

**PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF GRAND FORKS, NORTH DAKOTA  
August 11, 1997**

The city council of the city of Grand Forks, North Dakota met in special session in the council chambers in City Hall on Monday, August 11, 1997 at the hour of 5:00 o'clock p.m. with Mayor Owens presiding, pursuant to call by Mayor Owens, which was served on all members on August 8, 1997. Document No. 7340.1 - Notice.

Present at roll call were Council Members Beach, Polovitz, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; absent: Council Members Glassheim, Carpenter - 1; 1 seat vacant.

Mayor Owens announced that anyone wishing to speak to any item may do so by being recognized prior to a vote being taken on the matter.

**CONSIDER MATTER OF RECOMMENDATION TO  
CORPS OF ENGINEERS ON HOW TO PROCEED WITH  
FLOOD PROTECTION PLAN**

The matter of the resolution for the city of Grand Forks, North Dakota for Declaration of Intent to Support a Flood Abatement Project - Levee/Floodwall was presented and read: Document No. 7340.2 - Resolution.

Council Member Polovitz stated that it was his understanding that with this resolution they would go forward with both ideas and at point where have to make a decision would have the necessary information and input from all parties concerned about the western diversion, and in the next 18 months or so would have the opportunity to get input from all parties concerned.

Mr. Vein reported that what would happen in next 18 months or prior to December, 1998, and that at this time are not requesting to proceed with a diversion at all, but proceeding with levee/dike system and studying this, that alignment needs to be reviewed, design would have further review, review B/C ratio, and would want to involve a lot of additional people; that this will have a lengthy process and that's why looked at citizen participation process and additional staff people to start working on this to try to bring everybody together. Council Member Polovitz stated that by passing this resolution or going something similar not forcing anything on anybody and everything is still up for discussion, study and consideration.

Council Member Beyer asked if they pass the resolution as written, if there would be another vote by council if go with diversion or dike. Mr. Vein stated they would be passing a resolution giving directions to the Corps, will have to come back with specific agreements that will come through this body, but before they would proceed with construction of that, there will be another decision and cost share and number of items that will have to come back to city council for further action, and at that time would have to either make the action to proceed with construction or to review if can do additional prospects by December, 1998 and expect will attempt to have the levee alignment into the city in the next six to twelve months, and tie down alignment in that time period. Council Member Sande asked if the levee alignment irrespective of whether it was going to be a setback

levee or diversion, would be the same alignment. Mr. Vein reported that the alignment would not be the same alignment because would be less water flowing through the city with the diversion, and assumption would be that the alignment would be closer to the river and attempt under any of the alternatives would be to reduce the number of acquisitions that are required, but want to make sure we have an adequate channel to pass the water through. Mr. Vein stated that we will have the dike alignment for the setback levee system in 6 to 12 months is fairly precise because they would be looking toward the design, and when it gets to the diversion may have a preliminary one at that point in time but would not be to the point where would have developed the actual design to be able to establish that exact alignment., that would take more time. Council Member Babinchak questioned if the technical information isn't done until December of 1998, if the setback alignment would be in 6 to 12 months, won't say this is where the line is going to be in 6 to 12 months because we don't know how the diversion part is going to come out and would have to wait until after the 18 months to find out where that line is going to be. Mr. Vein stated they can tell within the next 6 to 12 months where the alignment will be for levee system but if after 18 months they make a change to a diversion, that alignment would change. Mr. Vein stated that any additional acquisition of property beyond what doing voluntarily now, won't take place until 1999 and that would be involved with any type of diversion or levee alignment.

Council Member Bakken stated that the only concern he had is that while doing this, is that when move forward with two studies that they make sure that whatever they are studying is going to be high enough or wide enough so that if have flood that exceeds this year's flood, that either way they are covered, and major concern is that they don't let this happen to the city again, and what ever level that happens to be, hope that choose level high enough so sure in our minds that this won't happen to us again, because don't want to have to give up the city again. Mr. Vein reported that one of the things they will have in the design, talked about the design for 200-year flood, is have 3 or 4 feet of freeboard beyond that, and within that 3 to 4 ft. of freeboard, actually able to contain a 500-year flood to the top elevation. He stated if have a 10 ft. top on most of the dikes, on all of the levee systems would have capability of being raised. He stated as an added level of protection, would propose that any flood wall would have those higher than the normal level of protection so that they would be able to contain a higher flood if that should occur. He stated that when they looked at levees this year and said most levees to 50 ft., that's to the top of the levee, and design level with freeboard would be around 47 ft. and that's for risk and uncertainty, so would be well protected if planned for a 200-year event to 54.1 or 54.4 because of the safety they have with the freeboard requirement that's built into it.

Council Member Hamerlik stated that the ideal solution is the east diversion, convinced that all the recommendations they have point to that except more recently, feels pushed into changing his position beaus it doesn't seem to be practical at all from what's been recommended here today or studies have been shown in the last couple weeks so time and probably politics have intervened; he has concern about what was brought up earlier and had it on his list to mention, what about south of here - having attended school for several years at Wahpeton and at Fargo, and know what can happen in those cities and knows what flows into because he lived in area where they used to flood every year in Wahpeton, so he know what drains into the Ottertail, the Bois de Sioux rivers, concerned about minimum height and would feel more comfortable as move forward with apparently the resolution that's before them, that we put some minimum heights in there. Mr. Vein reported they have the ability to have what they call locally preferred plan, no matter what the Corps proposes that we will establish that, the difficulty about establishing a height is that it really should be related to a discharge, not a height, want to make sure have a discharge that's equivalent to a certain year flood, and has talked to the Corps, Lisa Hedin is here, about possibly looking at a similar discharge than what we had here because what will happen is that depending upon the alignment of the levees, that height will vary, and that's only thing he would recommend and need

to do that as a part of the process within the next six months as determine levee alignments because Corps will go through and establish the national economic development plan and they are also looking at us to propose some minimum levels of protections, and maybe that's what we would want to do at some point in time make sure it's established what that minimum level would be and need to do some research on what discharge that would actually be at.

Council Member Hagness stated that perhaps Minnesota probably would be the recommendation if you hadn't read the Acres report and in that report it shows that the Red Lake River is actually lower than the diversion channel if we choose to go with that; if we go with just the setback levee, then it's going to be a wall of water coming through there and as stated earlier, if that ever broke then we would have a catastrophe; and that he's had a diversion of different types of comments about Grand Forks and East Grand Forks and Grand Forks County, and some of the people in the audience tonight, thanked them for responsible way they talked to him, and people in the County don't have representation, that they can be heard but taking a vote without representation; that Mr. Wood and several other have input along with the County residents and do hear from them and they are part of our community. he stated to make the hard decisions is to pick a plan and go forward with it and look for additional federal help; that the people in Grand Forks whether it's the devastation they've had has been affected by many, many people throughout the world and Japan came here today to make a presentation for \$26,000 to Grand Forks to help us out because how devastated we've been, and that affects Grand Forks County people, etc. and when we talk about the water sheds and they should be reviewed to determine what, if any methods can be employed to alleviate the inflows to the Red and Red Lake Rivers to reduce flood peaks, and that's been recommended in the Acres report, and as he talked to people at the ASC Office, NRCS and Soil Conservation people to try to find out the fields as they're being drained, how much affect that has on the Red Lake River, and that's probably as tough closing them up as it is getting through anything through Minnesota. Minnesota is a separate jurisdiction and we're not taking advantage of Grand Forks County, but if the North Dakota jurisdiction and we have federal and state people who can help us try to get federal funding through the Corps of Engineers, and for some time known that's been their recommendation is a setback levee and because of the magic \$68 million that it costs for a setback levee, but in addition to that there's the \$230 million in buyout that affect a lot of other people even in Grand Forks, and a lot of people say whether it's in Grand Forks or MN or ND, not in my backyard; need to look at a rational picture to find out what's best for the community, and if people from all over the country can come to Grand Forks and help Grand Forks, we need to help ourselves also. Council Member Hagness moved that we look at the resolution for a 49 ft. level, 100-year flood plan and for a diversion on the west side of Grand Forks. The motion died for lack of a second.

Council Member Klave asked if they were to find a workable west side diversion in December of 1998, would they be able to start the setback levees immediately or would they be on hold until they went through the process for that split flow diversion. Mr. Vein stated that they cannot split the project, will not be able to be under construction with any type of western diversion to be authorized in 1998 for construction in 1999, and levee system could not be started because all the benefits were used under the levee and not enough benefits there to substantiate the diversion.

Lisa Hedin, Corps of Engineers, reported that in the event that it's in December of 1998 and determined that want to go forward with a split flow diversion, you would not be in a situation to start the levees at that time, would still need to complete a feasibility study, including environmental impact statements, and actually defining the levee heights, locations and doing a detailed design. She stated that the best case would be that you'd be ready for authorization of a project in approximately the November or December of the year 2000; that would be Water Resources Development Act of the year 2000, that's the authorizing tool that Congress uses to give

the Corps projects, and would be in a situation possibly of being able to initiate some construction in 2001. She stated she would like to stress that is best case and there is a potential that environmental impact statement and process would cause that to be a more long term time frame.

Council Member Hanson stated he didn't see a problem with the resolution, but concerned about the western diversion. He stated that what bothers him is the situation with Minnesota and like to look at states together and each has to give a little bit; and as he looks at the information that they've received and sees that the east side diversion is more cost effective, sees predominance of the water flow that impacts the level of the river comes from the east and south, and see where we lose the 42 counties that Mr. Wood said portions of them, and heard that a water shed should be looked at , and biggest things to look at this point in time is the protection of the citizens, the creation of a positive business atmosphere here and to do in as timely a manner as possible. He stated he thought they an begin by doing this but feels this is a protection of both communities, not just Grand Forks, and looks like North Dakota and Grand Forks are taking significant impact and East Grand Forks and Minnesota are not doing too much to help. He stated he has a problem with the western diversion, if it's included as part of a study, no problem with that but should do some work with the watershed and the flow that is coming into the river and see how much affect that does have on the heights.

Council Member Beyer moved to adopt the resolution for the levee and study the west side diversion with a minimum level of protection that surpasses this year's event. Council Member Hamerlik seconded the motion.

Council Member Beyer stated that many of the facts that have happened in the last month or six weeks is that our leadership ability of the council have been questioned by people in the community and even from the State level, this resolution that was written with the help of the Corps of Engineers is a good resolution , and another fact that she is looking at is the benefit/cost ratio, it doesn't matter whose study they look at, it is that person's opinion based on fact that he has found, and agrees that there are some good things that came out of the Acres report that can look at but if in 1998 that is found not to be true, would support the setback levees as she is going to today. She stated that the setback levee is what we can afford, that the 54.4 plus 3 ft. of freeboard is what she will support; if we have a flood higher than that can built on top of that, and if split flow works, it will take the 10 ft. out and we'll be protected to 64, that is a rational thing to do, but this just pushes the decision back to 1998. She stated she is willing to investigate further but in 1998 look long and hard at it, that she is not willing to wait until 2002, have to protect people that she was elected to represent. She stated that a lot of people are bringing up the historical buildings downtown, when in fact the businesses that were there, people didn't go in those businesses, think we have to really look at all of the facts and these are just a few of the facts that she's looked. She stated that if in 1998 the diversion is an option, will look long and hard before we start anything.

Council Member Beach stated he supports motion unless dramatic new evidence comes out in the next few minutes, that he could have supported Council Member Hagness' motion but doesn't know that it's good to be so highly specific at this point, Council Member Bakken has spelled it out in such a way that we can support it. He stated that main reason for support is because time is of the essence, could investigate other alternatives and two or three years down the road, could have accomplished absolutely nothing and still be where we are right now, and that is possible with the environmental considerations at hand, and would like to add a couple caveats to his vote, he will be supporting this motion with the idea that they can be as conservative as possible in the configuration of the setback, and means that they want to take as little property as necessary consistent with the safety that they are seeking. He stated he wants to erode our tax base as little as possible, that he wants to erode the character of the city, particularly downtown, as little as

possible; that he realizes they will be losing some of both tax base and character of the downtown but thinks it's necessary and would hope could be as reasonable as possible, consistent with safety. He stated he would also hope that assuming that there are some buildings downtown that are going to be lost, would like in the interest of historic preservation find somewhere in the funds that at our disposal through this process, to perhaps move 1, 2 or 3 of those buildings that are especially historic to another part of the city. He stated he would like to keep that opportunity open.

Council Member Polovitz stated he would like to see an amendment to the resolution to include 5.; that concurrently proceed with a study of the Red River and Red Lake River watershed and how drainage into those basins affects the study of the split flow western diversion and setback levee. He stated they are always talking about looking at basin wide but nothing is ever done to proceed with that.

Mayor Owens reported that there has been put in place a Red River Basin Board with 21 people along the Red River Basin from Canada, that she is an alternate to the Board to Bruce Furness from Fargo, that East Grand Forks is represented as Lynn Stauss is also an alternate, and had their first organizational meeting about two weeks ago and that is the purpose of this Board, and also take city engineer, Ken Vein, with here when she attends, so can get working on just exactly what he is saying.

Council Member Hagness questioned item 2 on page 15 on recommendations of the Acres report, states what he is requesting and if that should be included in the resolution. Council Member Polovitz stated what he reads in the resolution is to go forth with a setback levee and a diversion study but doesn't see anything that talks about the watershed or basin as a whole. Mr. Vein stated if they add that as another part of this resolution expected to be followed through at the same time as doing the technical report, same time as doing other study, and now add a third study onto this with timetables they are talking about, doesn't disagree with the need for doing that but concerned about attaching it to this resolution. Council Member Polovitz stated he wouldn't amend the motion. but would like to see something done. Mayor Owens reported that will e a priority of the Red River Basin Board. Mr. Vein reported that Gen. Sagsveen said the International Joint Commission is looking at that as the same time regardless of what happens here.

Council Member Hamerlik stated that under that one particular paragraph it mandates the Corps of Engineers and need to keep it on the table and push it forward but probably have another resolution and have that ready for the next time so that they can be officially on record as pushing for such action that maybe a positive step for the citizens of Grand Forks by studying the other watershed. Council Member Beyer stated that another resolution should be directed to legislature and State government, and is where it would have to follow through whether it be to develop watershed districts like Minnesota has, or some form of a resolution addressed to the State legislature.

Council Member Hafner stated he wold support this resolution, although it is with some difficulty, that he believes that total diversion is still the solution they should be looking for, unfortunately the politics of the times prevent that but it is very important to know that they're not looking at the best solution and wished that friends on the east side of the river would open their hearts and minds to a total solution and not a political one.

Council Member Hamerlik reported that East Grand Forks will be meeting as council tomorrow night, and if we pass this resolution and they should pass east diversion, where would be sitting, and hope that if that should happen, would reconsider.

Mayor Owens reported that prior to coming to this meeting, read a couple sentences out of a letter

that was faxed to them from Col. Wanzek from the Corps of Engineers: “..what they need from the Cities is a resolution as soon as possible providing your definitive direction, no matter what direction, I want to develop a partnering agreement that spells out our joint commitment and our understanding of what is required to make flood control for the cities a reality; that the St. Paul District will continue to work closely with the cities to reach the best possible permanent flood protection project decision. I personally never want to see your cities have to rely on emergency measures for flood protection again. We will remain personally involved with your communities and you can call me at any time should conditions warrant.” She stated that they owe it to their citizens to put in place the best possible flood protection that we can without having a false security and that is the reason they want to proceed with this resolution so they can get our experts involved to give us the knowledge that we need to have to know what is the best possible flood protection; that they need to start now to get into that Water Redevelopment Act and have to make some tough decisions mid-term year next year, but would also like to say that it’s hard when it’s not in my backyard, but as Mr. Vein stressed, will have enormous amount of citizen input, what they pass today does not mean that walking away and not in stone. She stated that the residents of Grand Forks County, Grand Forks City have many opportunities to voice your concerns.

Council Member Hagness called for the question; Council Member seconded call for the question.

Upon call for the question on adoption of the resolution the following voted “aye”: Council Members Council Members Beach, Polovitz, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting “nay”: none. Mayor Owens declared the resolution adopted.

Mayor Owens reported that many council people are getting calls from citizens wondering when letters are going to go out for the second buyout, and that she talked to Mel Carsen, city assessor, and the work is a little bit behind and do not have a definite date at this point. Mr. Swanson stated some will go out this week but continuing work on the buyout. It was noted these letters are for those houses in the 100-year floodplain with more than 50% damage.

#### ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Hanson that we do now adjourn. Carried 11 votes affirmative.

Respectfully submitted,

Saroj Jerath  
Deputy City Auditor

Approved:

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Patricia A. Owens, Mayor