

**METRO FLOOD DIVERSION AUTHORITY
AUGUST 24, 2017—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, August 24, 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; Cass County Commissioner Mary Scherling via conference call; Cass County Commissioner Chad M. Peterson; Cass County Commission representative Darrell Vanyo; Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Cass County Joint Water Resource District Manager Rodger Olson; and West Fargo City Commissioner Mike Thorstad. Fargo City Commissioner Dave Piepkorn and Moorhead City Council Member Joel Paulsen were absent.

2. AGENDA ORDER

MOTION, passed

Mr. Weyland moved and Mr. Peterson seconded to approve the order of the agenda. Motion carried.

3. MINUTES APPROVED

MOTION, passed

Mr. Weyland moved and Mr. Hendrickson seconded to approve the minutes from the July 27, 2017, meeting as presented. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Randy Richardson from CH2M provided an update on activities over the last month, which include beginning construction on the OHB levee and County Road 16/County Road 17 realignment projects; continued Phase 1 and Phase 2 land acquisitions; release of the P3 RFP documents to proposers on July 28th; and first appearance before the new State Water Commission board members. Priority areas for the next month include the Conditional Letter of Map Revision (CLOMR) notification letters to individual property owners after approval by FEMA; response to comments on the updated P3 RFP draft; continued land acquisition activities including the Wild Rice Control Structure site; initiation of a flowage easement valuation study; review and update the program financial plan; and determine what impacts there may be as a result of the upcoming federal court ruling.

Robert Cowen from CH2M provided a brief financial update on the overall program status and said \$372 million has been expended to date. He said \$40 million has been expended out of the \$240 million FY2017 budget.

Greg Baisch from CH2M provided a construction update on continued work on in-town levees, landscaping and plantings, and Oxbow home demolition and relocation projects. He said construction began on the OHB levee with a portion of Highway 81 already removed and closed, Oxbow Drive milled up, and dust control provided on Main Street in Bakke Subdivision. Construction crews will begin mobilizing next week on the County Road 16 and 17 realignment project with the expectation that most of the work will be completed by the end of this year.

5. CORPS OF ENGINEERS UPDATE

Terry Williams, Corps of Engineers Project Manager, provided an update of activities, which include completion of soil preloading, channel excavation, and placement in dam embankments

for the Diversion inlet control structure; Wild Rice control structure final technical plans and specs for sponsor review by December 1st; final preliminary engineering report and real estate drawings on southern embankment design due November 30th; plans and specs finalized in June 2017 for the Wild Rice Dam removal mitigation project with a contract award in FY2018 if the Wild Rice control structure is funded; and cultural mitigation investigation of sites along the Diversion channel in October.

6. ADMINISTRATIVE/LEGAL UPDATE

Michael Redlinger, Assistant Fargo City Administrator, provided an update on the second interview for the Executive Director position, which is scheduled with Jay Neider on Monday, August 28, 2017, beginning with a box lunch at 11:30 AM followed by the interview from noon to 2:00 PM. He said depending on the direction of the board, a special meeting may be needed to consider an employment agreement.

7. PUBLIC OUTREACH UPDATE

Committee report

The Public Outreach Committee met on August 23rd. Mr. Olson said the committee discussed how to respond to misinformation regarding the project. The Business Leaders Task Force was asked to explore different options to help with this issue. Mr. Olson also asked board members to consider submitting editorial pieces to educate and provide correct information to the public regarding the project. He envisions when an Executive Director is hired, the person will take the lead to build trust and respect from the community and provide information to the public with assistance from staff.

8. LAND MANAGEMENT UPDATE

The Land Management Committee met on August 23rd. Mrs. Scherling said the committee reviewed flowage easement RFQs; Corps of Engineers right-of-entry request for southern embankment features located in Minnesota; Corps of Engineers right-of-way request for the Wild Rice control structure; mitigation projects; and cultural mitigation efforts.

Land Acquisition Status Report

Eric Dodds from AE2S referred to the map showing the status of property acquisitions. Mr. Campbell discussed the need for soil borings on the Minnesota side for the southern embankment. He said the Cass County Joint Water Resource District handled right-of-entry and associated tasks on the North Dakota side; but it has not been formally established how this will be completed in Minnesota. He and Mayor Williams will work with attorneys to determine how this task will be handled to ensure work moves forward on the southern embankment.

Mr. Olson asked about the timeline to complete the flowage easement valuation study. Mr. Dodds said RFQs are due from firms by September 7th, and he estimates the study will take about a year to complete.

9. FINANCE UPDATE

Committee report

The Finance Committee met on August 23rd. Mr. Grindberg reviewed the financial report and said the Diversion Authority has \$78 million in cash on hand.

MOTION, passed

Mr. Grindberg moved and Mr. Campbell seconded to receive and file the monthly financial report. Motion carried.

Voucher approval

The bills for the month are with the Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, Diversion Project Assessment District, OHB levee, Oxbow Golf and Country Club and in-town levees; Dorsey & Whitney LLP for legal services; Ohnstad Twichell, P.C. for legal services; Erik R. Johnson & Associates, Ltd. for legal services; Cass County Government for dust control on county roads, temporary seeding and mowing, road repair and grade, and traffic control associated with the inlet control structure project; Gerson Lehman Group for litigation consulting services; and HKA Global, Inc. for litigation consulting services.

MOTION, passed

Mr. Olson moved and Mr. Grindberg seconded to approve the vouchers received through August 17, 2017, in the amount of \$9,590,260.62. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions

Robert Cowen from CH2M discussed the following contracting actions, which were approved by the Finance Committee and Technical Team:

- Sprint Communications Company, L.P. (OHB ring levee fiber optic relocation)—reimbursement agreement in the amount of \$276,363.92 for coast-to-coast fiber optic relocation required for the OHB ring levee.

MOTION, passed

Mr. Grindberg moved and Mr. Vanyo seconded to approve the appropriation of funds for the reimbursement agreement with Spring Communications Company, L.P. On roll call vote, the motion carried unanimously.

- CenturyLink Communications (OHB ring levee communications cable relocation)—reimbursement agreement in the amount of \$28,577.62 for proposed copper communication cable levee crossing required for the OHB ring levee.

MOTION, passed

Mr. Grindberg moved and Mr. Hendrickson seconded to approve the appropriation of funds for the reimbursement agreement with CenturyLink Communications. On roll call vote, the motion carried unanimously.

- Reiner Contracting, Inc. (Change Order 06 El Zagal Area Flood Risk Management Phase 2)—change order to balance final quantities of unit rate items for a deduction in the amount of \$1,720.78.

MOTION, passed

Mr. Grindberg moved and Mr. Olson seconded to approve the appropriation of funds for the change order with Reiner Contracting, Inc. On roll call vote, the motion carried unanimously.

10. NEXT MEETING

The next meeting will be held on Thursday, September 28, 2017.

11. ADJOURNMENT

There being no further business, the Vice Chairwoman declared the meeting adjourned at 4:20 PM.