

**METRO FLOOD DIVERSION AUTHORITY
MAY 17, 2018—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, May 17, 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; Clay County Commissioner Kevin Campbell; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Cass County Joint Water Resource District Manager Rodger Olson via conference call; and West Fargo City Commissioner Mike Thorstad. Moorhead City Council Member Joel Paulsen; Clay County Commissioner Grant Weyland; and Fargo City Commissioner Tony Grindberg were absent. Also present was Mark Nisbet from the Chamber Business Leaders Task Force.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the minutes from the meetings held April 25, 2018, and May 3, 2018, as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Mr. Hendrickson seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Martin Nicholson from CH2M provided an update on activities over the last month, which include continued work with MDNR and other parties to advance the permit application review process; tour of the project with the MDNR staff and permit review team; tracking of the Corps of Engineers FY18 work plan; and involvement on federal legislation related to the Water Infrastructure Finance and Innovation Act (WIFIA) and the Corps budget appropriation. Priorities for next month include continued coordination of outreach efforts associated with Plan B; support in the development of supplemental environmental reviews with the MDNR and Corps of Engineers; financial planning as appropriate until cost estimates associated with Plan B are more fully developed; and continued support of the flowage easement valuation study.

Mr. Nicholson provided a brief financial update on the overall program status and said \$425 million has been expended to date and \$11.5 million has been expended from the FY 2018 budget.

5. ADMINISTRATIVE/LEGAL UPDATE

WBI Transmission Utility Location Agreement

Attorney Katie Bertsch discussed a utility location agreement with WBI Energy Transmission, Inc. to install a gas pipeline to be buried underground prior to construction of the Diversion Channel. The pipeline is within the area of the Diversion Channel and Associated Infrastructure. The Finance Committee approved the agreement at its meeting yesterday.

MOTION, passed

Mr. Steen moved and Mr. Mahoney seconded to approve the utility location agreement with WBI Energy Transmission, Inc. On roll call vote, the motion carried unanimously.

AECOM Master Services Agreement

Ms. Bertsch discussed a Master Services Agreement with AECOM, formerly known as URS Corporation. The agreement is a continuation of services to conduct cultural resource investigations. The Finance Committee approved the agreement at its meeting yesterday.

MOTION, passed

Mr. Steen moved and Mr. Mahoney seconded to approve the Master Services Agreement with AECOM. On roll call vote, the motion carried unanimously.

6. PUBLIC OUTREACH UPDATECommittee report

The Public Outreach Committee met on May 16th. Rocky Schneider from AE2S said Commissioner Peterson will attend a meeting on May 18th in Bismarck with the State Water Commission regarding flood funding.

Staff continue to respond to public comments regarding Plan B and to follow up with townships to answer questions. The website has been updated to include information on Plan B.

Mr. Schneider discussed public outreach efforts, which include discussions with key officials in preparation of the next session of the Minnesota legislature; and meeting with candidates running for the City of Fargo Commission. Mr. Mahoney said project misinformation still seems to be an issue and encouraged staff to continue in their efforts to provide accurate information to the candidates.

Business Leaders Task Force

Mr. Nisbet said the task force continues to be engaged and supportive of the project and of efforts to keep the public informed.

7. LAND MANAGEMENT

The Land Management Committee met on May 16th. Mrs. Scherling said the committee received an update on the flowage easement valuation study and discussed opportunistic property acquisitions. She said two landowners attended the meeting to request the Diversion Authority purchase their properties. She said the Diversion Authority is unable to move forward with these types of requests because of the court injunction; however, a suggestion was made to contact the MDNR to see if they will allow the Diversion Authority some limited land purchase abilities.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to contact the MDNR about the ability to move forward with opportunistic land acquisitions. Motion carried.

Ms. Williams will also follow up with the MDNR regarding the issue of opportunistic land purchases.

8. FINANCE UPDATECommittee report

The Finance Committee met on May 16th. Mr. Steen provided an update to the board.

Voucher approval

The bills for the month are with 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; Dorsey & Whitney for legal services; and Ohnstad Twichell, P.C. for legal services. He said the largest expenditure out of the bills was \$707,530.88 for a land purchase with the Karen Culberg Rechtschaffen Revocable Trust.

MOTION, passed

Mr. Steen moved and Mr. Peterson seconded to approve the vouchers received through May 11, 2018, in the amount of \$1,267,298.71. Discussion: Mr. Piepkorn asked about the location of the land purchase. Mr. Steen did not have information on the specific location but said that this was discussed and approved by the Finance Committee. On roll call vote, the motion carried with Mr. Steen, Mr. Peterson, Ms. Williams, Mr. Hendrickson, Mr. Campbell, Mr. Mahoney, Mrs. Scherling, Mr. Olson and Mr. Thorstad voting “Yes”; Mr. Piepkorn voting “No”.

Mr. Piepkorn voted against the motion because he could not support it without knowing the location of the land sale.

Recommended Contracting Actions

John Glatzmaier from CH2M discussed Task Order Amendments approved by the Co-Executive Directors.

County Roads 16 and 17 Realignment Contract Termination

Mr. Glatzmaier said last year a contract was awarded with Riley Bros. Construction, Inc. for the realignment of County Roads 16 and 17. The project was 20% complete prior to when construction activities were ceased last fall after the injunction was issued by the Federal court. He said a portion of this project will be incorporated into Plan B as part of the Corps of Engineers work and recommends the contract be terminated at this time. The Finance Committee approved termination of the contract.

MOTION, passed

Mr. Steen moved and Mr. Peterson seconded to terminate the contract with Riley Bros. Construction, Inc. for the County Roads 16 and 17 Realignment Project. On roll call vote, the motion carried unanimously.

2nd Street South/Main Avenue Flood Mitigation Project

Mr. Glatzmaier said a bid opening was held on May 15th for the 2nd Street South/Main Avenue Flood Mitigation Project. Only one bid was received from Industrial Builders, Inc. in the amount of \$9,969,447.26, which was more than 40% over the engineer’s estimate of \$7 million. The Finance Committee rejected the bid at its meeting yesterday. He recommends the Diversion Authority also reject it and re-bid the project this fall.

MOTION, passed

Mr. Campbell moved and Mr. Peterson seconded to reject the bid from Industrial Builders, Inc. for the 2nd Street South/Main Avenue Flood Mitigation Project. On roll call vote, the motion carried unanimously.

9. NEXT MEETING DATE

The next meeting will be held on Thursday, June 28, 2018.

10. ADJOURNMENT

Chairwoman Del Rae Williams declared the meeting adjourned at 4:13 PM.