2011 SENATE APPROPRIATIONS

SB 2297

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee
Harvest Room, State Capitol

SB 2297
January 28, 2011
(audio recording not available)

☐ Conference Committee

Committee Clerk Signature Rose Laning

Explanation or reason for introduction of bill/resolution:

A bill to provide an appropriation to the department of transportation for a county road project grant.

Minutes: See attached testimony - # 1-2.

Chairman Holmberg called the committee hearing to order on SB 2297. Roll call was taken.

Brady Larson - Legislative Council; **Tad H. Torgerson** & **Tammy R. Dolan** - OMB.

Senator Joan Heckaman, District 23
Bill Sponsor
Testified in favor of SB 2297 and explained the need for the bill. Nelson County Road 23 is located on the North end of Stump Lake and is deteriorating because the lake keeps rising. Money was requested for this road 2 years ago and DOT didn't have the money for the road.

Rep.Bill Devlin, District 23
Bill Sponsor
Testimony attached - # 1
Nelson County has built dikes to stop the water from flooding roads and communities, but it just gets pushed to another area. This bill would help the county by providing critical funding to rebuild County 23 which will also go under if not taken care of.

Odell Flaagan, Chairman, Nelson County Commissioners
Testified in favor of SB 2297. Testimony attached - # 2.

Reading from testimony - Stump Lake is supposed to hit 1454 or 1455 feet and that would flood County Road 23. They have placed riprap on this road twice and residents now have to travel 30-50 miles instead of 10 miles to receive services.

Chairman Holmberg said the committee is aware of the problems in Nelson County and asked the status of ND Hwy 1 and **Odell Flaagan** said the rip rap washed away.

Discussion centered on the 2 stages of road construction, the elevation of Stump Lake and the lack of funding available because the County has exhausted their funding and are unavailable to get a match. The County has also lost several miles of roads because of lake flooding.

Richard Urvand, Road Superintendant, explained that they have set the construction into two stages because of the elevation predictions of 54 and 55 feet. Stage two would cost close to a million dollars. There are two spots that need repair.

Senator Fischer said he had been to that area several times and one thing the committee needs to remember is that bus drivers are taking kids on marshmallow roads with soft shoulders. That issue needs to be addressed. Also, the response time for emergency services and personnel in this area is of great concern because of the time issue in getting around the various roads.

Senator Christmann asked how much highway distribution money Nelson County gets every year.

Richard Urvand said $160,000 but later said that was an incorrect number and would have to look it up.

Senator Robinson said that given the rise of water in Devils Lake, are there other situations or roads that will need work.

Odell Flaagan said they are all under water.

Chairman Holmberg asked the population of Nelson County in the last census and **Odell Flaagan** said it was 4000, but is probably 3200 now.

Senator Bowman said that out of the $520,000 project costs, how much is Nelson County putting up for the project and are you asking 100% of the road.

Odell Flaagan said that their funding is depleted. In the future, they can't even bid a road because they haven't been reimbursed from federal aid funds. They can't get a match. They've lost township roads because of the lake. They had to make township roads passable so they could get by because they've lost 30 miles of county roads. Township roads had to be switched over and they have been fighting a losing battle.

Senator Wanzek said Stutsman County is having many of the same problems. There are a lot of extraordinary repairs and costs needed and wondered if they wouldn't be better served if they tackled it together because right now, farmers have to cross other farmers fields to get to their own fields.

Senator Joan Heckaman said she visited with DOT and asked about the possibility of bringing in the National Guard. They need to save their existing roads because the saturation is so intense. Marshmallow is a good description of the road. The people have exhausted their funds. If we lose agriculture, the whole state loses. In order to activate the National Guard, they have to have an association with the builders and contractors and

she thinks the governor should be able to do that. In Devils Lake, this is an emergency situation. Nelson County had the National Guard come in and put a barrier around the park and Nelson County paid for that.

Senator O'Connell said the federal government owns the equipment for the National Guard and they charge us back.

Dan Marquart, Nelson County Commissioner
Testified in favor of SB 2297.

Dan Marquart said the crossing being discussed is about two miles from his mom and dad. They had neighbors that were in a car accident and the ambulance couldn't get there. Two springs ago, they did lose this road and a lot of acreage. We're also getting more traffic from tourisms and fishing. It's hard on the roads. The solution is we need to lower the lake.

Chairman Holmberg closed the hearing on SB 2297.

Chairman Holmberg said the Water Commission subcommittee members are **Senators Fischer, Holmberg and Robinson** and they will be working with the Adjutant General subcommittee: **Senators Grindberg, Holmberg and Warner.**

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee
Harvest Room, State Capitol

SB 2297
02-22-2011
Job 14790

☐ Conference Committee

Committee Clerk Signature Alice D Delzer

Explanation or reason for introduction of bill/resolution:

A Roll call vote on County Road Project Grant (DOT)

Minutes: You may make reference to "attached testimony."

Chairman Holmberg opened the hearing on SB 2297.

V. Chair Grindberg moved Do Not Pass. Senator Wardner seconded.

Chairman Holmberg This Bill is about the county road situation in Nelson County.

There was further discussion regarding the roads in Nelson County and in other areas of the state and funds that might be available for county roads.

Chairman Holmberg asked the clerk to call the roll on a DO NOT PASS ON 2297

A Roll Call vote was taken. Yea: 11 Nay: 2. V. Chair Grindberg will carry the Bill.

HEARING CLOSED ON 2297.

Date: 2-22-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2297

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Grindberg Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner		✓
Senator Bowman	✓		Senator O'Connell	✓	
Senator Grindberg	✓		Senator Robinson		✓
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 11 No 2

Absent _____

Floor Assignment Grindberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2297: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Eleventh order on the calendar.

2011 TESTIMONY

SB 2297

Good morning Chairman Holmberg and esteemed members of the Senate Appropriations Committee.

For the Record, I am Rep. Bill Devlin of Finley who represents District 23 in the ND House of Representatives.

District 23 is a rural district in Eastern North Dakota it includes all of Nelson County.

Nelson County is in the bulls-eye of being flooded by the relentless rising of Devils Lake, through no fault of the own.

As the rising waters of Devils Lake have threatened communities like the City of Devils Lake we have built huge dikes to protect them. No one will argue for a minute that we shouldn't have done that. But there are certainly drastic consequences for others.

When you build the dikes to stop the water from flowing into one area or community, you push it into another area. You flood out thousands of acres of farm land, you push water into smaller communities like Minnewaukan, which is also in our district and push water into Nelson County filling Stump Lake flooding roads, bridges and farmland.

Nelson County has spent unbelievable amounts of tax money trying to save their infrastructure and have watched road after road get flooded out. That threatens the public safety of their citizens and their economic future.

This bill helps the county by providing critical funding to the county to rebuild a major road that they need for agriculture, for public safety like emergency services whether it be fire or ambulance and other needs,

Without state help, this road will go under and cause more of a crisis for Nelson County. Mr. Chairman and members of the committee I ask for your support of SB2297. I will certainly stand for any questions but there are people here from Nelson County who live with this situation every day that will be able to answer every question you have. Thank you!

BOARD OF COUNTY COMMISSIONERS

NELSON COUNTY
210 B Ave W, Ste 201
Lakota, North Dakota 58344

Ronald Dahlen
Donald Fougner

Odell Flaagan, Chairman

Maynard Loibl
Dan Marquart

Honorable Chairman and Committee Members:

For the record, my name is Odell Flaagan, Chairman of Nelson County Commissioners.

I am here to get funding for Nelson County Road 23, located on the North end of Stump Lake. If you recall we requested funding for this road 2 years ago and the DOT had this project killed because they needed the dollars.

- This road is not on the Federal Aid system, so the County cannot receive 80-20 funding.
- This has been declared part of the disaster area, but there has to be damage to be qualified for FEMA funding. FEMA will give 4" pit run and 2" gravel, but this would not be sufficient as the road is narrow and needs to be raised to 1460'.
- The road is currently at 1454.5' and with the current snow pack and flooding predictions, this road will go under water this spring.
- Nelson County has placed riprap on this road twice at a cost of $27,000.00 each time.
- This road is crucial in this area for emergency services such as ambulance, fire and police services as well as a route for school buses and mail delivery and a road that is used to market grain for area farmers.
- This is the only major road that runs east and west between State Highway 15 south of Tolna and State Highway 2 on the north.
- Nelson County has lost approximately 25 miles of road around Stump Lake already. With the loss of these roads instead of a 10-mile trip to receive services, some residents now have 30 miles to travel. If County Road 23 goes under water, it will again double the travel miles to go from Lakota to Tolna.
- It is crucial that we receive a grade-raise to save this road.
- Engineers have estimated that a grade-raise of a distance of 2400' is necessary at a cost of approximately $500,000.00.
- We are asking the legislature to approve funding for this project.

Respectfully submitted,

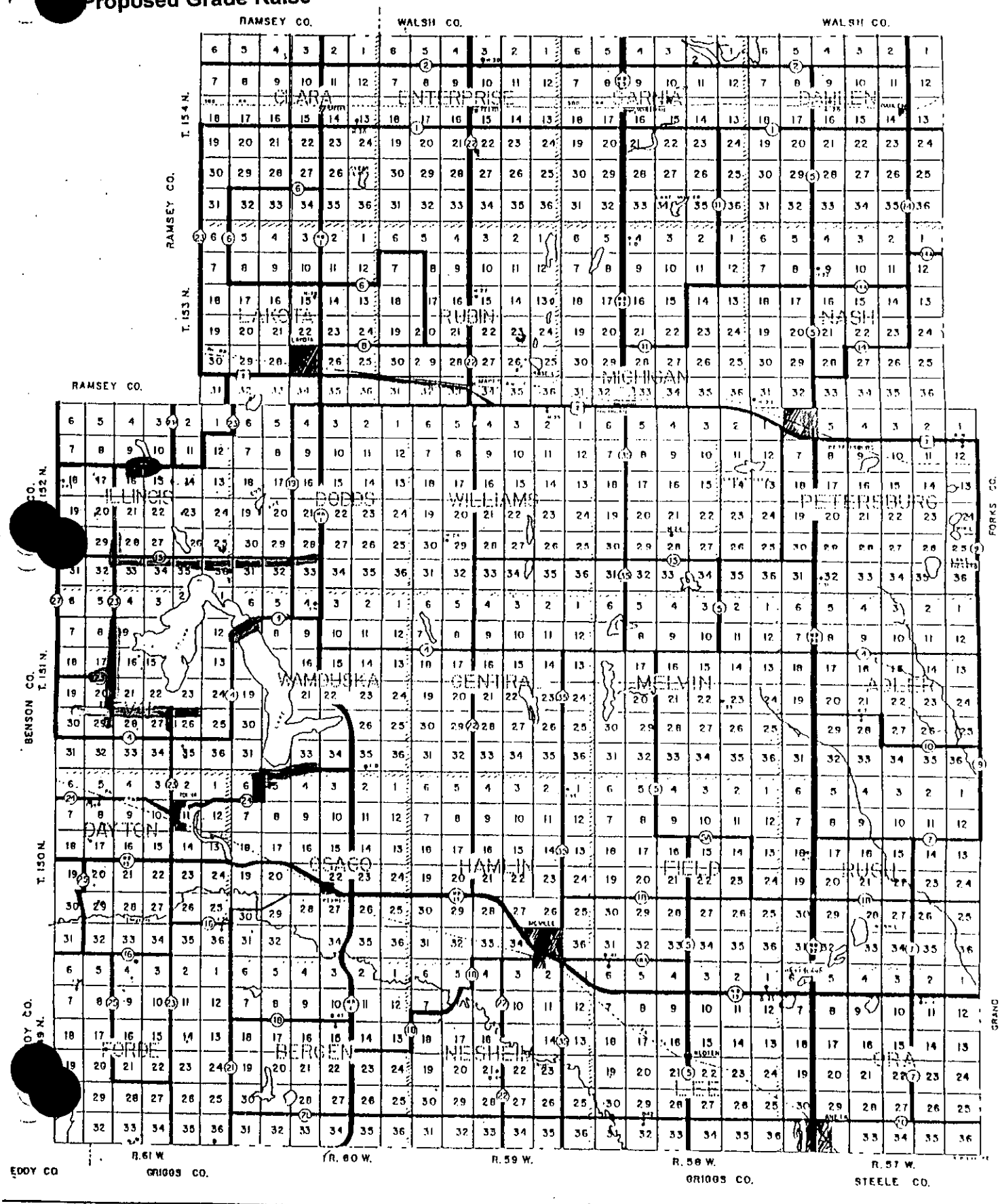
Odell Flaagan

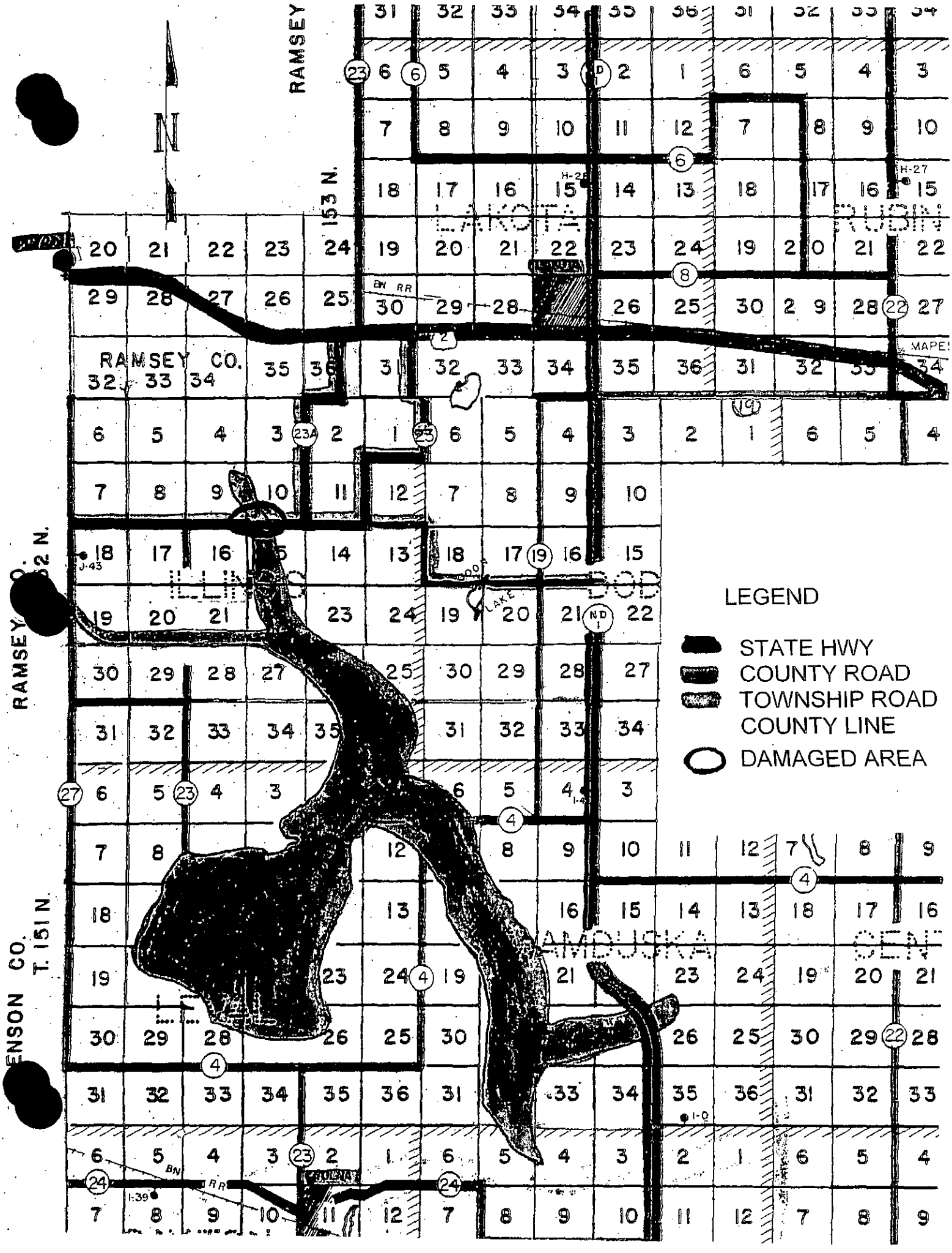
Odell Flaagan, Nelson County Commissioner

NELSON COUNTY MAP

Roads under water due to Stump Lake

Proposed Grade Raise

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RAMSEY
153 N.
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RAMSEY CO. T. 152 N.
ENSON CO. T. 151 N.
LAKE
LEGEND
STATE HWY
COUNTY ROAD
TOWNSHIP ROAD
COUNTY LINE
DAMAGED AREA

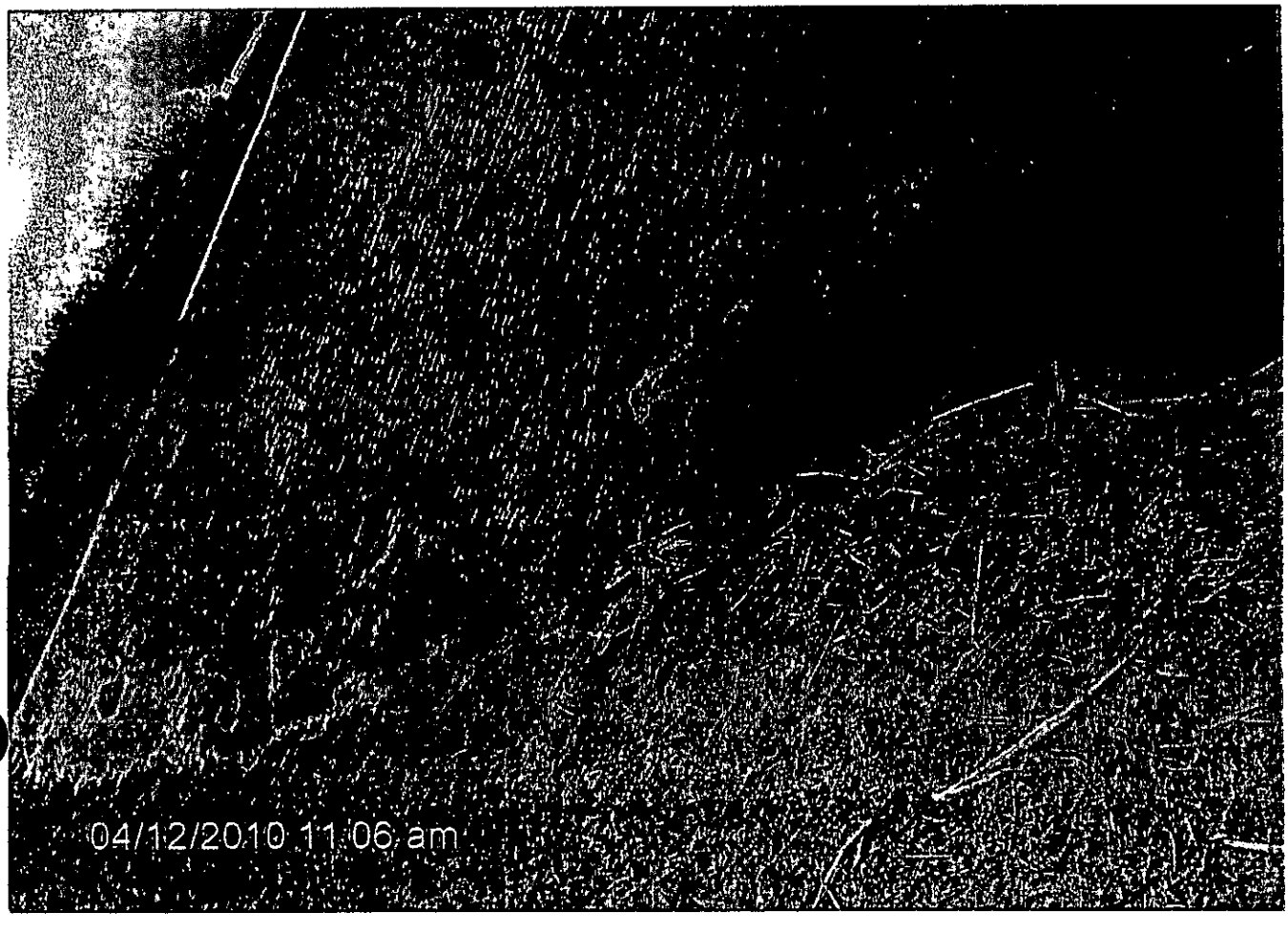
1-10-11

(1)

Opinion of Cost
Grade Raise to 1460 with base for future 1465 (Stage 1)
Schroeder Grade - Illinois Township (Non Federal Aid)
Nelson County, ND

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
CONTRACT BOND	1.00	L SUM	$ 5,000.00	$ 5,000.00
CLEARING & GRUBBING-BORROW AREA	1.00	L SUM	$ 2,500.00	$ 2,500.00
COMMON EXCAVATION-TYPE A	1,500.00	CY	$ 4.00	$ 6,000.00
TOPSOIL	1,500.00	CY	$ 5.00	$ 7,500.00
BORROW	30,000.00	CY	$ 6.00	$ 180,000.00
WATER	500.00	M GAL	$ 15.00	$ 7,500.00
AGGREGATE BASE COURSE CL 13	1,250.00	CY	$ 17.00	$ 21,250.00
MOBILIZATION	1.00	L SUM	$ 25,000.00	$ 25,000.00
TRAFFIC CONTROL SIGNS	244.00	UNIT	$ 3.00	$ 732.00
TYPE III BARRICADE	4.00	EA	$ 200.00	$ 800.00
RIPRAP-LOOSE ROCK	2,500.00	CY	$ 45.00	$ 112,500.00
EROSION CHECKS	100.00	LF	$ 15.00	$ 1,500.00
SEDIMENT CONTROL FENCE	200.00	LF	$ 3.00	$ 600.00
SEEDING-TYPE B-CL II	3.00	ACRE	$ 550.00	$ 1,650.00
GEOTEXTILE FABRIC-TYPE RR	5,500.00	SY	$ 2.00	$ 11,000.00
36" Corrugated Steel Pipe	224.00	LF	$ 65.00	$ 14,560.00
" CSP End Sections	4.00	EA	$ 625.00	$ 2,500.00
			Construction Cost =	**$ 400,592.00**
			Engineering and Construction Contingency (30%) =	**$ 120,177.60**
			Total Estimated Project Cost (Stage 1) =	**$ 520,769.60**

04/12/2010 11:06 am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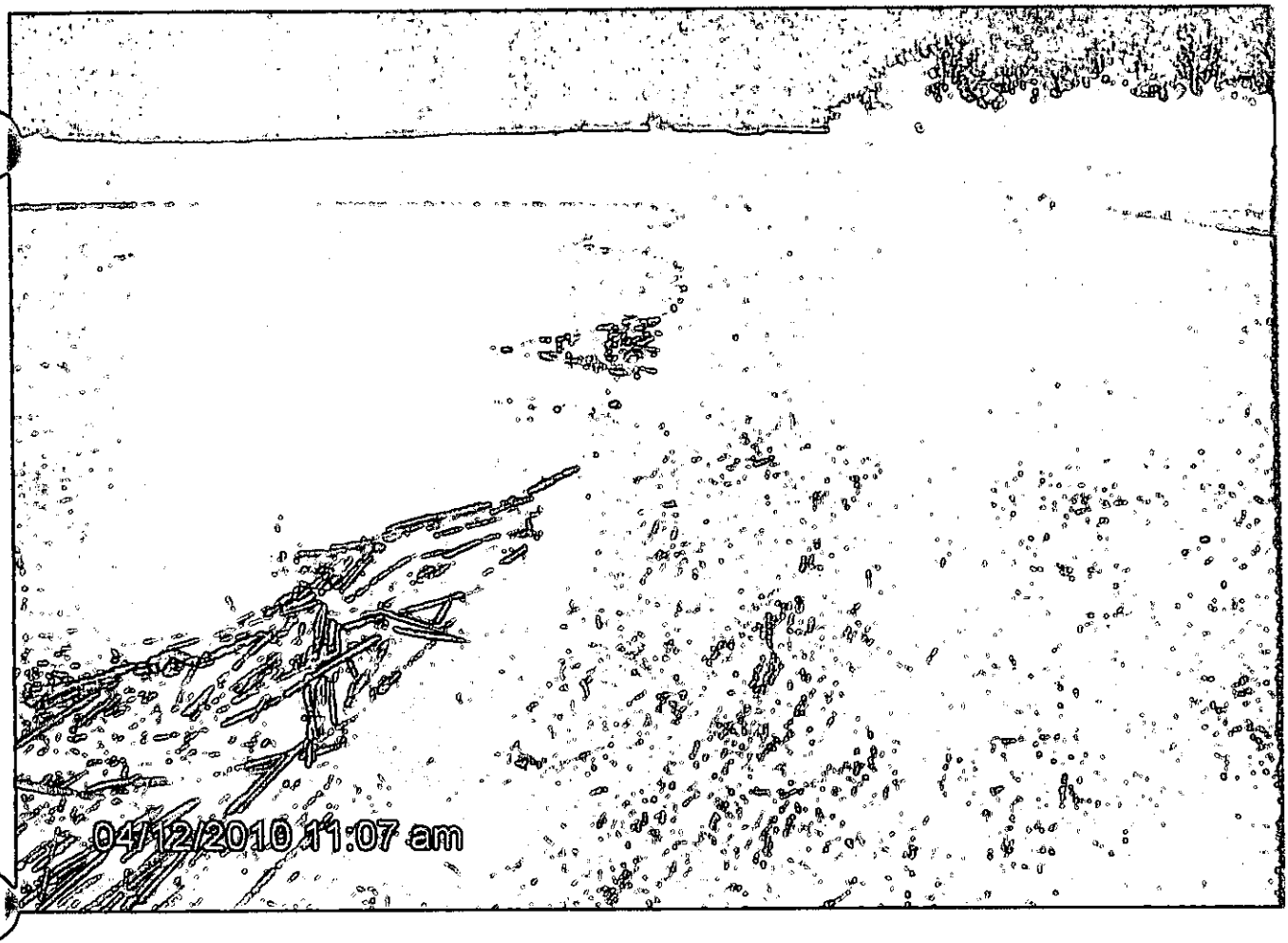
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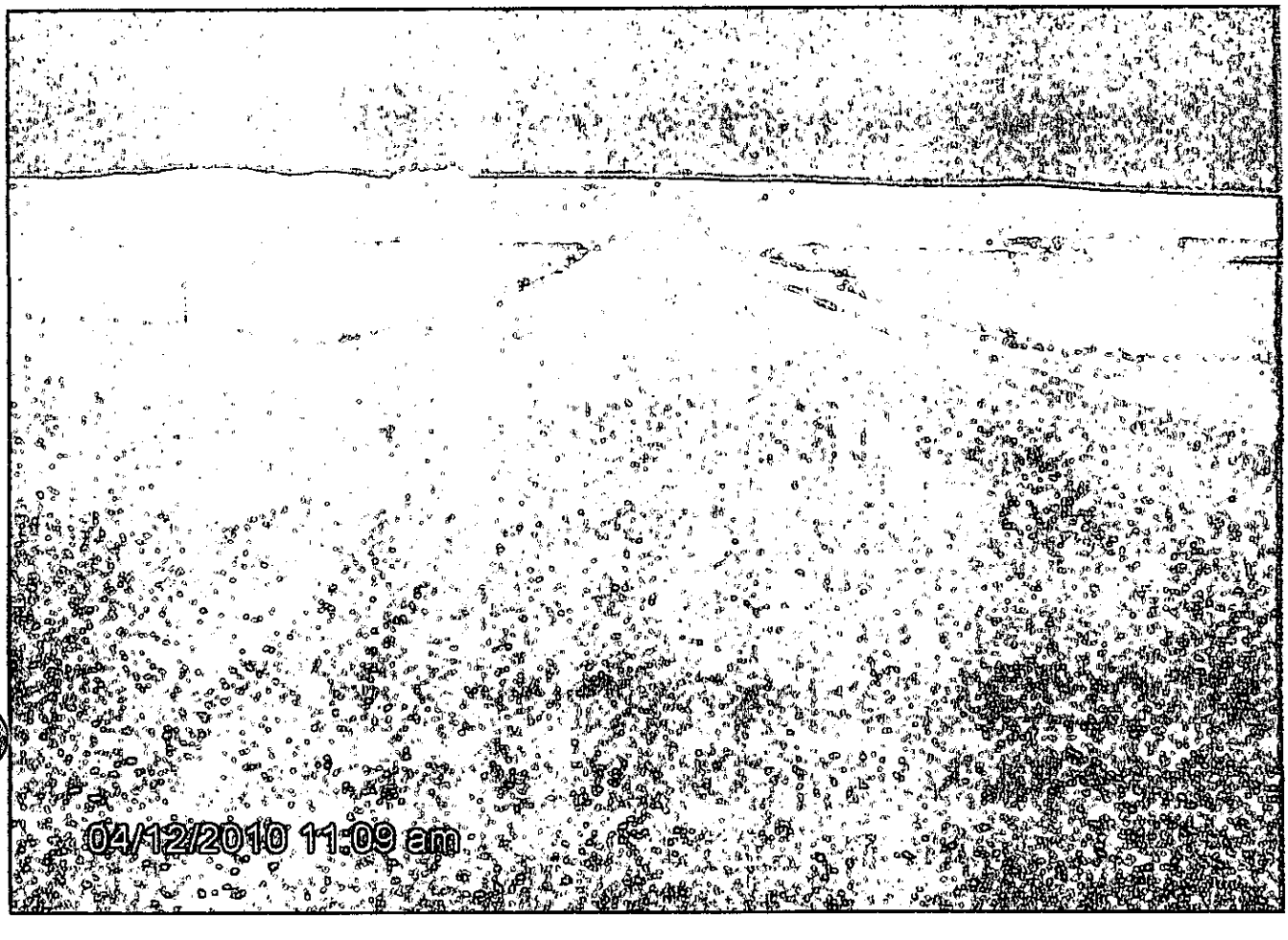
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