

**METRO FLOOD DIVERSION AUTHORITY
JULY 27, 2017—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, July 27, 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; 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; 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. Grindberg seconded to approve the minutes from the July 13, 2017, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Grindberg moved and Mr. Peterson 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, which include pre-construction meetings for the OHB levee and County Road 16/County Road 17 realignment projects; continued Phase 1 and Phase 2 land acquisitions; continued refinement of the P3 RFP documents for a July 28th release to proposers; interviews with Executive Director candidates; and presentation at the North Dakota Water Topics Overview Committee. Priority areas for the next month include sending the FEMA Conditional Letter of Map Revision (CLOMR) notification letters to individual property owners; continued land acquisitions; initiation of a flowage easement study; and development of a crisis communications plan.

Mr. Richardson said staff and board members attended the Federal court hearing on July 18th regarding ongoing litigation. He said staff will determine what, if any, impacts may occur after the ruling on a request for a preliminary injunction of the project. The ruling is expected within 30 days from the date of the hearing. Mr. Campbell, Mr. Weyland, Ms. Williams and Mr. Hendrickson were at the hearing. Mr. Campbell said the MN DNR referred to the Minnesota alignment as a viable option for the diversion project. He said this option would affect the Buffalo River aquifer, and that the Minnesota alignment was studied and it is not a viable option.

Robert Cowen from CH2M provided a brief financial update on the overall program status and said \$370 million has been expended to date. He said \$36 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 the anticipated notice to proceed for the Oxbow levee construction and County Road 16 and 17 realignment project is scheduled for August 14th.

5. ADMINISTRATIVE/LEGAL UPDATEBraun Intertec Master Services Agreement

Attorney John Shockley discussed a Master Services Agreement (MSA) with Braun Intertec Corporation for geotechnical analysis services. The services will be completed on a case-by-case basis through task orders. The first task order will be addressed later in the meeting to provide an analysis on the OHB levee construction and County Road 16 and 17 realignment project.

MOTION, passed

Mr. Grindberg moved and Mr. Peterson seconded to approve the Master Services Agreement with Braun Intertec Corporation. On roll call vote, the motion carried unanimously.

6. PUBLIC OUTREACH UPDATECommittee report

The Public Outreach Committee met on July 26th. Rocky Schneider said once the FEMA Conditional Letter of Map Revision (CLOMR) notification letters are sent to property owners, individual maps will be provided to them along with one-on-one meetings. He said a meeting will be held in the upcoming weeks between the five Minnesota board members and Minnesota legislators to discuss the project. The committee discussed the need to respond to letters to the editor or news articles as a board. Mr. Schneider said that a few board members participated in a radio interview recently to discuss the project.

7. LAND MANAGEMENT UPDATE

The Land Management Committee met on July 26th. Mrs. Scherling said the committee reviewed the flowage easement RFQs, and discussed project-owned land usage and access, crop insurance, and mitigation efforts.

Land Acquisition Status Report

Dean Vetter from AE2S referred to the map showing the status of property acquisitions. He said six parcels are part of the eminent domain process, and staff are continuing to work with a few of the land owners.

8. FINANCE UPDATECommittee report

The Finance Committee met on July 26th. Mr. Grindberg said the Diversion Authority has \$77 million in cash and has expended almost \$36 million out of the FY2017 budget.

Wells Fargo Loan Draw Down

Mr. Shockley discussed a resolution authorizing the fiscal agent for the Diversion Authority to draw down the 2017 Wells Fargo loans for pre-payment of the 2016 Wells Fargo loans and to cover future project expenses. The City of Fargo and Cass County have both approved the loans.

MOTION, passed

Mr. Grindberg moved and Mrs. Scherling seconded to approve a Resolution Authorizing the Draw Down of Funds from 2017 Wells Fargo Bank Loans to Cass County, North Dakota, and to the City of Fargo, North Dakota. On roll call vote, the motion carried unanimously.

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, and OHB levee; Dorsey & Whitney LLP for legal services; Ohnstad Twichell, P.C. for legal services; and Cass County Government for dust control product on county roads as part of the inlet control structure project.

MOTION, passed

Mr. Grindberg moved and Mr. Paulsen seconded to approve the vouchers received through July 21, 2017, in the amount of \$2,287,450.07. On roll call vote, the motion carried unanimously.

Mr. Vanyo asked about the Champ property under the summary of expenses regarding home buyouts and relocations in Oxbow and whether a settlement had been reached. Mr. Brodshaug said a settlement was reached, and the property closed within the past two weeks. Mr. Vanyo understands the transaction has been completed but would like additional information brought to the next Finance Committee meeting regarding the associated costs on this property.

Recommended Contracting Actions

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

- Braun Intertec Corporation Task Order 1 (OHV Ring Levee and County Roads 16 and 17)—material testing services in the amount of \$147,220.00;
- Industrial Builders, Inc. Change Order 17 (2nd Street North Floodwall – South of Pump Station)—add sidewalk drain in the amount of \$7,053.34.

MOTION, passed

Mr. Grindberg moved and Mr. Weyland seconded to approve the appropriation of funds for the outlined contracting actions. On roll call vote, the motion carried unanimously.

9. EXECUTIVE DIRECTOR SEARCH UPDATE

Interviews were held earlier this week with three candidates for the Executive Director position. Mr. Shockley said more time is needed to review references and background information before a recommendation is provided to the board.

10. OTHER BUSINESS

North Dakota Lt. Governor Brent Sanford was present. He said he and Governor Doug Burgum realize the importance of the project. They also understand the impacts to residents living south of the diversion and the need for collaboration with Richland County. He said their office is willing to help with diplomacy efforts and encouraged the Diversion Authority to call on their office for assistance.

11. NEXT MEETING

The next meeting will be held on Thursday, August 24, 2017.

12. ADJOURNMENT***MOTION, passed***

On motion by Mr. Peterson, seconded by Mr. Grindberg, and all voting in favor, the meeting was adjourned at 4:16 PM.