

**METRO FLOOD DIVERSION AUTHORITY  
SEPTEMBER 27, 2018—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Metro Flood Diversion Authority was held Thursday, September 27, 2018, at 3:30 PM in the Fargo City Commission Room with the following members present: 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; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Fargo City Commissioner Tony Grindberg; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; and West Fargo City Commissioner Mike Thorstad. Cass County Commissioner Mary Scherling; and Cass County Joint Water Resource District Manager Rodger Olson were absent. Tom Dawson, Chair of the Chamber Business Leaders Task Force, was also present.

**2. MINUTES APPROVED**

***MOTION, passed***

**Mr. Weyland moved and Mr. Piepkorn seconded to approve the minutes from the meeting held August 23, 2018, as presented. Motion carried.**

**3. AGENDA ORDER**

Ms. Williams said Attorney John Shockley would like to give an update on Task Orders.

***MOTION, passed***

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

**4. MANAGEMENT UPDATE**

Martin Nicholson from Jacobs provided an update on activities over the last month, which include continued support to the Corps of Engineers and MDNR to advance the Supplemental Environmental Assessment (SEA) and Supplemental Environmental Impact Statement (SEIS); continued work with the MDNR and other parties to advance the permit application review; follow-up on cost estimate workshops; and a legislative social following a flood protection tour.

Priorities for next month include to support the publication of the draft SEA and draft SEIS and prepare for public meetings on drafts; support and develop federal legislation related to the Water Infrastructure Finance and Innovation Act (WIFIA); begin work on the 2<sup>nd</sup> Street South closure and pump station project; support the completion of the first phase of the flowage easement valuation study; continue approved Oxbow construction work; and answer electoral candidate inquiries.

Mr. Nicholson said the project cost to date is \$438 million and \$28.5 million has been spent out of the FY2018 cash budget.

**5. PUBLIC OUTREACH UPDATE**

*Business Leaders Task Force*

Mr. Dawson said the task force met earlier this month and Rocky Schneider of AE2S provided an update. The task force will begin a letter writing campaign to MDNR in support of Plan B.

**6. LAND MANAGEMENT**

The Land Management Committee met on September 26<sup>th</sup>. Eric Dodds of AE2S was present to provide an update. The committee discussed how to proceed once land acquisitions are able to resume and how the overall process can be improved. An action plan is being drafted for outreach to property owners.

Work continues on the flowage easement study, and a final report is expected in October.

## 7. FINANCE UPDATE

### Committee report

The Finance Committee met on September 26<sup>th</sup>. Mr. Grindberg provided a brief financial update on the overall program status. The statement of net position is \$76.8 million.

The committee discussed the possibility of the Diversion Authority engaging in a financial audit. The matter will be discussed further at the next committee meeting.

Mr. Grindberg said Mr. Shockley gave a P3 presentation at the ND Water Topics Overview Committee meeting held earlier this week that was very informative and very well received. It may be worthwhile to have Mr. Shockley give the presentation to the board as the information was very thorough and beneficial.

Mr. Mahoney arrived for the remainder of the meeting.

### Voucher approval

The bills for the month are with Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, OHB levee, and in-town levees; Dorsey & Whitney for legal services; Ohnstad Twichell, P.C. for legal services; Cass County Government for dust control on County Highway 17 and gravel for the bypass; and Cougar Tree Care, Inc. for tree removal on the Park East lot.

#### ***MOTION, passed***

**Mr. Grindberg moved and Mr. Steen seconded to approve the vouchers received through September 21, 2018, in the amount of \$161,241.27. On roll call vote, the motion carried unanimously.**

### Recommended contracting actions

Mr. Nicholson reviewed task order amendments approved by the Co-Executive Directors totaling (-\$7,596,902.34).

Mr. Nicholson reviewed the following contracting actions:

- WP-42E (2<sup>nd</sup> Street South and Main Avenue Flood Mitigation)

Mr. Nicholson said it should be noted that two irregularities arose during the bidding process for this project, involving the mobilization bid percentage and a round-off calculation. The Technical Advisory Group (TAG) and legal team both reviewed the discrepancies and felt that they were immaterial.

This project involves the oldest lift station in Fargo and is the last of the federal in-town projects that were part of the original feasibility projects. The recommendation is to award the contract to Industrial Builders, Inc., as the lowest responsive bidder.

#### ***MOTION, passed***

**Mr. Grindberg moved and Mr. Steen seconded to waive the two minor bid irregularities and award the construction contract for WP-42E to Industrial Builders, Inc., in the amount of \$8,469,445.23 as the lowest responsive bidder. On roll call vote, the motion carried unanimously.**

- Cass County road ditch work

Mr. Nicholson said this project involves removing a temporary approach by Oxbow and cleaning the ditch before winter. The recommendation is to award the contract to Naastad Brothers.

***MOTION, passed***

**Mr. Mahoney moved and Mr. Grindberg seconded to award the contract for Cass 81 approach removal and Cass 17 ditch cleaning to Naastad Brothers, Inc., in the amount of \$30,856.40. On roll call vote, the motion carried unanimously.**

**8. TASK ORDER SYSTEM**

Mr. Shockley said the Co-Executive Directors have decided that going forward there will be separate task orders for land acquisitions, P3 activities, and PMC activities. This will provide clarification on the costs involved for each separate activity.

**9. OTHER BUSINESS*****PMC Task Order extension***

Mr. Shockley said there will be a no-cost task order extension for the current PMC contract through January 31, 2019. A new PMC task order will be submitted if a permit is approved for the project.

***Red River Basin Commission tour***

Mr. Piepkorn said he was recently able to attend a half-day tour highlighting drain tile from the Red River Basin Commission. It was a very valuable learning experience and Mr. Piepkorn believes it would be beneficial for the entire board to attend the tour in the future.

**10. NEXT MEETING DATE**

The next meeting will be held on Thursday, October 25, 2018.

**11. ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:02 PM.