



CCMC Flood Control Project Steering Committee

The **CCMC Flood Control Project Steering Committee** met Wednesday, June 2, 2021, at 1:30 p.m. over Zoom. Present were Committee Members Floodplain Administrator (FPA) Samantha Malenovsky, City Councilperson (CCP) Elizabeth Patten, Custer County Commissioner (CC) Jason Strouf, Public Works Director (PWD) Scott Gray. Also present were Public Utilities Director Tom Speelmon, (KLJ) Carl Jackson, (KLJ) Becky Bey, and (SEMDC) Julie Emmons.

The committee discussed the American Rescue Plan Act (ARPA) funds and how it may pertain to the flood control project. FPA Malenovsky wanted to know the committee's recommendation on two of the three main components within the flood control project which would be the Yellowstone River levee and the stormwater plan for the slough and how the committee would like to prioritize them.

FPA Malenovsky stated that right now City staff is looking at applying for \$25,000,000 for the Yellowstone levee portion with a match of about \$2,800,000. The storm water plan for the slough would be \$4,000,000 with a match of \$500,000. The matches for each project could come out of either the federal or state allocated money.

PWD Gray stated that this priority list is crucial for the selection process within the competitive grant selection of the state ARPA money along with future infrastructure money. He also noted that other water/sewer projects would be on this list in case projects were not selected there were backups. He commented that he would like to see the Yellowstone levee and stormwater project as a top priority on the list.

FPA Malenovsky stated that the reason why the USACE Tongue River Section 205 is not being put on this list is that it has been shown that federal money can not be used to match federal money and the USACE Section 205 is federal money. ARPA money also cannot be used for any land acquisitions that may be required for the levee footprint or any land that may need to be purchased for the storm water project.

CC Strouf stated that he would be in favor of the levee as the number one request and requesting the cap of \$25,000,000. Strouf questioned on where this project would start and Malenovsky stated it would be where the USACE ended the Tongue River project to hopefully the Wastewater Treatment Plant.

CC Strouf believes that with the USACE being further along with the planning, and he believes there is still the potential for federal to match federal, that we should apply for funds to use as our match on the Section 205 Tongue River portion. Strouf believes we should apply for the \$25,000,000 to use along the Tongue and maybe the USACE could go further with the project.

KLJ Bey believes that we could potentially do this but we would have to be extremely cautious on not using USACE directly as match, so using ARPA money potentially as the match, making sure we don't overlap something the USACE is already paying.

CC Strouf asked where the match was going to come from on the construction portion of the Tongue River 205. Malenovsky stated that this was discussed sometime ago, a district was going to be formed to help fund the match, land acquisition, and continued maintenance of the entire levee system.

PUD Speelmon stated that in the ranking criteria for the ARPA projects that SRF (State Revolving Fund) was going to be utilized and the only way that a levee would be eligible under SRF criteria would be if it could show protection of a municipal water/wastewater facility and/or lift stations.

FPA Malenovsky moved to recommend to council the priority list as 1. Yellowstone levee 2. Storm water project on the slough 3. Tongue River Section 205 match and seconded by PWD Gray.

CC Strouf has concerns with the plans on the Yellowstone. KLJ Bey stated that planning is an eligible expense. Bey believes that the planning portion would need to be built into the grant application for the Yellowstone portion.

FPA Malenovsky questioned if the county was looking at helping the City at all with the Yellowstone and stormwater portions of the flood control project. CC Strouf stated those discussions were not started and that the commitment is for the cost share in regards to the cost share along the Tongue. Malenovsky stated that these discussions were talked about in the past, there is a resolution which states that the cost share was for the flood control project. The Mayor and another councilperson discussed the stormwater project with the commissioner and the Yellowstone had been discussed in the past with regard to the PER that was proposed for a potential grant.

Strouf stated that these topics have not been discussed in their monthly discussion with the City and that city council members were also invited to these discussions. CC Strouf stated that the last he remembers the discussion was on the cost share agreement and as for the internal drainage portion of the flood control project and the Commissioners thought there was a discrepancy as to whether or not the agreement included that portion. CC Strouf stated that the county did not agree to cost share on the slough project but did agree on the levee project. When asked by Malenovsky to which he was referring (Yellowstone, Tongue 205, or both) CC Strouf stated the Tongue 205 specifically.

FPA Malenovsky stated that as of right now the City would be on the hook for the entire Yellowstone and the slough portions of the flood control project.

FPA Malenovsky had concerns with the 205 in regards to the federal match element. And insuring that federal money doesn't get used against federal funding when reporting back to agencies.

FPA Malenovsky noted that there is potentially money that would be put into WRDA (Water Resource Development Act) and/or the infrastructure bill that could be used for the Yellowstone portion if it does not get chosen for this grant.

The recommendation to council passed 3-1, with Commissioner Strouf voting Nay.

CC Strouf wanted to discuss the flood control agreement further, FPA Malenovsky stated that she did not have to authority to discuss the agreement between the commissioners and council.

Respectfully Submitted,

Samantha Malenovsky, Flood Control Project
Steering Committee Chairperson and Recorder

