

**METRO FLOOD DIVERSION AUTHORITY
OCTOBER 12, 2017—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, October 12, 2017, at 3:30 PM in the Fargo City Commission Room with the following members present: Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Fargo City Commissioner Tony Grindberg; Cass County Commissioner Mary Scherling; Cass County Commissioner Chad M. Peterson via conference call; Cass County Commission representative Darrell Vanyo via conference call; Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Cass County Joint Water Resource District Manager Rodger Olson via conference call; and West Fargo City Commissioner Mike Thorstad. Also present was Tom Dawson, Chairman, Chamber of Commerce Business Leaders Task Force.

2. MINUTES APPROVED

MOTION, passed

Mrs. Scherling moved and Mr. Campbell seconded to approve the minutes from the September 28, 2017, meeting as presented. Motion carried.

3. MEETING WITH CORPS OF ENGINEERS

Mayor Mahoney said a meeting was held yesterday with Major General Richard Kaiser, Commander, Mississippi Valley Division of the U.S. Army Corps of Engineers, and Colonel Sam Calkins, Commander of the St. Paul District. The meeting was closed to the public. He said a quorum of the Diversion Authority was not present as five of the Diversion Board members were in attendance. Senator John Hoeven and North Dakota Governor Doug Burgum also attended the meeting.

Mr. Campbell attended the meeting and was disappointed the press were not allowed into the meeting since there was good discussion and information presented about the project. He does not want to be a part of these kinds of meetings if the press is not allowed access to the meeting. Ms. Williams understands the concerns addressed by Mr. Campbell, but said it was meeting arranged by the Corps of Engineers, not the Diversion Authority.

Mr. Piepkorn attended the meeting and believes information involving legal strategy and negotiations should be private. He suggested an executive session notice be prepared in the future to allow for discussion regarding legal issues.

4. RECOMMENDED CONTRACT ACTION

Robert Cowen from CH2M discussed the following contracting action:

- Hoffman & McNamara Co. (Change Order 01 In-Town Levees Landscaping and Plantings)—change order for additional native seeding; decreased live staking and maintenance along Red River; revised bench arms; decreased topsoil strip and import; and additional turf grass and mulch for a deduction in the amount of \$24,152.76.

MOTION, passed

Mr. Piepkorn moved and Ms. Williams seconded to approve a change order with Hoffman & McNamara Co. for a \$24,152.76 cost decrease. On roll call vote, the motion carried unanimously.

5. NEXT MEETING

The next meeting will be held on Thursday, October 26, 2017.

6. EXECUTIVE SESSION

North Dakota state law allows the board to meet in private session to consult with legal counsel to discuss ongoing litigation.

MOTION, passed

Mr. Piepkorn moved and Mrs. Scherling seconded that the Metro Flood Diversion Authority meet in executive session pursuant to N.D.C.C. § 44-04-19.1, subsections 2 and 9, to consult with its Attorneys regarding the ongoing litigation in the matters of Richland/Wilkin JPA and MNDNR v. the United States Army Corps of Engineers and Fargo Moorhead Flood Diversion Authority as Intervenor, Civil File No. 0:13-cv-02262-JRT-LIB and the contested case hearing before the Minnesota Office of Administrative Hearings regarding the MNDNR permit for Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.

Diversion Authority board members, key administrative staff, Attorney Robert Cattanach, and Attorney John Shockley moved to the River Room at 3:40 PM.

The executive session ended at 5:03 PM, and the meeting was re-opened to the public.

7. ADJOURNMENT

MOTION, passed

On motion by Mr. Campbell, seconded by Mr. Hendrickson, and all voting in favor, the meeting was adjourned at 5:05 PM.