Klave that we grant authority to the mayor or public service committee to act on emergency measures. Carried 10 votes affirmative.

MATTER OF FLOOD PREPARATION OVERVIEW

Mr. Vein distributed copies of the administrative policy which he developed and which has been reviewed with the mayor, for the construction and maintenance of temporary dikes for the city: Document No. 7274 - Policy.

He reviewed the policy with the council:

I) Public Dike System - City will construct and maintain the dike system that directly protects the public infrastructure system. He stated that the main purpose of the engineering and public works flood fighting is to protect the public infrastructure system;

II) Private Dike System - that EOC gets more involved in private dikes on private property for flood protection (sandbagging, etc.);

III) Request from Private Property Owners for Construction of a Public Dike - that should a neighborhood or area request a public dike rather than creating dikes individually or privately, would encourage, but would need neighborhood to agree to such a dike system (Olson Drive area, Elmwood Drive area, etc.), and that there would be some benefits to putting up more permanent type of structure along that area. The Corps of Engineers will not come in and construct a clay dike unless City has certified that all the easements and right of way have been acquired. He stated that they would build temporary dikes with clay they would be

supplying and then do some compaction and maintenance later on if they were to become permanent.

IV) Distribution of Sandbags - Mr. Vein reported that balance of policy relates to distribution of sandbags, which will be offered by the EOC free of charge with some stipulations: property must be identified as property subject to inundation, that those not directly subject to inundation can pickup up to 200 sandbags so people who have drainage problems will have access to sandbags. He also reported that when available EOC will transport filled bags directly to the dike site but no guarantee for private property (will provide empty bags and arrange for delivery of sand to the site).

He reported that the City will store enough sandbags for what they project will be necessary to protect the public infrastructure system, and once that is done more would be available for private property. He stated they have projected that 2 - 2.5 million sandbags will be necessary, plus East Grand Forks is going to need between .5 million and 1.2 million and that it will be virtually impossible to fill all those bags at the sandbag site and a lot of work will have to be done on site. He reported they will be looking at whether to purchase smaller portable sandbagging machines and locating in various neighborhoods. He reported they are projecting 60,000 c.y. of clay will have to be hauled and they are going to go through process of prioritizing areas to be done first, and will look at city as a whole. He also reported that they cannot get in to do this yet as there is too much snow. He reported that when the Corps comes in they will review the City's plans and finalize those plans.

Mr. Vein reported they are looking at 49 ft. flood and have added 3 ft. of freeboard, want to build protection up to 52 ft.; and that there will be variation of sandbags and clay on dikes, and that they will be working with the Corps on raising or building dikes.

There was some discussion re. cleanup and Mr. Vein reported that last year the
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City picked up the sandbags at front of property and disposed of; that EOC will probably be involved in that.

V) Other - Mr. Vein reported that the City may prioritize the building of dikes, City may reserve both empty and filled sandbags for construction and maintaining public dike systems; City will determine if filled sandbags will be available for general distribution to private property owners; the EOC will have stockpile of sand available for distribution residents in event filled bags are not available for general distribution; EOC will supply portable sandbag filling machines to neighborhood filling sites if available; all properties subject to direct inundation of flood waters are required to plug all lower level sanitary sewer connections (toilets, floor drains, etc.) according to inspection department recommendations; and dikes should be aligned and laid out so they can be raised should flood forecasts increase or actual water elevations increase. He stated they will know more once water starts to flow and have daily flood forecasts.

Mr. Vein reported that they have prepared for what they think is a reasonable factor of safety, which is 3 ft. higher than the projected flood forecast.

There was some discussion re. getting information out to the public. He reported this would be first step in getting information out to the public, that they had discussed holding press conference.

Council Member Klave suggested that they make plea to residents not to drain sump pumps into their floor drains and sanitary systems, as that taxes our system and can cause greater problems. Mr. Vein reported they have ordered additional pumps and have in place to assist in collecting of wastewater if have problems. He stated that if start building dikes and have snow melt with water ponding inside dike, will need to pump lot of that water.

Mr. Vein stated their main concern is transportation problem, if floodwater reaches level of forecast, Highway 2 will be under water at English Coulee, I-29 under water north and south, Sorlie and Point Bridges closed, need to make sure that the Kennedy Bridge remains open for medical access, etc. He reported that with the English Coulee diversion they are expecting the city to be much better protected (clean ditch on the north). He stated other concerns are English Coulee backup, freeboard requirements, but have looked at whole length of the city and have plan for how to protect it.

ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Sande that we do now adjourn. Carried 10 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor

Approved:

Thomas M. Hagness, President of Council