

## METRO FLOOD DIVERSION AUTHORITY

June 25, 2020

3:30 PM

### 1. CALL TO ORDER

A virtual meeting of the Metro Flood Diversion Authority was held on June 25<sup>th</sup>, 2020 at 3:30 p.m. with the following members present via telephone or videoconference: Dr. Tim Mahoney, Fargo City Mayor; Johnathan Judd, Moorhead City Mayor; Bernie Dardis, West Fargo City Mayor; Shelly Carlson, Moorhead City Council Member; Mary Scherling, Cass County Commissioner; Chad Peterson, Cass County Commissioner; Rick Steen, Cass County Commissioner; Kevin Campbell, Clay County Commissioner; and Rodger Olson, Cass County Joint Water Resource District Manager.

Members absent: Dave Piepkorn, Fargo City Commissioner; Chuck Hendrickson, Moorhead City Council Member; and Grant Weyland, Clay County Commissioner.

### 2. MINUTES APPROVED

**MOTION, passed**

**Mr. Steen moved and Mr. Peterson seconded to approve the minutes from May 28, 2020. Motion carried.**

### 3. AGENDA ORDER APPROVED

**MOTION, passed**

**Mr. Campbell moved and Ms. Carlson seconded to approve the agenda as presented. Motion carried.**

### 4. CONSENT AGENDA APPROVED

**MOTION, passed**

**Mr. Steen moved and Mrs. Scherling seconded to approve the consent agenda as presented. On a roll call vote, the motion carried.**

### 5. FINANCE COMMITTEE APPOINTMENT

With the departure of Tony Grindberg, the Diversion Authority is required to name a replacement and the replacement has to be a Board Member. Mayor Dardis has expressed interest in serving on the committee.

**MOTION, passed**

**Mr. Steen moved to nominate Mayor Dardis to the Finance Committee and Mr. Peterson seconded the motion. On a roll call vote, the motion carried.**

### 6. EXECUTIVE DIRECTOR UPDATE

Executive Director Paulsen presented to the WTOC Committee, virtually, on June 4, 2020. He provided an update on the Diversion Authority and USACE projects currently underway in North Dakota. The main interest by the Committee was what the Diversion Authority was going to request for funding going forward.

Dr. Mahoney and Executive Director Paulsen had a virtual meeting with Governor Burgum on June 24<sup>th</sup>. The purpose of the meeting was to update the Governor on the current construction activity on the Diversion, the contested case hearing and the budget process.

The P3 RFP Draft #5 will be sent out on June 29<sup>th</sup>.

## **7. USACE PROJECT UPDATE**

Ms. Williams provided the following Project updates:

### **1. Diversion Inlet Structure Construction**

Structure includes 3-50 ft. wide Tainter gates. The current construction completion date is 7 June 2023. Anticipated remaining schedule:

2020: Foundations/site work, control structure, dam walls.

2021: Concrete piers/abutments, control building.

2022: Install bridge deck, gates, and operating machinery.

2023: Paint gates, seed.

2024: Turf established.

### **2. Wild Rice River Structure Construction**

Structure includes 2-40 ft. wide Tainter gates. Construction began in May 2020. Excavation and west dam embankment construction continues. The required construction completion is October 2023

### **3. Red River Structure Design**

Structure includes 2-50 ft. wide Tainter gates. Physical model (1:40 scale) is back up and running and is being used to test a number of design alternatives. The design remains on schedule. The 35% plans and specs review by the DA is complete and the 65% review is scheduled to begin in October 2020. Final plans and specs are scheduled to be completed in September 2021.

### **4. Southern Embankment – Reach SE-1 (Western Tieback)**

The 95% design for the Western Tieback will be provided for DA and agency technical review on 6 July 2020. Final plans and specs are scheduled to be available September 2020. Construction contract award could be delayed until 2nd quarter FY21 due to delays in land acquisition.

### **5. Southern Embankment – Reach SE-2A**

Detailed design is commencing and we anticipate having final plans and specifications by November 2021. Rock Island District is assisting with design for Reaches SE-2A, SE-2B and SE-4.

**6. I-29 Raise Design**

Being designed by Houston Moore Group (HMG) and constructed by the Corps. The 90% design review began on 22 June 2020. Final plans and specifications are scheduled to be available late September-October 2020.

**7. Drain 27 Wetland Mitigation Project Design**

The 35% design review is scheduled to begin in August 2020. An Environmental Assessment will be conducted which includes public involvement and comment period in July 2020.

**8. GENERAL COUNSEL UPDATE**

Mr. Shockley stated that the contested case hearing went well, overall. The administrative law judge is allowing counsel to submit any crucial additional information to her by July 15<sup>th</sup>. The proposed findings are due to her by July 29<sup>th</sup>.

Confirmation was received that the WIFIA closing will be in late September or mid-October.

**9. PUBLIC OUTREACH**

Mr. Schneider gave a quick overview of the survey results. A good return was seen with Fargo residents at approximately 25%.

Of the respondents who viewed the project neutrally or favorably, the majority get their information from the local paper or tv news. These respondents would like more information from the local paper, direct mail pieces or email.

Of the respondents who viewed the project negatively, they are more likely to report often receiving news about the Project on social media or word of mouth than their counterparts.

The Minnesota Legislature held a special nine-day session regarding a bonding bill to be used for flood projects for the Diversion Authority to utilize.

Executive Director Paulsen and Mr. Schneider met with Heather Keeler, DFL candidate. She will be replacing Ben Lien at the conclusion of the session; she has extensive experience in flood history.

**10. LAND MANAGEMENT  
Property Status Report**

Mrs. Scherling reported that progress continues to be made in the acquisitions and negotiations with property owners. There is still resistance from eight to ten property owners and these properties may require Last Resort Eminent Domain action in the next month or so. There has been a change in the structure which has created a slight delay in the process.

- Appraisals – No new appraisals approved since last meeting (5/20/2020 – 6/17/2020)
- Acquisitions – 10 parcels acquired since last meeting (5/20/2020 – 6/17/2020)
- Formal Negotiations Process Status Update

Official Letter	Formal Offer	Invite to CCJWRD	Notice of Intent	Invite to Cass County
# Sent to Date	114	84	28	0

- CCJWRD is proceeding with process to acquire necessary property rights
- Bio/Geo Access Agreements – Secured 356 of 375 to date
- Mitigation Plan – Received approval from ND Office of State Engineer on June 1, 2020
- Outreach Planning – Plan to share information with affected property owners, pending CLOMR
- Flowage Easement Valuations – Coordinating with Crown Appraisals on Phase 1B
- Crop “Insurance” Development – Coordinating on study with Watts & Associates

There has not been a lot of activity with property acquisitions in Minnesota. The Right of Entry hearings have been rescheduled to July 20<sup>th</sup> for Clay County and August 18<sup>th</sup> for Wilkin County.

### **SBA Cell Phone Tower Easement**

A letter was sent to Mr. Paulsen asking the Committee to allow CCJWRD to grant an easement for a cell tower owned by SBA Communications Corporation. It is the responsibility of the Project to pay to relocate utilities. We have been having good coordination with the cell phone company and the next step is to ask the Joint Board to consider entering into the easement.

After brief discussion and since it is the responsibility of the Project to pay for relocation of utilities, the Committee had no objections with moving forward.

## **11. FINANCE**

Mr. Paulsen reviewed the following contracting actions for final approval:

- HMG Task Order 1, Amendment 16 - Insurance premiums \$249,932
- HMG Task Order 16, Amendment 13 – In-town LOMR permit \$240,480
- HMG Task Order 20, Amendment 5 – Co. roads 16 & 17 improvements \$169,730

### **MOTION, passed**

**Mr. Steen moved and Mr. Olson seconded to approve the task orders.  
On a roll call vote, the motion carried.**

**12. OTHER BUSINESS**

There was no additional business to be discussed.

**13. NEXT MEETING**

The next meeting will be July 23<sup>rd</sup> in-person.

**14. ADJOURNMENT**

**Meeting adjourned at 4:24 p.m.**