

COMMITTEE OF THE WHOLE MEETING
Monday, August 11, 1997 - 4:00 p.m.

Roll call: Council Members Beach, Hamerlik, Hanson, Sande, Beyer, Bakken, Hafner Hagness - 8; absent: Council Members Glassheim, Carpenter - 2; 1 seat vacant in Ward 2.

Mayor Owens called upon Steve Heyd, interpreter for Japanese delegation who is here for three days, including the mayor of Awano, Japan who will be our sister-city through a charter at this time, the chairman of the town council, chairman of school board, and their translator. Mr. Heyd introduced the members of the delegation and interpreted short talk by the mayor of Awano. She stated that hopefully the city would be back in order and the delegation would be back next year where can do this ceremony.

Council Member Polovitz reported present.

Mr. Heyd stated they have viewed some of the disaster area, etc. and that the associate principal at Red River and he have been with the delegation. He stated the delegation were so moved from the newscast in April and some students went door to door and raised money and came to present the funds to the Board of Education as well as the City office. He introduced the delegation, and Mayor Oshima made a few comments stating that they came to visit after witnessing the terrible disaster that the city had this past spring. He stated that the relationship began the two cities began about six years ago in which they engaged in a home stay program between students here and there.

COUNCIL MEMBER BABINCHAK REPORTED PRESENT

He stated this was first time he had visited Grand Forks but was able to meet Ms. Pat Owens and Council Member Hagness and very grateful and thankful. He stated that they had been hearing about Grand Forks and that he and the citizens of Awano wanted to do something for the city of Grand Forks and because of that had a fund raising campaign in Awano and the result of that fund raising drive was presented this morning both to Mayor Owens and Dr. Sanford, supt. of Grand Forks Public Schools. He stated that they could have sent the check in the mail they thought that it would be better to witness first hand the disaster but help strengthen the bonds between the two cities. He stated they appreciated the opportunity to come here and really do support the program of the home stay and sister-city project which they hope will grow in the future. He stated that they hope that Grand Forks will be able to be restored to the beautiful city that it once was.

Mayor Owens thanked the Mayor and delegation from Japan, and presented City with a check for \$26,000.

Mayor Owens announced that if anyone wished to speak, asked to give name and address and comments; and to give comments prior to any council discussion.

COUNCIL MEMBER KLAVE REPORTED PRESENT

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

Ken Vein, city engineer, reported he distributed copies of the resolution he is proposing that city council consider for passage concerning the permanent flood abatement project which he is proposing to be a levee/floodwall project. He stated he wanted to review what's being presented and proposed. and read that portion of the document (attached).

He viewed overheads that would go over little bit of the explanation on this. He stated that the flooding caused significant problems and had physical losses, financial losses and much emotion stress, have 662 homes that are in Phase I, IA and II, that 11 downtown buildings burned and numerous downtown buildings and others had substantial damage making them possibly impossible to rebuild, estimates of financial losses are being in excess of a billion dollars and emotional stress impossible to determine.

He stated that the recommended solution was to proceed with a levee floodwall abatement project, primary project they would request the Corps of Engineers to proceed with. In conjunction with that they would look at a study of the split flow western diversion, at a different level than telling them to proceed with the levee/floodwall abatement project. He stated that a part that they are doing in the engineering department is to implement the interim flood protection plan, and that's very important because no matter which of the first two alternatives are constructed additional interim flood protection planning needs to take place and in some cases construction proceeded with. He stated that there is a timely window of opportunity for the levee/floodwall abatement project, they have the ability to include the required technical report with EIS and the 1998 Water Resources Development Act and are being told that Act would be for the physical year 1998 and yet they will be allowed to be able to continue the planning even after the adoption of the Water Resources Development Act in which they are leaving a spot open for us to do that. The Corps has agreed to accelerate the completion of the technical report and have that completed by December, 1998 and part of the reason why able to accelerate the project is can piggy-back onto an authorized East Grand Forks project that is a levee and floodwall project that had been on the shelf, and the levee/floodwall study is already underway in the city of Grand Forks, and were having public hearings

this year. He stated that this process with the levee/floodwall has OMB support and having White House support for being able to proceed with a project like this. He stated that a waiver has been given for the timing of the technical report to allow us to continue the technical report at the same time the authorization for the funding of the bill has been passed. He stated that the levee/floodwall abate-ment project has the best B/C ratio, our benefits and costs having been determined by the Corps of Engineers and has the highest ratio. He stated that passing this resolution gives the necessary direction to the Corps of Engineers to proceed, we have delayed the process as long as we can if going to try to stay on course and by following the course that being presented at this time, should be able to be under construction with a levee project by the fall of 1999 and significant to have that type of reaction. He stated it's possible for the Corps to get a waiver for the study of only one concurrent plan and he suggested that the one concurrent plan be the split flow for western diversion. He stated the reason for that is that Minnesota politics really won't allow an eastern diversion and doesn't give us much alternative but to proceed with the western diversion. He stated that the western diversion is possible as a concurrent study because of two things they have done: the Acres report has noted that there maybe potential for reduced construction cost, and also they have identified potential engineering problems on the east side with connection of the Red Lake River with the diversion ditch and have not had chance to get into that in great detail but that has some potential and we need to take that into consideration.

Mr. Vein reported that the report they heard last week, HUD EQE report does show that they felt that the cost estimate that the Corps used could be reduced and that there's potential for increased benefits and doesn't think that the Corps necessarily disagrees because much of the information they put together when they did the B/C ratio very early on didn't have the luxury of having better data post-flood and would expect it could be some potential there. He stated that besides going ahead with the permanent project and the study, it is important for everybody to know that the interim flood protection plan is well underway. CPS, Ltd., engineering firm in the city of Grand Forks, is currently under contract performing that work, but also coordinating it with the city engineering staff, been through and looked at what can do for primary lines of protection, secondary lines of protection and maybe even third or fourth lines of protection; that exact plan will have to be further formulated and will be presented by early September.

He reported there are some mitigation projects that have been identified and are presently being implemented, looked at places or specific locations for some additional flap gates and sluice gates, etc.

He stated they looked at the responsiveness of this solution and thinks the levee floodwall has some of the best chances to be able to be constructed in the shortest time for implementation; and that's significant for us as we go forth in trying to alleviate many of the concerns of the citizens, but still split-flow western diversion still has potential, but with more study we'll be able to determine that. He stated what's going to happen with the order of things is that come December of 1998 when the technical report is complete that has the full EIS that would be completed by the Corps of Engineers and would also have the study that would be completed for the split-flow diversion, and it's at that point that we would come to a decision of whether we continue with the construction phase of the levee floodwall system or if we wanted to change and go to the split-flow diversion; that would not mean that we could implement the split-flow diversion at that time, and would mean that we would have to go into further feasibility study and the EIS, and there would be more time necessary and that would be a major decision point for us, although our attempt to do is to make as much of the work that we do for the levee flood-wall system also available so that when and if we can do diversion we can shorten that timeframe as much as possible.

He stated it is really important to know the effects of the solution and the solution that's being proposed will protect all properties, primarily within the city limits when dealing with the levee flood-wall; the western diversion has a potential to have benefits beyond the city limits primarily those areas further to the north but it does have those properties being protected.

We also know that there are going to be negative impacts no matter where we place whatever project we proceed with, there will have to be some acquisition of property and know that if it's a split-flow diversion, there's going to be rural property that would have to be acquired. We should also note that no matter which project that is constructed, we will need to have levees of some sort in town, esp. if look at western diversion; eastern diversion had the potential for a total diversion which wouldn't have involved levees, but with western diversion we are going to have to do that, and have to look at miti-gating as many of those effects as we can, esp. to the rural areas but also within the city to make sure those effects are minimized as much as possible.

He stated we need to implement a citizens participation project that would allow extensive citizen input into the process as we go forth and that would involve both the split-flow diversion and the levee floodwall alignment and on staff he is going to specify a specific staff person that will work with this process to try to make it work. He stated that is the proposal that he is making to the council and the resolution is before you and if you have any questions he will

answer now or in the future.

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Council Member Hagness asked if they were recommending to the Corps a specific level for the split-flow to study, and the follow-up question and if you sent them the wrong message they might not think we're interested in the levee and the split flow. Mr. Vein stated that what's going to have to come forth, we'll pass the resolution, but specific agreements will have to be assigned and come back through the council, and at that point will specify some of the more specific items, but what he would see happening is that if we look at the split-flow western diversion, we'll have to look at optimizing the design so have the least costly design and in part that's probably what Acres did, looked at how much water do you continue to put through the channel, how much do you divert around so you keep your excavation to a minimum, but if have too little your dikes are too high, there's an optimization that has to take place and that's what we would do to determine what is the best design and have the least cost, and proceed or work with the Corps in defining what that is. Hagness stated that if we went with a 210 year flood, the benefit cost ratio would not be there for the split diversion and levee, why waste the Corps' time and effort and our money by having them study some-thing that the council is not recommending, if that should be their recommendation. Mr. Vein stated if it were a project that no one wants to proceed with, he wouldn't want to waste their time either. Hagness stated that if we do want them to protect us because you're going to need a combination as just stated with the 100-year level protection for a levee, but he remembers Lisa Hedin saying that she would like to know the inductions of the council, whether it's east side, west side or set-back levee or the split diversion, and if the 100-year be appropriate to tell them with the diversion if that was the choice. Mr. Vein stated that he would suggest that we need to do the economics to determine which is going to be the best alternative for us, although he thinks we need to establish a minimum level of protection, the minimum number that he would suggest is at least what we had this year for a flood, and it wouldn't make any difference if it was a diversion project or a levee floodwall project through the city of Grand Forks, would want to make sure we maintain the same level of protection with each project.

Hanson asked why was nothing ever looked at in the significant amount of runoff water that's coming off the land prior to Grand Forks from the farmlands, isn't this one of the reasons that we're getting a much higher level of river flow than we normally would have because of the significant amount of water - that a lot of it comes from the MN side into the Red Lake River, and yet their politics say they don't want the diversion in East Grand Forks, and if most of the water is coming from MN, why are we diverting into ND and if there is a way we can control the amount of water flow that's coming into the river prior to the city. Mr. Vein stated the best solution would be in trying to find a way to stop the water at its source, but

realities of that happening are slim and not very timely to try to do that, and a majority of the water in the Red River does come from MN side, but in

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neighborhood of 60-70% or more, but we don't have the ability to control that, and has no solution; we are looking and trying to work with some of the Water Resource Boards, to start looking at this basin-wide basis, but implementation time of being able to do that would be very difficult and timeliness of doing it would take many years to come, and we're looking for protection as soon as possible.

Hanson asked if that is something we may want to do some work on in the future - hard to work with it at this point in time but when working with local jurisdiction with one state against the other, it always going to be tough, what we have now in our favor is we have a lot of federal agencies that are involved in this and the federal government can do anything they want if they have to, and if this is something we can look into down the road as a tactic that could help our scenario. Mr. Vein stated that this not only is something that we will look at in the future but specifically it does take coordination and cooperation from both sides to be able to do that, and now we haven't received that from MN side and that they will not look at an eastern diversion so there are no other alternatives.

Hamerlik asked for the record if Mr. Vein would state what you mean by the current level of the dike system. Mr. Vein stated they would want to protect to the level of the 1997 flood, that's the minimum level of protection we would want to have - gage height that we had this year from 54.1 to 54.4 ft. and that would be what the approved level of protection we would have, beyond that we would more than likely look at some type of freeboard, that freeboard would usually be between 3 and 4 ft., 4 ft. being the upstream and 3 ft. downstream.

Mayor Owens asked for comments from the audience.

Dr. Kuper stated he would be brief, that he has served for the last month on the fast team to develop permanent flood abatement for the city and it was with great pride that they submitted for consideration the Acres report, that report shows us the way to permanent flood abatement for this community, and in offering that report he would like to acknowledge the help of his fellow members of that team, the city engineering department, the cooperation of the State Geologist and the ND Geological Survey who were extremely cooperative in gathering the information, the Geological Survey of MN and also the Army Corps of Engineers, esp. the webmaster, Mr. Rick Parmaleau, who went out of his way to get dates onto the web to make available to us and the engineers in Winnipeg so that the scheme could properly be designed and presented for your consideration, and believes that study shows us the way through to our permanent solution.

Beau Bateman, 515 18th Avenue South, farmer west of Grand Forks, distributed maps showing exact scale aerial view of what this diversion will look like, that this diversion will take 600 acres (over 100 city blocks) from them, stated that he supports the setback Committee of the Whole - August 11, 1997 - Page 7

levee dike project, that needs to be approved and asked to what level they're going to commit the city for protection, but asking to allow some time for public comment on the diversion study, that this request will not interfere with the progress of protection of Grand Forks. He stated that if the federal government is going to help us pay for a diversion, then the Army Corps will be the engineers, it doesn't matter that the Canadian engineers, Acres, say that the diversion can be built for \$348,000 million, \$40 million more than if they went east; the reality is that if you want federal funding, the Army Corps must evaluate the project, using strict federal guidelines and if we had to fund it locally for every person in the city of Grand Forks and East Grand Forks, it would cost you \$470.00 per year for an average family of 3.5 people and cost you over \$1600 in taxes to pay for this, plus have to buy flood insurance. He stated why fund locally, because it will fail federal criteria given the existing data in these reports from EQE from the Army Corps of Engineers; would have to fund locally because it would fail given the criteria that EQE examined. He stated that the EQE company from California critically examined the Army Corps numbers on four separate projects, and found only one which could not meet federal funding guidelines because it was far too costly for the benefits it provided, this was the west side diversion; that this diversion is 30% bigger than the Grand Forks city (diversion ends up in river east of Manvel), and asked why do we want the Corps to further pursue this option with a lengthy study, that if you couple the two together the Corps told you 18 months before they can tell you where your levees and dikes will be, but first have to tell them how high you want them to be, and in the 18 months they are going to study this diversion, if they think its even possible, then you have to go through a EIS which would take 2 or up to 5 years, and at that point Congress is probably concerned with some other disasters somewhere else than in Grand Forks and Congressmen from this state are probably looking to do work for other members of the State of North Dakota. He asked where is the growth and development of Grand Forks - south and west - and in 50 years our city could stretch from H2O on the north end to the country club on the south, and have Arnold Palmer golf course just south of Ulland Park and a lot of new homes going in there, new school and in the middle ditch half mile wide and in 50 years people are going to ask why is it here. He stated they have some visionary teams working now to re-imagine the downtown, and why not ask the Corps to study something that could help those teams, what about lift station over these dikes, they will provide a waterfall, take a small channel of water through the downtown area where you're going to put all your parks - he said if they reinstate the financial businesses downtown and add some information processing companies, utilize the

visible dikes in areas where the river access is needed. He asked the council as leaders of our town, give the people the opportunities to make the city better, don't request a study to tell you how expensive a ditch is west of here, ask for a study that can pull our community out of this paralysis and push us into the 21st century.

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Curtiss Hunt, 1513 Baron Blvd., stated that the 2010 year levee plan proposed by the Corps would wipe out 630 properties, 724 housing units, 74 commercial businesses, a huge impact if we proceed with the levee system, and he finds it sad that a total diversion to the east is running into difficulty because even the Corps has clearly stated in their report that a diversion on the east side does protect both Grand Forks and East Grand Forks better than any other system on the drawing boards, and interesting that East Grand Forks is willing to have their city divided into three parts with no chance of economic expansion if they do not go with the total diversion but that is a decision they want to make and also must pay at least 75% of the cost for a levee instead of having the government pay for 75% of a diversion and have them only pay 25%, and seems very clear that a total diversion is the best and that a setback levee is absolutely the worst - the only number we need to remember is 58 ft., and that is the number the Winnipeg firm has calculated that the crest would have been, had we had a functional dike in place - the city engineer just said that there was possibly discrepancy that may have been 51, 54 and that we would have to have freeboard of 3 ft. which would give us 55 to 57, and the only number we need to remember is 58, that's less than what we just experienced this spring - the Corps plan does say for a levee that is 58.9, that means they are giving us 9/10ths of a foot more than what we just had last winter; that this levee or a split level is going to require 23 miles of primary dike, another 8 miles of tieback levee, and 32 miles of dike and when the first water starts to go over that dike, where do we place that first sandbag and if going to go with the levee or split diversion, have to get above 58 feet - a split flow is somewhat better than a setback because some of the water could back up into fields - protection and not timeliness is the key issue here, we must have protection and urged that there be many more high level meetings with East Grand Forks, really let them know what's happening to their city and let them know that the best protection really is an east side diversion.

Hal Gershman, mayor's task force, stated their group on Saturday passed a resolution supporting the west side diversion for many reasons, the issue of the line is interesting because that is not a definitive line and that's why need more time to study exactly the things that Mr. Bateman brought out and his point of having public input is a good one and that should happen and will happen if you decide to go with the resolution. One thing to remember is that if we had the diversion in place that is being proposed, the flood in Grand Forks or river levels would have been approx. 10 feet less than they were this year, that we have more growth possibilities with the diversion because many more businesses will want to locate in a city

that a city that is safe, levees are mouse traps, when a levee goes, it is total catastrophe and not true with a diversion system; that this does give us protection in MN, and gives protection all the way to Crookston, that he doesn't mind if MN took the position that they did, as that's the way it is, and if we do something here that can
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protect our neighbors and that it turns out that it is possible and viable, then we should do it. He stated that dikes are more expensive if you look at the cost share, the local share, and hopes the council will pass the resolution and take the time to look at this more thoughtfully than the time constraint they have.

Debbie Bray, rural Grand Forks, stated that the west side dike diversion goes through some of their farmland, and speaking as a business person, what is going to happen to her property taxes as a business person in Grand Forks, can they afford a west side diversion and if that is within the realm of possibility, that if her taxes go up much more it will hurt her business and also hurt the business of anyone else who is going to come into this area, and does not want them to choose something that is going to be a very easy out because there aren't many of them out there to challenge you.

Frank Matejeck, farmer north of Grand Forks on the Red River and would like to urge the council to continue to look at the western split flow diversion, that for the city of Grand Forks as well as the community, need to really look at this, address this area of a split flow diversion, it has many possibilities to help the city, and that if diversions do work, could look at the English Coulee diversion, that in 1980 all of the land that is being developed along the English Coulee now, the new Valley Memorial Home would not have been allowed there without the diversion and that property is out of the floodplain, and have to give the diversion a chance, a way to help the whole community.

Bob Wood, Grand Forks County Commissioner, asked and urged that the council take more time in making this decision, have many landowners who feel like they are being plowed over and owe them some regard and some consideration in this case; this will impact 42 quarter sections of land in the County, essentially remove that from the tax base of the overall county, that's under option 2, 3 and 4, that there are many landowners that are affected, lose their farms and land and not being considered.

Roland Young stated that another issue they must address and have to consider where the water is coming from into our watershed, there are many reservoirs and many bodies of water that shed into the Red River and behooves us to find out what we can do to control as best we can, the water before it gets into the Red. He stated he became very interested in Lake Travers that they had to open up the White Rock Dam on Travers, that they took a trip and talked to several people around the area and to the Corps of Engineers about this but there is

considerable information about this whole watershed and because running scared of MN because they don't want it on their side, that a good share of the water comes from MN, that the watershed takes care of quite an area just northeast of Travers and we have to talk with the Corps of Engineers, Huot Dam, Baldhill Dam and these reservoirs, Committee of the Whole - August 11, 1997 - Page 10

review completely what's happening to them, Devils Lake will eventually come into the Red, and have to look at that and beyond the dikes and diversions.

Mark Frovarp, 1027 Lanark Avenue, stated that a group of working men and women went to Winnipeg and looked at the diversion plan, that a rep. of the Manitoba Resources Council gave them a tour and a rep. of the Manitoba Federation of Labor, and he was impressed by the diversion in Winnipeg, a system that took time to build, criticized at the beginning but since that time the diversion in Winnipeg has worked and saved the city this year as 80% of the city would have been destroyed if not for the diversion; this program is difficult but a program that will succeed, and thinks we must move ahead in a way that will benefit the city for the next 50 to 100 years, and his view of the diversion plan means growth, jobs, economic development and prosperity for our community, and when the council decides what to do, remember that decisions you make will be decisions people will be talking about in the future.

ADOURN

It was moved by Council Member Beyer and seconded by Council Member Hagness to adjourn. Carried 10 votes affirmative.

Respectfully submitted,

John M. Schmisek, City Auditor