

**METRO FLOOD DIVERSION AUTHORITY
FEBRUARY 22, 2018—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, February 22, 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 Tony Grindberg; Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling via conference call; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Cass County Joint Water Resource District Manager Roger Olson; and West Fargo City Commissioner Mike Thorstad. Tom Dawson, Chair of the Chamber Business Leaders Task Force, was also present.

2. MINUTES APPROVED

MOTION, passed

Mr. Hendrickson moved and Mr. Campbell seconded to approve the minutes from the meetings held January 18, 2018, February 1, 2018, and February 12, 2018, as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

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

4. MANAGEMENT UPDATE

Robert Cowen from CH2M provided an update on activities over the last month which include coordination efforts with the MN DNR and Technical Advisory Group regarding the southern embankment alignment, and Diversion Authority testimony for the Water Topics Committee meeting this week. Priorities for next month include support to develop a new permit application to submit to the MN DNR and coordinate outreach efforts related to any project changes as a result of the Governor's Task Force report.

Mr. Cowen provided brief a financial update on the overall program status and said \$420 million has been expended to date. He said \$4 million has been expended out of the FY2018 budget.

Mr. Cowen provided a construction update on in-town levees and Oxbow home demolition and relocation projects. A suspension of work to cease on the OHB levee construction was issued as of December 31, 2017.

5. ADMINISTRATIVE/LEGAL UPDATE

Executive Director search update

Michael Redlinger, Co-Executive Director and Assistant Fargo City Administrator, discussed the position profile for the Executive Director. A subcommittee of Ms. Williams, Mr. Mahoney, Mrs. Scherling, Mr. Steen and Mr. Campbell met to discuss the revisions needed to the profile, which was then updated by CPS Consulting. The focus of the position is to shape the administrative authority, project relations and ambassadorship. The annual salary range was changed and will start at \$150,000, depending on qualifications of the candidate. If the board decides to move forward with the process, a first review of applicants will be done on April 6th and will be screened by the same subcommittee. Mr. Redlinger said intensive local outreach will also be part of the search process. The consensus of the board was to move forward with advertising for the position. Mr. Redlinger will provide an update at the regular board meeting held in March.

6. PUBLIC OUTREACH UPDATECommittee report

The Public Outreach Committee met on February 21st. Mr. Olson said the committee discussed public outreach efforts with cities and townships regarding changes to the southern alignment. Affected entities will be contacted by project staff to be scheduled on their meeting agendas to discuss the changes. The committee also discussed the possibility of federal infrastructure support funding, which requires financial support from local entities—the diversion project may qualify as there is significant funding being provided by local entities.

Mr. Olson said a kickoff meeting for Phase 1 of the flowage easement valuation study was held earlier today with Crown Appraisals, the company that will conduct the study. The expectation is that Phase 1 will be completed in the late summer or early fall.

Business Leaders Task Force

Mr. Dawson said the task force has not met for a few months and is waiting to see how the project moves forward to determine a public outreach plan.

7. LAND MANAGEMENT

The Land Management Committee did not meet this month. Land acquisition activities are on hold as a result of the injunction. Eric Dodds from AE2S said over the past few months some properties have closed in which the owners had signed purchase agreements prior to the injunction.

8. FINANCE UPDATECommittee report

The Finance Committee met on February 21st. Mr. Grindberg briefly discussed the financial report and said the net cash position is \$69 million.

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, and in-town levees; Ohnstad Twichell, P.C. for legal services; and Erik R. Johnson & Associates, Ltd. for legal services.

MOTION, passed

Mr. Grindberg moved and Mr. Peterson seconded to approve the vouchers received through February 16, 2018, in the amount of \$1,785,315.71. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions

Mr. Cowen discussed the following contracting action, which was approved by the Technical Advisory Group and the Finance Committee. He said the work was done prior to the December 31, 2017, deadline when work ceased on the OHB levee.

- Meyer Contracting (Change Order 03 – OHB Ring Levee Phases C & D)—add additional project components; add price adjustment due to change in conditions; relocate utility lines and stock piles to avoid construction conflicts; add additional drainage grading; add expedited freight charges; and add 6.5 days to Milestone 8 in the amount of \$38,822.49.

MOTION, passed

Mr. Mahoney moved and Mr. Grindberg seconded to approve the change order as outlined. On roll call vote, the motion carried unanimously.

9. NEXT MEETING DATE

The next meeting will be held on Thursday, March 22, 2018.

10. EXECUTIVE SESSION

North Dakota state law allows the Board to meet in private session to consult legal counsel to discuss ongoing litigation and contract negotiations.

MOTION, passed

Mr. Piepkorn moved and Mr. Hendrickson 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. Motion carried.

Diversion Authority Board members, key administrative staff, and Attorney John Shockley moved to the River Room at 4:00 PM.

The Executive Session ended and the meeting was re-opened to the public at 5:09 PM.

11. ADJOURNMENT

MOTION, passed

On motion by Mr. Piepkorn, seconded by Mr. Weyland, and all voting in favor, the meeting was adjourned at 5:10 PM.