

**METRO FLOOD DIVERSION AUTHORITY
FEBRUARY 23, 2017—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, February 23, 2017, at 3:30 PM in the Fargo City Commission Room with the following members present: Fargo City Mayor Tim Mahoney via conference call; Fargo City Commissioner Tony Grindberg; Fargo City Commissioner John Strand; Cass County Commission representative Darrell Vanyo via conference call; Cass County Commissioner Chad M. Peterson; Cass County Commissioner Rick Steen; Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Cass County Joint Water Resource District Manager Mark Brodshaug; and West Fargo City Commissioner Mike Thorstad.

2. MINUTES APPROVED

MOTION, passed

Mr. Weyland moved and Mr. Campbell seconded to approve the minutes from the January 26, 2017, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Campbell moved and Mr. Paulsen seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Randy Richardson from CH2M provided an update on activities over the last month including the first one-on-one meeting with the Public Private Partnership (P3) proposers; first round of Oxbow home removals; meeting with North Dakota Governor Doug Burgum and North Dakota legislators; first meeting of the MN DNR working group; and continued Phase 1 land acquisition and opportunistic land acquisitions.

Priority areas for the next month will be meeting with Minnesota legislative leaders; preparation for the next one-on-one meeting with P3 proposers; continued Phase 1 and opportunistic land acquisitions; initiation of Phase 2 land acquisitions; and increased outreach efforts focusing on social media.

Ty Smith from CH2M provided a construction update on the 4th Street North pump station generator building and Oxbow home demolition and relocation project.

5. ADMINISTRATIVE/LEGAL UPDATE

Houston-Moore Group (HMG) – Resolution Amending Master Services Agreement

Attorney John Shockley said Houston-Moore Group (HMG) is the designer of record for the project. He said negotiations continue on an amended Master Services Agreement, so the request today is to approve a 30-day extension of the current contract.

MOTION, passed

Mr. Grindberg moved and Ms. Williams seconded to approve a Resolution Approving Amendment No. 1 to the Agreement between the Metro Flood Diversion Authority and Houston-Moore Group LLC for Professional Services extending the term of agreement. On roll call vote, the motion carried unanimously.

Executive Director – Professional Services Agreement

Michael Redlinger, Assistant Fargo City Administrator and Co-Executive Director, said a committee made up of him, Darrell Vanyo, John Shockley and Brian Berg reviewed proposals from firms for the recruitment and screening process for the Executive Director position. The committee considered companies with public, private and non-profit experience and recommend hiring CPS HR Consulting, Inc. at a cost not to exceed \$26,500. CPS has experience with P3 projects. He said Fox Lawson, salary consultant for Cass County, has agreed to review the job description at a cost of \$500.

Mr. Grindberg questions what skill set is needed for the position and believes there will be quality candidates found locally. He thinks the Diversion Authority will achieve the same results without hiring a firm.

Mr. Strand would be willing to consider hiring a firm if for some reason the Diversion Authority did not receive a pool of experienced candidates through advertising using city and county resources.

Mr. Peterson is struggling with the cost since he believes the Diversion Authority will receive a quality pool of local candidates and will also draw interest from people nationally without hiring a firm.

Ms. Williams said the position will require special skills considering the size of the project and will need someone with an engineering degree and broad experience. She supports hiring the firm to assist with the process.

Mr. Vanyo thanked Mr. Redlinger for his work and said this firm may serve as an avenue to obtain a larger pool of candidates for the Executive Director position.

MOTION, passed

Mr. Brodshaug moved and Mr. Weyland seconded to approve the professional services agreement with CPS HR Consulting, Inc. in an amount not to exceed \$26,500. Discussion: Mr. Brodshaug said this service will act as a supplement to local recruitment channels. Mr. Campbell supports the motion and believes the cost is worthwhile. Mr. Hendrickson believes the cost is a good investment for the Diversion Authority. On roll call vote, the motion carried with Mr. Brodshaug, Mr. Weyland, Mr. Mahoney, Mr. Vanyo, Mr. Steen, Mr. Campbell, Ms. Williams, Mr. Hendrickson, Mr. Paulsen, and Mr. Thorstad voting “Yes”; and Mr. Strand, Mr. Grindberg and Mr. Peterson voting “No”.

6. PUBLIC OUTREACH UPDATECommittee report

The Public Outreach Committee met on February 22nd. Rocky Schneider from AE2S provided a handout which includes information on the e-newsletter activity and website traffic. He said the newsletter continues to see steady growth in subscribers. The website has also experienced an increase in views. He said strategy meetings will be held to work on the social media plan.

Business Leaders Task Force

Mark Nisbet said the chamber hosted “Chamber Day” with the governor and state legislators in Bismarck on Thursday, February 9th. Staff received positive feedback about the event.

7. LAND MANAGEMENT

The Land Management Committee met on February 22nd. Mr. Brodshaug said the committee received an update on property acquisitions; approved two land acquisition directives for Phase 2 properties; discussed Oxbow home demolitions and relocations; and discussed access letters sent to landowners of 400 parcels to conduct biotic and geomorphic evaluations to develop a baseline for environmental purposes as part of the mitigation plan.

8. FINANCE UPDATECommittee report

The Finance Committee met on February 22nd. Mr. Grindberg said the committee discussed land acquisitions, the extension of the HMG contract, and recruitment agreement for the Executive Director position.

Voucher approval

The bills for the month are with Ohnstad Twichell, P.C. for legal services, Dorsey & Whitney for Legal Services, Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, in-town levees, Diversion Project Assessment District, OHB levee, and Oxbow Country Club golf course construction; and Erik R. Johnson & Associates, Ltd. for legal services.

MOTION, passed

Mr. Weyland moved and Mr. Hendrickson seconded to approve the vouchers received through February 15, 2017, in the amount of \$2,587,701.30. On roll call vote, the motion carried unanimously.

Recommended Contracting ActionsConstruction Change Order

Ty Smith from CH2M discussed the following Change Order, which was reviewed and approved by the Technical Team and Finance Committee:

- Landwehr Construction, Inc. Change Order 4 (Demolition/Renovation of Howard Johnson Hotel, Old Shakey's Pizza, Fargo Public Schools)—asbestos removal of insulated fittings in the amount of \$5,744.23.

MOTION, passed

Mr. Grindberg moved and Mr. Steen seconded to approve the appropriation of funds for the outlined Change Order. On roll call vote, the motion carried unanimously.

9. OTHER BUSINESS

Mr. Shockley said RFPs for the P3 procurement include bid procedures and a waiver of cancellation and reimbursement agreement. The Finance Committee discussed this issue, which would provide a reimbursement fee to the P3 proposers if the project is cancelled. He will bring a recommendation to the board at a later date.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, March 9, 2017.

11. ADJOURNMENT**MOTION, passed**

On motion by Mr. Steen, seconded by Mr. Hendrickson, and all voting in favor, the meeting was adjourned at 4:25 PM.