

**FLOOD DIVERSION BOARD OF AUTHORITY  
AUGUST 9, 2012—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Board of Authority was held on Thursday, August 9, 2012, 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 City Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Brenda Elmer. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Fargo City Commissioner Brad Wimmer was absent.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Clay County Administrator Brian Berg; Moorhead City Manager Mike Redlinger; Fargo City Engineer Mark Bittner; Moorhead City Engineer Bob Zimmerman; Tom Waters, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Wagner moved and Mr. Walaker seconded to approve the minutes from the July 12, 2012, meeting as written. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

**Mr. Campbell moved and Mr. Wagner seconded to approve the order of the agenda as presented. Motion carried.**

**4. PROGRAM MANAGEMENT FIRM UPDATE**

Program manager consultant monthly report

Mr. Waters provided an update on the activities over the last month including initial approval from the Corps of Engineers to add the Board of Authority as an additional sponsor along with Fargo and Moorhead; work on post-feasibility studies; discussion on the JPA (joint powers agreement) and revised design agreement; and drafted RFQ (Request for Qualifications) for property management services associated with hardship buyouts.

Post feasibility studies update

Bruce Spiller from CH2MHill provided an update on post feasibility studies which include: alignment south of Oxbow; alignment north of the Wild Rice River; two value engineering options; increased flows through the flood damage reduction area (through town); adjustable inlet gates on the channel; and construction of levees around Oxbow, Hickson and Bakke Subdivision. He said the two alignment studies may involve more permitting changes and federal review.

Mr. Spiller said the team is studying each of the options based on implement ability; cost; property impacts; risk; floodplain impacts; environmental impacts; and transportation impacts. The plan is to develop integrated alternatives using the different options for evaluation with the Corps of Engineers, and then provide a recommendation for the board to consider in October.

Mr. Campbell asked about downstream impacts associated with each option. Mr. Spiller said the options have been designed to either lower or not change the downstream impacts.

**5. CONSENT AGENDA**

***MOTION, passed***

**Mr. Mahoney moved and Mr. Walaker seconded to approve the revised AWD-00019 Maximum Project Design Flows with Houston-Moore Group, Inc. (HMG). Motion carried.**

**6. UPDATES FROM COMMITTEES**

**Land Management Committee**

Mr. Walaker provided an update on the following topics discussed at the Land Management Committee meeting held earlier this afternoon:

**Status of hardship appraisal process**

The appraisal process continues and once completed, they will be forwarded to the Corps of Engineers for review. The board will then be provided with appraisal results, with the goal to proceed with buyouts this fall.

**RFQ for property management services**

Mr. Walaker said the committee approved to move forward with the Request for Qualifications for property management services to assist with properties acquired as part of the project.

***MOTION, passed***

**Mr. Walaker moved and Mr. Mahoney seconded to approve the Request for Qualifications (RFQ) for property management services. Motion carried.**

**Public Outreach Committee**

Mr. Olson said the committee adopted a charter, which defines its purpose, operating procedures, and membership. He said an outreach plan on the post feasibility studies has been developed and was adopted by the committee at their meeting on August 8<sup>th</sup>. He said a public meeting to allow comments on the post feasibility studies will be held next month.

**Post feasibility studies outreach plan**

Eric Dodds from Advanced Engineering and Environmental Services (AE2S) said the outreach plan includes information on the schedule of meetings to be held the next two months. He said an informational presentation will be given to the six-board member entities on September 13<sup>th</sup> in the morning and an open house/public meeting will be held on September 13<sup>th</sup> in the evening.

**E-newsletter and website update**

Daron Selvig from AE2S said the August edition of the e-newsletter will be available on Monday, August 13<sup>th</sup> and will be posted on the website. Also, the website now includes a link to videos of various diversion-related presentations posted through *You Tube*.

*Finance Committee*

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on August 7<sup>th</sup>. He said the committee decided to continue financing the project on a “pay as you go” basis until early next year.

The following activity updates were also presented:

**FY2013 program decisions**

Tom O’Hara from CH2MHill updated the board on the three program decisions needed for FY2013, which include design agreement revisions, JPA (joint powers agreement) amendment, and FY2013 funding decision. He said the legal team is working on the design agreement and JPA.

**FY2013 work plan scenarios**

Mr. O’Hara said at the last meeting the board was presented with information on four work plan scenarios and associated costs for FY2013. The Finance Committee approved the alternative that will provide protection by 2021 and approved a budget range of \$25-\$50 million with a \$29 million base budget for FY2013 with an option to increase the investment at mid-year based on authorization status by the Federal government. He said the validated budget amount will be included in the amended JPA.

***MOTION, passed***

**Mr. Wagner moved and Mr. Walaker seconded to validate the \$29 million FY2013 work plan budget funding level as recommended by the Finance Committee, and include the \$29 million funding level in the budget section of the FY2013 JPA amendment with the JPA amendment to be returned to the Board of Authority for final approval at the September meeting. Motion carried.**

*Legal Team Update***Limited Joint Powers Agreement (JPA) First Amendment**

Erik Johnson, Fargo City Attorney, provided a draft First Amendment to the Limited Joint Powers Agreement (JPA) to the board for consideration.

Mr. Johnson outlined the following revisions to the document:

- identifies the \$29 million amount as authorized to spend in FY2013;
- recognizes the Board of Authority as a non-federal sponsor along with the City of Fargo and City of Moorhead;
- clarifies the power to the Board of Authority within the next year to acquire land as needed along with the construction element.

Mr. Johnson said after the Board of Authority has approved the first amendment, the document will be forwarded to the six member entities for their approval.

***MOTION, passed***

**Mr. Mahoney moved and Mr. Campbell seconded to approve the first amendment of the Limited Joint Powers Agreement (JPA) as drafted, and forward to the six-member entity boards. Discussion: Ms. Elmer said she had some concerns regarding the funding ratio, but as long as the ratio is negotiable and is included within the JPA, she supports the amendment. Motion carried.**

**7. CORPS OF ENGINEERS, Presentation on mitigation**

Elliott Stefanik from the Corps of Engineers provided a presentation on mitigation. He said mitigation is any action to avoid, minimize or compensate for adverse effects to the environment. Mitigation needs may change based on the design of a project. The Corps of Engineers develop tracking systems for impacts and mitigation efforts to help resolve uncertainties. He said mitigation is completed when a “no net loss” is verified.

The EIS (Environmental Impact Study) completed for the F-M diversion project estimates that mitigation costs will be \$58.4 million. Mr. Stefanik believes once the project is completed, the cost estimate will be revised with the goal to be less than this figure.

**8. CORPS OF ENGINEERS STATUS UPDATE**

Terry Williams said the Corps of Engineers led-design efforts continue to be on schedule and under budget; staff participated in a Hillsboro railroad bridge design (I-29 corridor) kick-off meeting; staff are preparing for a FEMA workshop; and biotic (fish sampling) surveys were conducted on rivers and installed geotechnical monitoring equipment along the diversion alignment.

**9. VOUCHERS, Approved*****MOTION, passed***

**Mr. Mahoney moved and Mr. Wagner seconded to approve the vouchers as presented. Motion carried.**

**10. OTHER BUSINESS**

Mr. Campbell asked that the revenue portion of the monthly Fiscal Accountability Report include Clay County along with the City of Moorhead.

**11. NEXT MEETING DATE**

The next meeting will be held on Thursday, September 13, 2012, at 3:30 PM.

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

**On motion by Mr. Walaker, seconded by Ms. Elmer, and all voting in favor, the meeting was adjourned at about 4:56 PM.**