

**FLOOD DIVERSION BOARD OF AUTHORITY
OCTOBER 27, 2011—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held on October 27, 2011, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Scott Wagner; West Fargo City Commissioner Mike Thorstad; Cass County Joint Water Resource District Manager Rodger Olson; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Mike Williams for Brad Wimmer; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto.

Board of Authority ex-officio member present: Gerald Van Amburg, Buffalo-Red River Watershed District.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Moorhead City Manager Mike Redlinger; Clay County Administrator Brian Berg; Fargo City Engineer Mark Bittner; Fargo City Senior Engineer April Walker; Cass County Engineer Jason Benson; Moorhead City Engineer Bob Zimmerman; U.S. Army Corps of Engineer Brett Coleman; and U.S. Army Corps of Engineer Terry Williams.

2. MINUTES APPROVED

MOTION, passed

Mr. Wagner moved and Ms. Otto seconded to approve the minutes from the September 8, 2011, Flood Diversion Board of Authority meeting as written. Motion carried.

3. APPOINTMENTS TO COMMITTEES

Mr. Vanyo suggested the project management firm be given the opportunity to review the organizational structure and consider final approval of the appointments at the next meeting.

4. UPDATES FROM COMMITTEES

Public Outreach Committee

Mr. Olson said the committee met three times to discuss public outreach ideas. He said future meetings will be held with local entities to answer questions regarding the project.

Daron Selvig, Communications Specialist from Advanced Engineering & Environmental Services (AE2S), said construction of the website is progressing, and he hopes to provide a demonstration on the website at the next meeting.

MOTION, passed

Mr. Olson moved to forward the strategic communications plan from AE2S for board approval. Motion carried.

Finance Committee

Michael Montplaisir, Cass County Auditor, serves as chairman of the committee. A meeting was held to discuss how to pay bills for the diversion. He said the City of Fargo serves as the sponsoring agency for the Red River Regional Dispatch Center, and the committee agreed to use this as a model for the diversion. The Board of Authority will have final approval of the bills.

Ms. Otto asked if the board will be provided with a copy of the bills. Mr. Montplaisir said a financial page will be included on the public outreach website, and the full board will be given a list of vouchers to be approved at each meeting.

Project Management Firm Selection Committee

Mr. Vanyo said the committee met three times, most recently on Tuesday, October 25th. Interviews were held with four firms who provided presentations, and the committee selected CH2MHill to serve as the project management firm for the FM Metro Diversion project. Mr. Berndt said CH2MHill has been ranked as the top program management company in the United States, and said Tom Waters, a retired Corps of Engineers official, will be serving as the firm's program manager.

Martin Nicholson, Senior Vice President of CH2MHill, was present. He said their firm will have staff in Fargo and will be co-located at the offices of Advanced Engineering and Environmental Services (AE2S).

MOTION, passed

Mr. Walaker moved and Mr. Wagner seconded to move the recommendation forward to the board and select CH2MHill as the project management firm for the diversion project. Motion carried.

Mr. Zavoral said a short-term contract for 45 days was drafted by CH2MHill for consideration by the board. Erik Johnson, Fargo City Attorney, said the short-term contract will allow work to begin immediately with the intent to enter into a long-term agreement after this period.

Mr. Nicholson discussed the scope of services and said a program management plan and a full-scale contract will be drafted for consideration at the next meeting.

Mr. Zavoral said the cost of \$500,000 is a budgeted, not fixed amount, and will be based on hours worked.

MOTION, passed

Mr. Campbell moved and Mr. Walaker seconded to approve the short-term contract with CH2MHill. On roll call vote, the motion carried unanimously.

Project Manager Recruitment Committee

Mr. Wagner said the committee met yesterday, October 26th, and the consensus was to delay hiring a project manager since there will be a contracted project manager through CH2MHill. The committee agreed to reconvene in February next year to review the project manager position.

Mr. Olson said at the last board meeting, action was taken to advertise for a project manager by November 1st. He agrees with waiting until February, but wants to ensure the issue is addressed at that time.

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to delay advertising for a project manager until February, 2012. Motion carried.

Legal Committee

Erik Johnson, Fargo City Attorney, provided a legal update. He said board members were provided with the draft by-laws at the last meeting for review. He plans to present the final draft at the next meeting.

Mr. Vanyo discussed notice of meetings under Section 4.04. The board agreed to change that regular meeting notices be given 7 days prior to the meeting; and to change that special meeting notices to be given 1 day prior to the meeting.

Mr. Vanyo said the project management firm will also review the by-laws.

5. CORPS OF ENGINEERS STATUS UPDATE

Ms. Williams said the public comment period on the feasibility study ends on November 7th and the design agreement has been executed. She discussed different tasks that staff are working on including a value engineering study; formation of environmental teams; reviewing the project alignment, concentrating on I-94 and areas to the north; and rights of entry in staging areas.

6. TECHNICAL COMMITTEE UPDATE

Mr. Bittner said the technical committee is in transition between the feasibility study and design activities. He said work continues to finalize the alignment, with the north end being reviewed. He said the project management consultant and local engineering consultants will provide needed assistance to local staff.

Ms. Walker discussed geotechnical services associated with the Phase 1 of the project and said action is needed to move forward with disturbed laboratory soil testing. Bids were received from four companies with the low bid from Braun Intertec in the amount of \$35,160.

MOTION, passed

Mr. Mahoney moved and Mr. Wagner seconded to accept the bid of Braun Intertec in the amount of \$35,160 and for the City of Fargo to have the authority to act as the contract agency. On roll call vote, the motion carried unanimously.

7. APPROVE VOUCHERS

Mr. Montplaisir said there are no vouchers to be approved today.

8. NEXT MEETING DATE

Mr. Vanyo said future meetings will be scheduled to meet on the second Thursday of each month.

The next meeting will be held on Thursday, November 10, 2011, at 3:30 PM.

9. ADJOURNMENT

MOTION, passed

On motion by Mr. Olson, seconded by Mr. Wagner, and all voting in favor, the meeting was adjourned at 4:53 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant