

**FLOOD DIVERSION BOARD OF AUTHORITY
OCTOBER 11, 2012—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held on Thursday, October 11, 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; Fargo City Commissioner Brad Wimmer; Clay County Commissioner 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; Fargo City Administrator Pat Zavoral; Clay County Administrator Brian Berg; Moorhead City Manager Mike Redlinger; Fargo City Engineer Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Tom Waters, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; Colonel Michael Price, Commander of St. Paul District, U.S. Army Corps of Engineers; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve the minutes from the September 13, 2012, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Wagner moved and Mr. Campbell 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 activities over the last month including successful completion of the first year of the design program; development of local drainage and transportation planning recommendations for the Agricultural Policy Subcommittee; discussions with the Corps of Engineers regarding the western alignment; and completion of the hardship appraisals on three properties.

Corps of Engineers status update

Brett Coleman said Corps of Engineers led-design efforts continue to be on schedule and under budget; Drayton Dam Fish Passage Mitigation plans and specifications review has been completed; Wild Rice Fish Passage Mitigation review will begin next week; Corps and sponsor staff will attend a Manitoba Diversion Channel site visit this week; Phase II cultural resource testing and evaluations have begun at locations along the proposed diversion alignment; and staff will provide a recommendation regarding the western alignment at the November meeting.

Task Orders and Authority Work Directives update

Bruce Spiller from CH2MHill provided an update on Task Orders and Authority Work Directives. He said currently the main focus is on bridge and channel designs and work-in-kind (WIK) on the post feasibility engineering analysis.

Presentation on post feasibility alternatives

Terry Williams said the purpose of post-feasibility analysis is to improve the overall project by increasing value, decreasing risk, and minimizing impacts. She reviewed two southern alignment alternatives, Option VE-13A, which is located south of Cass County Highway 16; and Option VE-13C, which is located one-half mile south of Cass County Highway 14.

The Corps of Engineers prefers Option VE-13A because it will reduce impacts upstream, will maintain downstream impacts, and will reduce the overall project cost by \$53 million. The Corps also recommends in-town levees and gates on the diversion inlet structure be used with this option.

Ms. Williams said since the last meeting, the Corps of Engineers began to explore the possibility of a ring dike around Oxbow, Hickson and Bakke Subdivision, which would allow partial versus full buyout of homes. She said this option would need to be studied further to determine whether it is technically feasible.

After the Board of Authority decides on the southern alignment option, the Corps will begin the National Environmental Policy Act (NEPA) process.

Presentation on regional retention plan

Lance Yohe, Executive Director of the Red River Basin Commission (RRBC), gave a presentation on a three-phase regional retention site identification and prioritization plan for the Red River Basin. Retention is a key component to reduce flood damages and will provide basin-wide benefits. Retention is also a major component of the Long-Term Flood Solutions Recommendation/Report (LTFS) that was funded by North Dakota and Minnesota through the RRBC.

The proposed regional retention project has three phases. The first phase covers the area upstream to Halstad; second phase to the international boundary; and third phase to Lake Winnipeg. He outlined the structure of the project and committees involved with the process. Mr. Yohe said the request today is to provide funding in the amount of \$500,000 for Phase I modeling efforts for retention site identification and prioritization upstream of Halstad.

Mr. Vanyo said the board authorized \$25 million to be used toward retention options. Mr. Wagner believes this is the best method to study retention projects in the Red River Basin. Mr. Campbell said retention will ultimately work in conjunction with the diversion project.

MOTION, passed

Mr. Campbell moved and Mr. Wagner seconded to approve a \$500,000 payment to the Red River Basin Commission (RRBC), working in conjunction with the North Dakota State Water Commission (NDSWC) and Minnesota Department of Natural Resources (MN DNR), to study upper Red River Basin retention. On roll call vote, the motion carried unanimously.

Post-feasibility alternative recommendations

Mr. Waters said after the feasibility study was completed in September 2011, the Corps of Engineers conducted additional analysis. As a result, it was determined increased in-town flows and adjustable gates on the diversion inlet will reduce impacts to upstream areas, maintain downstream impacts as outlined in the FEIS (Federal Environmental Impact Study), reduce impacts to farming, and minimize impacts to the environment.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to endorse the inclusion of adjustable gates on the diversion inlet channel and increasing flows through town in the project design. On roll call vote, the motion carried unanimously.

There was discussion about southern alignment Options VE-13A and VE-13C, and the ring dike option for Oxbow, Hickson and Bakke Subdivision. Mr. Vanyo said the plan is to provide a recommendation on the ring dike option at the November meeting. He said Oxbow, Hickson and Bakke Subdivision have been asked to provide some direction on whether this option is something they want to be considered. Mr. Campbell asked about the costs for a ring dike, and Mr. Coleman said this component would be a mitigation effort and would qualify under the cost share agreement.

Mr. Berndt said the ring dike and alignment Options VE-13A and VE-13C are separate issues, and encouraged the board to consider approval of the southern alignment today. Mr. Vanyo said the Cass County Commission discussed this item at their last meeting and endorsed Option VE-13A. Mr. Wagner prefers this option because it protects the most people with the least amount of residences being affected.

Mr. Vanyo left the meeting at 5:10 PM, and Mr. Mahoney chaired the remainder of the meeting.

MOTION, passed

Mr. Olson moved and Ms. Otto seconded to support continued analysis of alignment Options VE-13A and VE-13C. Discussion: Mr. Berndt said if the preferred alignment option is chosen today, the Corps of Engineers would be able to begin the Environmental Impact Statement (EIS) process. Mr. Coleman said after the EIS is prepared, there will be a 30-day review period and public meetings will be held. Mr. Wagner does not see the preferred alignment option changing between now and the next meeting; he said 50 more people are at risk and would lose their homes with Option VE-13C. Ms. Otto said the City of Moorhead has not acted on an alignment option, and prefers their council have the opportunity to provide input. Mr. Campbell said a meeting was held with the six-board member entities on September 13th and both options were presented by the Corps of Engineers with a preferred option at that time, so all boards have been presented with information regarding this issue. On roll call vote, the motion carried with Mr. Olson, Ms. Otto, Mr. Thorstad, Mr. Walaker, and Mr. Mahoney voting “Yes”; Mr. Wagner, Mr. Wimmer and Mr. Campbell voting “No”.

5. 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:

Hardship appraisal update

The hardship appraisals were completed, reviewed by the Corps of Engineers, and sent to the three property owners.

Selection of property management firm

The Early Acquisition Subcommittee reviewed proposals and identified Coldwell Banker First Realty as the top firm, and the Land Management Committee approved the recommendation.

MOTION, passed

Mr. Wimmer moved and Mr. Olson seconded to approve the selection of Coldwell Banker First Realty as the property management firm for the FM Area Diversion Project, subject to negotiation of a contract for future approval by the Board. Motion carried.

Hayden Heights Acquisition

Hayden Heights Subdivision consists of 30 vacant lots and one single family home. The development is located in the current alignment of the diversion channel. The City of West Fargo currently owns 21 vacant lots through tax sale forfeiture. The remaining nine lots are privately owned and the home is vacant and is for sale.

The Land Management Committee approved acquisition of 21 lots from the City of West Fargo and to delay purchase on the remaining lots and home which are privately owned until a decision is made on the western alignment of the diversion channel.

MOTION, passed

Mr. Wimmer moved and Ms. Otto seconded to approve the early acquisition of 21 vacant lots in Hayden Heights Subdivision from the City of West Fargo in the amount of \$483,800 plus assumption of the special assessments of approximately \$525,000, in accordance with the terms of the purchase agreement executed on September 14, 2012. Motion carried.

Agricultural Policy Subcommittee update

Mr. Waters said the subcommittee has endorsed a local drainage plan and local transportation plan which includes design and construction factors related to drainage improvement and transportation corridors associated with the project.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on October 10th, and he provided an update on a few of the topics discussed at the meeting: the e-newsletter will be distributed on October 15th and will be posted on the website; a community meeting will be held in Horace on October 25th to provide additional information on the project; a draft of the Outreach and Communications Plan continues to be reviewed by the committee; and inquiries from property owners continue to be reviewed and answered by staff.

Finance Committee

The Finance Committee met on October 10th and approved recommendations to acquire 21 vacant lots in Hayden Heights owned by West Fargo and to spend \$500,000 toward a regional retention study to be conducted by the Red River Basin Commission.

6. **VOUCHERS, Approved**

MOTION, passed

Mr. Wagner moved and Mr. Wimmer seconded to approve the vouchers as presented in the amount of \$3,009,425.29. Motion carried.

7. **NEXT MEETING DATE**

The next meeting will be held on Thursday, November 8, 2012, at 3:30 PM.

8. **ADJOURNMENT**

MOTION, passed

On motion by Mr. Walaker, seconded by Mr. Wimmer, and all voting in favor, the meeting was adjourned at 5:35 PM.