

**FLOOD DIVERSION BOARD OF AUTHORITY
DECEMBER 8, 2011—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held on December 8, 2011, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Vern Bennett for Scott Wagner; West Fargo City Commissioner Mike Thorstad; Cass County Joint Water Resource District Manager Rodger Olson via conference call; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Clay County Commissioner Grant Weyland for Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Staff members and others present: Cass County Administrator Keith Berndt; 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; Martin Nicholson, Vice President, CH2MHill; Tom Waters, Program Manager, CH2MHill; Aaron Snyder, Branch Chief for Project Management & Development, Corps of Engineers; and Brett Coleman, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Wimmer moved and Mr. Weyland seconded to approve the minutes from the November 10, 2011, meeting as written. Motion carried.

3. UPDATES FROM COMMITTEES

Public Outreach Committee

Mr. Olson provided a brief update of activities by the Public Outreach Committee, which include an open letter published in *The Forum*, letters to downstream residents along the diversion alignment, and a public meeting scheduled for December 12th in Harwood with landowners affected by the revised alignment in the upper northwest quadrant of the project.

Eric Dodds, Advanced Engineering & Environmental Services (AE2S), said they are working to prepare news releases, responses to letters to the editor and the website. He said the website is under internal review by the committee. The diversion logo is also being considered by the committee.

Finance Committee

Michael Montplaisir, Cass County Auditor, provided an update from the Finance Committee, which met on December 5th. The committee approved two recommendations for the board to consider. The first recommendation is to extend the current contract with CH2MHill for 90 days at an additional cost of about \$500,000 per month or \$1.5 million for the three-month period. The second recommendation is to transfer contracts for right-of-way, right-of-entry, survey work and local design engineering to the diversion board.

The committee also discussed long-term financial obligations and the best way to ensure dollars are available when needed for the project.

Kent Costin, Fargo Finance Director, reviewed the bills paid for the month of November in the amount of \$31,843.59. The board was provided with a summary of bills paid, and a financial report listing revenues, expenditures and open contracts.

Mitigation Committee

Mr. Walaker discussed upstream retention and said additional analysis of retention needs to be addressed. He reported that during the Southside Flood Protection Study a number of years ago, Fargo committed up to \$25 million toward upstream retention. He suggested the board re-affirm its commitment to study upstream retention projects.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to re-affirm the Flood Diversion Board of Authority commitment to pursue upstream retention projects. Discussion: Mr. Walaker said it is too early to commit any funding toward projects, but said the process needs to be explored, and all projects would be considered by the board. Mr. Olson suggested a presentation from water boards be given on upstream retention projects that are currently being studied. Mr. Vanyo suggested a presentation be given at the next meeting on this topic. On roll call vote, the motion carried unanimously.

4. PROJECT MANAGEMENT FIRM UPDATE

Tom Waters, Program Manager from CH2MHill, provided a brief update to the board, which included program efforts for 2012, and the top ten focus areas of the project. He said the feasibility report is complete, and the Chief's Report should be signed later this month.

Mr. Waters discussed the following items with the board:

Increased in-town flows

Mr. Waters said a potential mitigation project was proposed during the feasibility study to provide levees and floodwalls to pass additional water through Fargo and Moorhead. The program management team recommends the board authorize the study of additional flows, prepare a study scope, and issue Request for Proposals (RFP's) from local firms for this work. A contract would be submitted to the board for final approval, and after the study is completed, a decision would need to be made before July, 2012, on whether to include the design and construction for this option.

MOTION, passed

Mr. Mahoney moved and Mr. Wimmer seconded to perform study and analysis for provision of additional flows through the in-town reach as part of the non-federal sponsor's in-kind services; prepare specific study scope; and issue Request for Proposals (RFP's) from local firms to solicit proposals for this work. Discussion: There was discussion about the reasoning behind increased in-town flows. Mr. Berndt said one reason to study this option is because it would lower the mitigation needed for upstream staging. Mr. Zimmerman said action taken by the board today will authorize the study of this option. On roll call vote, the motion carried unanimously.

Joint Powers Authority/Program Management committee and organizational structure

Mr. Waters provided a chart of the organizational structure. He said the Joint Powers Authority (JPA), its appointed committees and program management consultant need to work together as a team to provide effective and efficient leadership for the project. He said the organizational chart is a living document that may be changed as needed.

Mr. Waters said the program management team is also recommending the board chairman be authorized to make procurement and management decisions up to \$100,000 for efficient decision-making and for day-to-day leadership to the program management consulting team and committees appointed by the board.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve the FM Metro Diversion Authority Program Management organizational chart; authorize the Chairman of the Diversion Authority to enter into contracts on behalf of the Diversion Authority for the procurement of goods or services of up to \$100,000; and for the Chairman to act on behalf of the Authority to give direction to staff and consultants on relevant actions to move the project forward and further, that in the absence of the chairman, the vice chairman shall also be so authorized. On roll call vote, the motion carried unanimously.

Local consultant procurement plan

The board has discussed the hiring of local consultants for the project. The program management team prepared information on the procurement of local consultant services through Request for Qualifications (RFQ's) process. Contract award recommendations would be submitted to the full board for consideration.

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to authorize staff to select consultants through issuance of Requests for Qualifications and present Recommendations of Award to the Board. On roll call vote, the motion carried unanimously.

FY2012 local sponsor work plan

A local sponsor work plan for FY2012 was provided to board members, which outlines the schedule of various activities of the Flood Diversion Board of Authority, Corps of Engineers and shared tasks of both entities.

Corps of Engineers integration plan

The program management team prepared a color-coded chart of the Flood Damage Reduction Integrated Project Team consisting of Corps of Engineers staff and how they interrelate with local staff and the diversion board.

Northwest alignment/re-alignment

The feasibility study alignment has been studied and as a result, a revised alignment was presented to the board today for the northwest portion of the diversion channel. The revision eliminates bends in the original alignment, which will help to increase hydraulics and decrease maintenance of this portion. The re-alignment shortens the diversion channel by 5,000 feet for a cost savings of \$18 million.

A meeting will be held with affected landowners at the Harwood Community Center on Monday, December 12th beginning with an open house at 6:00 PM. The Corps of Engineers will provide a presentation at 6:30 PM.

Minnesota EIS contract approval

Mr. Zimmerman discussed a contract with the Minnesota Department of Natural Resources (DNR) for the scoping phase to initiate a Minnesota Environmental Impact Statement (EIS). The contract amount is \$230,550 and is needed so permitting may be done on the project.

MOTION, passed

Mr. Mahoney moved and Mr. Wimmer seconded to approve the execution and payment of the \$230,550 contract with the State of Minnesota DNR to initiate a Minnesota State Environmental Impact Statement (EIS) for the FM Metro Flood Diversion project. On roll call vote, the motion carried unanimously.

5. EXTENSION OF CONTRACT WITH CH2MHILL

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve a 90-day extension of the contract with CH2MHill at an estimated \$500,000 per month. On roll call vote, the motion carried unanimously.

6. CORPS OF ENGINEERS STATUS UPDATE

Mr. Coleman said the schedule is on track for the Chief's Report to be signed on December 22nd. Mr. Vanyo asked how board members will be notified, and Mr. Snyder said a quick notification process will be implemented after the report has been signed.

7. ENDORSEMENT OF GRANDIN LETTER RESPONSE

Mr. Vanyo said the City of Grandin sent a letter and resolution in opposition of the diversion project. The Public Outreach Committee drafted a response for the board to consider, which clarifies some of the information outlined in the city's letter.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to authorize the chairman to sign a response letter to the City of Grandin and to have the Public Outreach Committee also contact Grandin City to provide clarification on data and statistics regarding the project. On roll call vote, the motion carried unanimously.

8. GENERAL LIABILITY INSURANCE COVERAGE WITH NDIRF

Erik Johnson, City of Fargo Attorney, briefly updated the board on general liability insurance coverage through the North Dakota Insurance Fund (NDIRF). He anticipates he will have information for board action at the meeting next month.

Mr. Vanyo said Mr. Wagner serves on the North Dakota Insurance Reserve Fund (NDIRF) board of directors and is attending a meeting today in Bismarck. This item was one of the topics to be discussed by the NDIRF board.

9. OTHER BUSINESS

Ms. Otto asked if the videotape of the board meetings could be forwarded to the City of Moorhead cable channel to broadcast to residents. Fargo city staff will look into the request.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, January 12, 2011, at 3:30 PM.

11. ADJOURNMENT

MOTION, passed

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

Minutes prepared by Heather Worden, Cass County Administrative Assistant