

BUFFALO-RED RIVER WATERSHED DISTRICT

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PROJECT NO. 49, OAKPORT FLOOD CONTROL MINUTES FOR FINAL HEARING December 1, 2008

Pursuant to Minnesota Statutes Annotated (M.S.A.) 103D.745, and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held the Final Hearing for Project No. 49, Oakport Flood Mitigation, on Monday, December 1, 2008, at 7:00 PM in the Dilworth Community Center. BRRWD Managers present were Curtis M. Nelson, John E. Hanson, Roger G. Ellefson, and Gerald L. VanAmburg. Others attending included: Bruce E. Albright, Erik Jones, and Julie Jerger, Houston Engineering Inc. (H.E.); Arvid Thompson, Lauren Peterson, and Eddie Bernhardson, Appraisers; Greg Anderson, Chairman, Oakport Township; Kevin Campbell, Clay County Commissioner; S. Bruce Langness and Kris Carlson, Ulteig Engineers, Inc. (UEI); Corey R. Elmer, Attorney, Vogel Law Firm; Robert Zimmerman, Engineer, City of Moorhead; Tim Magnusson, Clay County Planning & Zoning; Jack Frederick, Minnesota Pollution Control Agency (MPCA); and landowners: Orville Spiesz, JoAnn Spiesz, Dave Pearson, Elaine Pearson, Allen Cottrell, Pat Cottrell, Dan Herold, Lawrence Fischer, Robert Fischer, Elaine Gess, Randy Farwell, Jim Kastella, Darold Peterson, Mike Staber, Vicki Staber, Donna Fedje, Corliss Fedje, Floyd Engleson, Mary Engleson, Kerman Alm, Janice Alm, Vicky Wms Sieben, Mitchell Kleber, Jay Kemmer, Vicki Kemmer, Paul Anderson, J. Kopperud, Jess Radeck, Todd Moeller, Mark Appell, Laura Dickerson, Margaret Hagland, Christine Swenson, Patti Kratky, Frank Kratky, Bob Carlson, JoEllen Carlson, Penny Retzer, Steve Retzer, David Stensland, Ruth Stensland, Jessie L. Swanson, Valerie Nielsen, Ron Nielsen, Al Fischer, Carol Kuehl, Carolyn Kastella, Larry Harrington, Charlotte Nelson, Leonard Nelson, Dale Stoll, Jodi Stoll, Lawrence Olmstead, Alta Olmstead, Tim Fischer, Scott Erickson, Curt Borgen, Kathy Thiel, Gladys Homlett, and Dave Allen.

BRRWD Chairman, Roger Ellefson, called the hearing to order at 7:00 PM and introduced the BRRWD Board, H.E. and UEI Staff, the Appraisers, the BRRWD Attorney, and City, Township, and County officials. Ellefson announced that a tape recorder was being used to aid in the preparation of the hearing minutes. He requested that the audience state their names for the record when giving testimony.

Albright reviewed the meeting agenda, and gave a brief history of the Oakport Flood Mitigation project. He noted that the proposed project area has had a history of flooding, which culminated during the 1997 spring flood. Following that event, the Army Corps of Engineers (COE) began a feasibility study for a ringdike project for Oakport Township. After six years of study, the COE determined that there was no federal interest (cost/benefit ratio) in a flood control project for this area. UEI worked with the COE on their feasibility study and was able to use the compiled data and information associated with the study help to develop the current design. In 2003, Oakport Township asked the BRRWD to sponsor a flood control project for this area and the Board agreed to help. Albright pointed out that while it appears that project development is slow, he assured the landowners that we are working on various components of this challenging project every day. In accordance with M.S.A. 103D.601, the BRRWD held the preliminary resolution hearing on 5/29/03, and on that same date, adopted the Final Resolution, designating the project name and number, and appointing UEI as the project engineer.

Chairman Ellefson introduced S. Bruce Langness, Engineer, UEI, who presented the Engineer's Report. He noted that the project has been under study since 1997. In 2004, a task force, assembled by the BRRWD, put together a project concept for the Technical Committee to move forward with the project

design. The Committee, which includes BRRWD Managers, H.E. engineering staff, City and County officials, and environmental agencies, meets every few months to provide technical input and design review.

Langness used a digital projector to make a PowerPoint presentation. He discussed flooding statistics from the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Act (NFIP). He emphasized that the NFIP "requires communities to identify flood hazard and propose solutions to lessen damage", and that "communities which do nothing are at risk for the potential liability of flood damage." Langness discussed the risk of future flood damage in Oakport Township if the project is not built. He added that it's likely more structures will be classified as high risk when the new flood elevations and floodplain maps are adopted in 2009. Langness explained that people living in the floodplain have rights and responsibilities, which the Task Force considered when they developed the ringdike concept. The citizens need to know what their flood risk is and agree that there is a problem. They need to feel the proposed flood damage reduction plan is fair, and the decision-making process is objective. They also should have a role in plan development.

Langness compared slides showing the current 100-year Oakport Township floodplain and the projected 100-year floodplain in the proposed project area. The new floodplain covers most of the land between County Road (C.R.) No. 93 on the north and the Red River/Oakport Coulee on the west and south. Langness explained that lending institutions could require homeowners within this area with new or existing mortgages to obtain flood insurance when the new floodplain maps are adopted. The next set of slides showed the new floodplain area with and without the proposed project, and a detailed map of the dike alignment, including the five proposed stormwater ponds. Langness explained that one of the goals of the project is to protect the area so that flood insurance will not be mandatory. This could be accomplished by submitting a project design that meets the COE/FEMA requirements for a certified levee. FEMA reviews the project design, and if they approve it, they will accredit the project and drop the mandatory flood insurance requirement. Landowners can still voluntarily obtain flood insurance at a much lower rate.

The next slide showed details of the project design. The plan calls for an earthen levee with 4:1 sideslopes, built with the clay from the stormwater ponds and interior drainage ditch excavation. FEMA requires that the project must protect property within the dike, as well, so there will be stormwater collector pipes inside the levee to carry interior water to retention ponds within the dike. According to MPCA requirements, the storage ponds will have 4' of permanent water in the bottom to insure the quality of runoff to the Red River. The ponds will have 3' of freeboard over the 100-year flood elevation. Underground pipes will carry runoff to lift stations into the river. The pond design provides for 3 to 7-days of storage capacity during high water events.

Langness talked about project phasing and the projected costs. Phase 1, tentatively scheduled to begin construction in 2009, will include the area south of Wall Street and north along the west side of Oakport Coulee. The estimated cost for Phase 1 is \$4 million. Phase 2 includes raising C.R. 93. FEMA dike certification guidelines stipulate that roads can't be used for flood protection structures unless the road materials are of a uniform quality. Both C.R. 93 and 1 will be reconstructed with a center core of clay to avoid seepage. The estimated cost for Phase 2 is \$2.7 million and is tentatively scheduled for construction in 2009 or 2010. Phase 3, which has a tentative construction date of 2010, will include a ringdike for Brentwood, Rolyn Acres, and the Odegard Subdivision. The cost is estimated to be approximately \$2.9 million. Phase 4 is the work on C.R. 1, or Old Broadway, estimated to cost \$3.2 million and is scheduled to start in 2011. Other costs include buyout expenses, right-of-way (r-o-w) acquisition, wetland mitigation, and miscellaneous.

Langness said that the project design is 90% completed for Phases 1 and 2. The design for Phases 3 and 4 is about 25% done. He mentioned that work on the soil borings/geotechnical investigation is currently underway. This information is needed to complete the Phase 1 design. There will be wetland issues related to the coulee area and floodway encroachments, so mitigation will be necessary. As the design work for Phase 3 (Brentwood, Rolyn Acres, and the Odegard Subdivision), progresses, the BRRWD will be scheduling more landowner informational meetings. Langness noted that he tried to incorporate answers to some of the questions he received during the 11/25/08 Open House in tonight's presentation. He added that there is still the possibility of moving the dike alignment in some areas.

Langness discussed the hydraulic modeling issues. He stated that UEI's computer modeling shows that the project should have no adverse impact to the water surface levels during a 100-year flood on the Red River and Oakport Coulee. Downstream of the coulee along C.R. 26, the project will lower the flood level by 1/8" and 1" lower at C.R. 93. Where the Red River and Oakport Coulee converge, the project will cause a 1/4" increase, which is the largest project impact. Langness noted that UEI is still in the process of obtaining a number of permits from various agencies, including the Minnesota Department of Natural Resources (DNR), Clay Soil and Water Conservation District (SWCD), Clay County Highway Department, City of Moorhead, MPCA, and the Minnesota Department of Health (MDH).

Langness closed his presentation with further information regarding flood insurance. FEMA considers all houses within the floodplain to be at high risk, and all federally backed home mortgages require flood insurance. The zones B, C, and X, are considered low risk for flooding where insurance is available, but not mandatory. He stressed that homeowners who are eligible for flood insurance should purchase insurance prior to the adoption of the new flood maps in order to qualify for the current lower rate. The rates will go from the current \$200-\$300/year to \$600-\$800/year after the floodplain revision. The new preliminary floodplain maps will be released in January 2009. Communities have 90 days to review and comment on the maps. FEMA will review the comments and then release the final maps in early 2010. When the communities adopt the new maps, the new flood insurance rates will become effective. Langness displayed a table showing the estimated annual flood insurance premiums with and without the ringdike project. From the data, it appears that the project will have a significantly positive effect on the cost of flood insurance, making most of the area eligible for voluntary flood insurance instead of mandatory insurance.

Langness explained that the goal of the Oakport Flood Mitigation project is to provide a certified levee system with flood protection from a 100-year flood, to provide flood damage reduction, remove the need for mandatory flood insurance, provide for internal runoff storage, and to create no adverse impact to the 100-year event river levels. The project will also provide secondary protection of new structures, floodplain management for future development, protection for as many existing structures as possible, promote community safety and well-being, and provide greenway areas within the community. Langness explained that FEMA encourages homeowners to purchase the voluntary flood insurance and build new structures at a higher elevation as secondary protection efforts for their homes, since no levee system is perfect. The City and County agencies have a floodplain management plan for future development.

Langness pointed out that the BRRWD has held numerous landowner meetings, including public presentations, neighborhood meeting, and one-on-one visits. He feels that the general consensus of the community is that the method selected to reduce flood damages makes the most sense and that the BRRWD should proceed with the proposed project.

Chairman Ellefson asked if there were any questions from the audience regarding the Engineer's Report.

Frank Kratky (6604 NW Broadway ST) asked about the interior drainage ditches/storm water holding ponds. He questioned the positioning of the ponds. Langness said that at this point in the design process the location of the ponds is negotiable. The goal is to shorten the distance from the holding ponds to the river outlet. Langness said that the holding ponds will have a constant water depth of about 4'. Kratky was concerned that there could be internal flooding problems if water is drained to the proposed location of the pond, as some of these areas were flood prone during the 1997 flood. Kratky asked if some of the interior drainage ditches shown on the project design are the existing county road ditches. Langness said UEI plans to improve the ditches by adding to the shoulders, remove the v-shaped bottom, making the ditch shallower, but allowing for more capacity because of the proposed ditch configuration. Langness thought that if the ditch is made wider, it will require the acquisition of more r-o-w. The culverts would be sized to carry a 10-year event.

Eddie Bernhardson presented the Appraisers' Report.

In accordance with M.S.A. 103D.725, and any other applicable statutes, we herewith submit the following Appraisers' Report:

Benefits Statement

This report covers the determination of benefits for the Project No. 49, Oakport Flood Mitigation, which is being developed by the BRRWD in accordance with Minnesota Watershed Law. We did not determine any damages for the project for r-o-w, as we were informed that the BRRWD will acquire any r-o-w needed to construct the project through negotiation with the affected landowners. The basis for determining our benefits is a comparison of the conditions expected with the proposed project over those that exist today.

The project area has had a history of flooding problems, including the recent 1997, 2001, and 2006 spring floods. The BRRWD was approached on 1/27/03 by Oakport Township to be the project sponsor after the COE dropped the project. The BRRWD has held informational meetings on 5/11/06 and 4/03/08 to discuss these problems with you. On 5/29/03, the Board held the preliminary resolution hearing in accordance with M.S.A. 103D.601. The appointed engineer, UEI, filed their initial study of the project in February 2004, which has subsequently been revised (8/21/08) to reflect the final design concepts.

We (Lauren Peterson, Arvid Thompson, and I, Eddie Bernhardson) were appointed by the BRRWD to determine the benefits for the proposed project. We took our Oath of Office and held our first meeting on April 8, 2008. We conducted several field reviews of the project during our work and on October 27, 2008, filed our report with the BRRWD. The proposed project has been described earlier by S. Bruce Langness, Engineer, UEI, and this is the project for which we have determined benefits.

The basis for our benefits started with the County's 2007 assessed property values, which were adjusted to reflect the value for areas with the proposed project boundaries. For lands within the proposed project, we then took these adjusted values times 10% of that value to establish our benefits. Supporting documentation for our analysis and conclusions of the Report are contained in our files and are available for inspection. The figures stated within our Report are based on a full and fair consideration of all pertinent facts and information that we were aware of at the time of our work.

The following aids were used during our review process:

1. Clay County soil survey manuals and maps
2. FSA aerial photographs
3. USGS topographical maps
4. Sales data from the Clay County Assessor's Office
5. Visual inspections of the project properties
6. Market values as determined by the Clay County Assessor's Office

We understand that financing for the local share of the project's cost will be assessed against benefited properties (\$439,300), and the balance of the costs will be paid by the DNR Flood Damage Reduction Program. Historically, local assessments have been financed through a bond sale that could run over a 7-10 year period. We were told that the total estimated project costs are \$18.8 million. In our report, we found total benefits of \$5,785,831, which doesn't include the annual benefits of \$1,024,200, estimated by UEI, which includes flood fighting costs, infrastructure protection, and flood insurance premiums. UEI has determined a benefit/cost ratio of 1.23. The estimated market value of property inside the levee is \$57,858,308.

The benefit values are based upon an increase in the property's value as a result of constructing the levee project and reconciled with sales value increases. All present land use was evaluated under estimated best land management practices. Special consideration was given to areas that were considered to be in a native/non-converted condition or identified as wetlands or floodways and restricted from drainage or other use by state or federal regulations.

The intent of our report was to determine benefits to raise funding for the local share of the project costs (\$439,300). Our report should not include any lands/properties outside of the proposed levees. The levee alignment we used was furnished by UEI. As the project design continues, and if additional changes are made to the alignment, then our report will also need to be adjusted accordingly. It should be noted, that if built, the project will require future maintenance/administration, and we were told that these costs will also be distributed back to the benefited property as determined by our report.

Because of the State of Minnesota's generosity, the local share of the project costs are quite low and should not create an undue hardship for most. The cost savings realized by the lower flood insurance premiums in most cases exceed our benefits in comparison with 1-2 years of higher premium payments without the project. It is our thoughts that the project will increase all values within the levee well in excess of our proposed benefits.

We would be happy to answer any questions you may have regarding our work or findings, and we are pleased to be of service to the Board in this regard.

Albright noted that the Engineer's Report was submitted to the Minnesota Board of Water and Soil Resources (BWSR) and the DNR in October. BWSR sent back comments stating that the Engineer's report appears to present a practical plan and to be complete in relation to the statutory requirements, subject to their brief comments. The DNR had no comments regarding the Engineer's Report.

Ellefson asked if there were any questions/comments.

Jessie Swanson feels that her property is basically worthless to her because 99% (1.5 acres) of it is on the wrong (wet) side of the dike, and she will not benefit from the project. Ellefson noted that the Board will

ask the Appraisers to take a second look at Swanson's benefits. Swanson's property is by the coulee between the two sections of the proposed dike. Someone noted that only a small portion of her property in the northeast corner will be protected by the dike.

Someone asked when the assessments will be due. Albright explained that the landowners' share of the project costs will be approximately \$439,000, based on the 2% median household income threshold language used by the Minnesota Legislature to set the State's share of the project funding. Typically, the DNR shares ringdike costs at a 50/50 rate, but after the 1997 spring flood, the magnitude of devastation and in light of the support from our local legislators (Senator Keith Langseth, Representatives Morrie Lanning and Paul Marquart), the DNR agreed to fund the project based on the median household income, which is a much better funding ratio for the project landowners. Project costs have already exceeded \$4 million with another state funding request recently submitted for an additional \$1 million. As we pay expenses on the project, we submit pay requests to the DNR for reimbursement based on a 2% local/98% state ratio. At this point, given the current financial climate, we're not sure what the Legislature will allocate for our project in 2009. Our local Legislators have made a commitment to the BRRWD to see the project completed. We do plan to work with Clay County to sell bonds to finance the local share of the project costs. The Board is looking at combining the bond sale with several other small projects they are currently working on. The bond sale would prorate the costs out over the life of the bond, which is typically 7-10 years. Landowners do have the option of paying off their assessment earlier. The assessed amount would appear on the property tax statements. The bond sale interest would be around 4%-5%. Commission Campbell felt local assessments need to start after project completion.

Albright discussed the buyout process. To design a project with no adverse impacts to the Red River, there are some homes that we could not protect with the dike. Following the geotechnical soils survey, we discovered that there is an area on the west side of Broadway (C.R. 1) where the soils are not suitable for dike construction. We will not be able to protect those homes, and the BRRWD will offer the homeowners in this area the buyout option. Albright stressed that the buyouts are on a voluntary basis. We have completed about 25 buyouts with 5 or 6 transactions still pending. Guy Miller, Miller Realty, Inc., has been working with the BRRWD to complete the buyout appraisals. The BRRWD has a process to work with the homeowner regarding appraisal values.

Albright discussed the land acquisition process. As soon as UEI completes the project design, the BRRWD will meet with individual landowners to negotiate their easement options. Once the BRRWD and the landowners have agreed on a land value, the landowners will be asked to sign an easement option to build a portion of the dike on their property. The BRRWD will update abstracts at our expense. We would like to have this process completed in the next 6-9 months. Appraiser Chuck Anderson, Barnesville, MN, is working with the BRRWD to determine land value rates based on land use: agricultural, recreational, and lot size. If the landowner is not satisfied with the proposed property value, an individual appraisal will be conducted. After all avenues of negotiation have been tried, if the landowner is still not willing to sign an easement agreement, the BRRWD has the right to invoke their power of eminent domain to condemn property needed to construct the project. In 30 years, the BRRWD has never had to use this power. The Board is very interested in negotiating a fair easement price. Albright noted that back in 1997 after the spring flood, there a large number of property owners who offered to donate their land in order to get flood protection.

Albright estimated that at least 150 people attended the 11/25/08 open house. Comments received at the Open House will be entered as testimony to tonight's hearing. He said there are also comment sheets available tonight on the back table for people to document any concerns or comments. They can either submit them tonight or mail them to the office for the Board's consideration.

Ellefson commented that on the Appraisers' Report, the project benefits total \$1,539,230.00/year. Eddie Bernhardson noted that UEI furnished that figure in the Engineer's Report. Ellefson discussed the cost/benefit ratio. The final benefits for a project must exceed the total costs of the project. He asked Langness to give an estimate on the life of the project. Langness thought that the proposed project has about a 50-year life. Ellefson felt that taken the total annual benefits multiplied by 50 years, the project benefits will exceed the project costs.

Dale Stoll (309 Wall ST) asked if there is an appeal process for benefits on land that is cut off by the dike. He also asked if Clay County plans to realign their parcels to change the tax structure because they will be losing some of their property. Kevin Campbell, Clay County Commissioner, said that he didn't think that the parcels would be revised. However, the County Assessor has jurisdiction over this issue. Stoll asked if benefit appeals should be made to the BRRWD. Ellefson said that landowners can submit their concerns regarding the proposed benefits to the BRRWD. The Board is willing to negotiate with landowners who have a legitimate concern. If an appeal cannot be settled through negotiation, the landowner has the right to seek a decision in District Court. Ellefson pointed out that with the r-o-w easements for the project, the BRRWD is not buying the property, only acquiring a project easement. The landowner still retains ownership of the land. Attorney Elmer explained that the easement involves two documents. The first is an option to participate in the easement process that the landowner will sign prior to project construction, and later, the landowner will be asked to sign the actual easement, which gives the BRRWD the right to construct, maintain, and operate the dike on their property. Stoll pointed out that if land is on the wrong side of the dike, it will reduce the land's value. Greg Anderson, Oakport Township, suggested that it would be better to discuss this issue with the landowners on a case-by-case basis, and allow for more general questions at tonight's meeting.

Dave Pearson asked about the availability/reliability of State funding for the project in light of the current financial crisis. Ellefson commented that we are relying on our local Legislators to support our project funding, but it is possible that funding could dry up for flood damage reduction projects if the State's financial situation worsens. Kevin Campbell would like to see the BRRWD delay the assessment of the local share (approximately \$440,000) of the project cost until the project has been completed and the landowners have the full benefit of the dike. He would prefer that we use the state money first and the local assessments last. He noted that the Clay County Commissioners would like to discuss this issue with the BRRWD. Senator Keith Langseth, who is the Chairman of the Finance Committee, has stated that he would like to see the Oakport project completed in the next several years. The estimated State and County budget deficits are going to be a large numbers, and it is possible that the project could be delayed. Ellefson noted that generally, the project assessments aren't levied until the project is complete. It could be 2-3 years before the landowners would be assessed.

Someone asked where the dirt for the dike is going to come from. Langness explained that some of the dirt will come from the storm water ponds and interior drainage ditch excavation.

At 8:30 PM, Ellefson called for a 10-minute break to allow the landowners to review the benefit/project maps displayed around the room.

At 8:45 PM, Ellefson reconvened the meeting, and asked for further testimony.

Orville Spiesz stated that he felt the BRRWD is doing a great job, and hopes that they will get the project going as soon as possible.

Mitchell Kleber agreed with Spiesz.

Mark Appell asked if the project construction will be started next spring (2009). Ellefson noted that a start date is dependent on the status of the design process. Langness said that progress on Phase 1 is currently delayed pending the completion of the soil investigation and geotechnical report. He expects that this work will be completed sometime in February. Langness stated that Phase 1 construction (south of Wall ST and the west side of Oakport Coulee) will be ready to bid this spring. Ellefson explained the bidding process.

Ellefson asked if there were any more questions or testimony to come before the Board.

Kevin Campbell mentioned that written comments should be submitted to the BRRWD before their 12/08/08 meeting to be included in the testimony record, as the Board will probably make a decision on whether or not to continue the project sometime after that.

Albright discussed the next steps in the project's development. He explained that the project will be phased in over at least 2 years. He noted that written comments will be accepted through next Monday, December 8, 2008, for discussion at the BRRWD meeting. The BRRWD has a Website where information is posted (www.brrwd.org). Meeting minutes, etc. can be found on that site. He suggested that the Board could consider making an order for the project at their 1/12/09 meeting, which will give the Appraisers time to address any benefit concerns. If the Board makes an Order to construct the project, they will also adopt the Engineer's and Appraisers' Reports. Albright explained that the Appraisers only placed benefits on lands within the dike alignment. Land that is on the wrong/wet side of the dike is not being assessed. The Board's Order is subject to a 30-day appeal period. Albright discussed the appeal process. He added that the Board will make every effort to negotiate an appeal with the landowner. If the appeal can't be settled through negotiation, landowners have the right to take the issue to District Court. In early 2009, the Board would like to start the easement option process. If we are able to acquire a few options quickly, we might be able to authorize some tree clearing and grubbing work yet this winter. The Board's desire is to start construction next spring.

Pearson asked about liability issues on the easement acreage. Attorney Elmer thought that since the landowners retain ownership of the property under easement, they would need to continue liability insurance, even though the BRRWD holds an easement on the property. Albright commented that the BRRWD also carries liability insurance for the project. Pearson felt that by adding the dike to his property, his liability risk increases.

Someone asked if the BRRWD plans to place markers/signs prohibiting recreational vehicles from trespassing on the dike, since landowners aren't allowed to place signs or fences on easement property. Langness explained that posts/signs/chains will be placed off from the major roads to discourage vehicles from encroaching on the dike alignment; however, there will not be fences alongside the levee system. Ellefson noted that the area is still private property.

Ellefson asked again if anyone had more testimony to come before the BRRWD.

Orville Spiesz questioned the statement that there would be no fences allowed on the dike system. Langness noted that Spiesz has an existing fence on his property that would not be affected by the project. He doesn't have to move his fence.

Tim Fischer questioned the dike alignment/design. He thought it would be better to raise Wall ST and use it as part of the dike than to go through the Fischer agricultural land. Langness noted that Fischer is referring to the area on the east side of the project near the Jesse Swanson and Jerry Skalicky properties. Langness plans to discuss this issue with Dave Overbo, Clay County Engineer. This comment was also

discussed during 11/25/08 Open House. This option would add to the project costs, but might be a workable alternative.

Dave Allen had a concern about how the C.R. 96 road raise would affect his driveway. His driveway is already steep. Kris Carlson, UEL, said that they plan to regrade Allen's driveway to County standards and would only raise his driveway 1.5'-2'.

Ellefson asked again if there was any more testimony. Being no further questions or testimony, Chairman Ellefson adjourned the hearing at 9:10 PM.

Respectively Submitted

John E. Hanson, Secretary