

MINUTES

North Dakota State Water Commission Telephone Conference Call Meeting Bismarck, North Dakota

August 22, 1996

The North Dakota State Water Commission held a telephone conference call meeting in the Governor's conference room, State Capitol, Bismarck, North Dakota, on August 22, 1996. Chairman, Edward T. Schafer, called the meeting to order at 4:45 PM, and requested State Engineer, and Chief Engineer-Secretary, David A. Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

MEMBERS PRESENT:

Governor Edward T. Schafer, Chairman
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Florenz Bjornson, Member from West Fargo
Judith DeWitz, Member from Tappen
Elmer Hillesland, Member from Grand Forks
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
David A. Sprynczynatyk, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck (by phone from Oakes)

MEMBER ABSENT:

Mike Ames, Member from Williston

OTHERS PRESENT:

State Water Commission Staff
Gregg Thielman, State Water Commission (by phone from Devils Lake)
Gordon Weixel, Devils Lake Daily Journal (by phone from Devils Lake)
Dale Wetzel, Associated Press, Bismarck
Patrice Eblen, Department of Agriculture, Bismarck

The attendance register is on file with the official minutes.

The meeting was recorded to assist in compilation of the minutes.

Since this was a special meeting of the State Water Commission, Secretary Sprynczynatyk made reference to the North Dakota Century Code, chapter 61-02-08 relating to meetings of the Commission. Chapter 61-02 states, in part:

Notice of any meeting of the commission shall be given by written notice sent to each member of the commission at least three days before the meeting. No notice shall be necessary for any member who has personally signed an admission of notice and consent to holding the meeting.

Because written notice was not provided three days prior to August 22, 1996, each member was asked to consent verbally, and in writing, that prior to the meeting he or she was verbally notified of the meeting and consented to holding the meeting. (The Commission members consented verbally, and written consent forms are on file with the official minutes of this meeting for each Commission member.)

APPROVAL OF AGENDA

the agenda approved and requested Secretary Sprynczynatyk to present the agenda.

There being no additional items for the agenda, the Chairman declared

**CITY OF DEVILS LAKE
LEVEE PROJECT -**

**APPROVAL TO REQUEST \$175,000
FROM STATE CONTINGENCY**

**FUND THROUGH EMERGENCY
COMMISSION**

**APPROVAL OF COST SHARING
IN 50 PERCENT OF NON-FEDERAL
COSTS OF \$175,000 FOR 1996 PHASE
OF STAGE 1 OF DEVILS LAKE
LEVEE PROJECT**

**SWC DECLARATION OF INTENT
TO CONTRIBUTE REMAINING
STATE COST SHARE IN 1997
(SWC Project No. 416-2)**

The city of Devils Lake is currently protected by a series of levees

constructed by the Corps of Engineers in the 1980s. These levees provide

protection to elevation 1440 msl, with an additional five feet of freeboard.

Secretary Sprynczynatyk explained that with Devils Lake currently at elevation 1437.7 msl, there is a reasonably good chance the lake could exceed 1440 msl in 1997. As a result, the Corps of Engineers has agreed to raise the levees five feet. The total cost of the project is currently estimated at \$7.5 million, although this cost could increase due to various dike alignment alternatives which are being considered.

Secretary Sprynczynatyk stated that the project will be constructed in two stages. Stage 1 will consist of the key features that need to be started this fall and are generally located in lower elevation areas. Stage 2 will be bid in early 1997.

The Corps of Engineers requires a portion of the non-federal funds for Stage 1 to be deposited by August 29, 1996. The

Corps and the city of Devils Lake are in the process of satisfying the agreements

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and funding required for Stage 1. Secretary Sprynczynatyk stated the total cost of Stage 1 is \$3,640,000. The Corps of Engineers will pay 75 percent of the costs, leaving a non-federal requirement of \$910,000. The city has requested a cost share from the State Water Commission.

Secretary Sprynczynatyk explained that because of the lateness of the construction season, the Corps will not be able to complete Stage 1 in 1996. The Corps has indicated that \$350,000 for the right-of-way, design, and construction will be required this year. The state's share, based on a 50 percent cost share, would be \$175,000. The balance of the state's share, assuming a \$7.5 million project, will be approximately \$760,000 that would be required in 1997.

Secretary Sprynczynatyk stated that because of the emergency nature of the project and the timing, one option for funding would be to seek Emergency Commission approval for \$175,000 from the state's contingency fund through the Emergency Commission. The Emergency Commission is scheduled to meet on August 23, 1996.

It was the recommendation of the State Engineer that the State Water Commission request approval of \$175,000 for the Devils Lake levee project from the state contingency fund through the Emergency Commission.

It was also the recommendation of the State Engineer that the State Water Commission approve 50 percent cost sharing of the non-federal costs for the 1996 phase of the Stage 1 Devils Lake levee project, for a state cash contribution of \$175,000. This would be contingent upon the availability of funds, and action by the Emergency Commission.

It was also the recommendation of the State Engineer that the State Water Commission declare its intent to contribute the remaining state cost share in 1997 for the Devils Lake levee project.

Governor Schafer responded to funding concerns raised by Commissioner Vogel.

It was moved by Commissioner Swenson and seconded by Commissioner Thompson that the State Water Commission:

- 1) Request approval of \$175,000 for the Devils Lake levee project from the state's contingency fund through the Emergency Commission.*

- 2) *Approve a 50 percent cost share of the non-federal costs for the 1996 phase of the Stage 1 Devils Lake levee project. The state cash contribution will be \$175,000. This shall be contingent upon the availability of funds, and action by the Emergency Commission.*
- 3) *Declare its intent to contribute the remaining state cost share in 1997 for the Devils Lake levee project, depending on the availability of funds.*

Commissioners Bjornson, DeWitz, Hillesland, Olin, Swenson, Thompson, Vogel, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

There being no further business to come before the State Water Commission, it was moved by Commissioner Olin, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission telephone conference call meeting adjourn at 5:00 PM.

/S/ Edward T. Schafer
Edward T. Schafer
Governor-Chairman

SEAL

/S/ David A. Sprynczynatyk
David A. Sprynczynatyk
State Engineer, and
Chief Engineer-Secretary

