

**FLOOD DIVERSION BOARD OF AUTHORITY  
JANUARY 10, 2013—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Board of Authority was held Thursday, January 10, 2013, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Chad Peterson; West Fargo City Commissioner Mike Thorstad; Fargo 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.

Cass County Joint Water Resource District Manager Rodger Olson was absent.

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 Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Cass County Engineer Jason Benson; Tom O'Hara, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; Terry Williams, Project Manager, Corps of Engineers; and Brett Coleman, Project Manager, Corps of Engineers.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Campbell moved and Mr. Mahoney seconded to approve minutes from the December 13, 2012, meeting as written. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

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

**4. ELECTION OF CHAIR AND VICE CHAIR FOR 2013**

*MOTION, passed*

**Mr. Campbell moved and Mr. Thorstad seconded to elect Darrell Vanyo as Chairman and Tim Mahoney as Vice Chairman of the Flood Diversion Board of Authority for 2013. Motion carried.**

**5. PROGRAM MANAGEMENT FIRM UPDATE**

Program manager consultant monthly report

Tom O'Hara provided an update on activities over the last month including preparation for the beginning of the North Dakota legislative session; team preparation for the public and individual landowner meetings held earlier this week with Oxbow, Hickson and Bakke residents regarding the levee option; upstream levee supporting analysis; and continued work on the in-town flow models.

Corps of Engineers status update

Terry Williams said Corps of Engineers staff continues to work on the National Environmental Policy Act (NEPA) process to address project modifications; prepared information for landowner and public meetings with residents from Oxbow, Hickson, and Bakke Subdivision; and are preparing for the Maple River Aqueduct value based design charrette.

Ms. Williams discussed the Red River of the North Rural Nonstructural Flood Risk Management Feasibility Study. Corps staff is working on an environmental assessment (EA) and implementation. She said the study sponsors are the Minnesota Red River Watershed Management Board and North Dakota Red River Joint Water Resource District. She said the estimated cost to implement is \$20 million with a cost share of 35% non-federal and 65% federal funding.

Task Orders and Authority Work Directives update

Bruce Spiller reviewed the status of existing Task Orders and Authority Work Directives (AWD) with the board. He also provided information regarding three new AWD's with Houston-Moore Group (HMG) totaling \$43,000, which involve work-in-kind (WIK) associated with geomorphology consultation services; and hydrology and hydraulic modeling.

***MOTION, passed***

**Mr. Wimmer moved and Mr. Mahoney seconded to approve three Authority Work Directives with HMG in the amount of \$43,000. Motion carried.**

Mr. Spiller said the board approved an amendment to Task Order No. 5 last month regarding post-feasibility engineering analysis. He is requesting that the completion date be extended from December 31<sup>st</sup> to February 28<sup>th</sup> to allow for final revisions to be completed on the analysis.

***MOTION, passed***

**Mr. Campbell moved and Mr. Wimmer seconded to extend the completion date from December 31, 2012, to February 28, 2013, related to Amended Task Order No. 5. Motion carried.**

**6. MINNESOTA DNR PRESENTATION**

Randall Doneen and Stuart Arkley from the Minnesota Department of Natural Resources (DNR) were present to provide a status update on the Minnesota Environmental Impact Statement (EIS).

Mr. Doneen said the reason an EIS is required by the Minnesota DNR is because the proposed diversion project includes a water control structure on the Red River, which they have classified as a Class I dam. The Minnesota EIS will reference the Federal EIS, and the DNR will not conduct analyses believed to be adequately covered in the federal document.

Mr. Arkley said the EIS is currently in the scoping phase and once completed, a Final Scoping Decision Document will be prepared to serve as a blueprint for the content included in the EIS. He anticipates a draft decision document will be released in March 2013 with a 30-day public comment period, and a public meeting will be held.

Mr. Arkley said EIS preparation will begin after the final scoping document is complete. A draft EIS will then be prepared following the same process with a public comment period and public meeting. He said the EIS adequacy decision on the final EIS will complete the Minnesota DNR process.

Mr. Berndt said the board is respectful of the DNR process, but stressed the importance of moving forward in a timely manner because of the tremendous financial risk associated with any project delays. He said program and technical staff are available to assist the Minnesota DNR with any questions or assistance they may need to complete the EIS process.

## 7. **UPDATES FROM COMMITTEES**

### Retention efforts update from Red River Basin Commission

Lance Yohe was present to provide an update from the Red River Basin Commission. He outlined numerous presentations given over the last month regarding retention efforts and possible modeling options to use on the project.

Mr. Yohe discussed the Halstad Upstream Retention Project and said plans for sub-watershed model development and site identification were distributed to the different participants; model adjustments continue; and mainstream scenario modeling is being discussed by the technical committee.

### Land Management Committee

Mr. Walaker provided an update on topics discussed at the Land Management Committee meeting held earlier this afternoon, including the status on hardship property acquisitions, and a Memorandum of Understanding (MOU) for the Oxbow area community levee.

#### **Hardship Properties Update**

Mr. Walaker said of the three hardship properties acquired, one is ready for rental; the second is almost ready for rental; and the third owner is waiting on a second appraisal.

#### **Oxbow area community levee MOU**

Mr. Walaker said this week about 200 people attended the public meeting and 65 participated in individual landowner meetings regarding the levee option for Oxbow, Hickson and Bakke Subdivision.

Mr. Vanyo said a Memorandum of Understanding (MOU) has been drafted to address 12 conditions submitted by the City of Oxbow for construction of a ring levee. This is a draft, which is non-binding with the intent for all parties to continue working toward an acceptable solution.

Mr. O'Hara said the MOU is with the City of Oxbow and the Diversion Authority Board, and does not include Hickson or Bakke Subdivision. Mr. Vanyo said Hickson and Bakke residents may express their opinion on the levee option through the same process used by Oxbow if they wish.

Mr. Wimmer asked how a final decision regarding the levee will be made. Mr. Campbell said the MOU refers to the decision being contingent on approval by the Corps of Engineers. Mr. Berndt said the MOU provides the basic framework regarding funding and responsibilities associated with a levee.

***MOTION, passed***

**Mr. Campbell moved and Mr. Mahoney seconded to adopt the concepts outlined in the draft Memorandum of Understanding (MOU) between the Flood Diversion Board of Authority and the City of Oxbow in response to Oxbow's requested conditions to support the Oxbow area levee construction; direct staff to continue negotiations with the City of Oxbow; and bring the final MOU back to the board for approval at the February 14, 2013, meeting. Discussion: There was discussion regarding the process if not all three entities agree to the levee concept. Brett Coleman said if the Corps of Engineers receives direction from the board next month in support of the levee, an environmental assessment will be needed and a formal public comment period will be scheduled on the plan with the goal to finalize the plan in July 2013 after the NEPA process has been completed. On roll call vote, the motion carried unanimously.**

**Public Outreach Committee**

Mr. Wimmer said the Public Outreach Committee met on January 9<sup>th</sup>, and he briefly discussed the public meeting held with Oxbow, Hickson and Bakke residents on January 8<sup>th</sup> regarding the ring levee.

Daron Selvig from AE2S said video of the Oxbow/Hickson/Bakke meeting has been posted to the website; several answers to recent questions asked under the frequently asked questions (FAQ) section of the website have been posted; and the next edition of the e-newsletter will be distributed on January 14<sup>th</sup>.

Mr. Wimmer said a legislative open house will be held in Bismarck on February 12, 2013, regarding the diversion. He encouraged board members to attend.

**Finance Committee**

Michael Montplaisir, Cass County Auditor, said the Finance Committee met January 9<sup>th</sup>. He said over \$16 million has been spent over the last year and a half toward the diversion project, and about \$10 million in outstanding contracts still exist. Also, the committee approved the first amendment to the joint powers agreement with Cass County, Fargo, and Cass County Joint Water Resource District to include the costs to develop a special assessment district.

**8. VOUCHERS, Approved**

***MOTION, passed***

**Mr. Mahoney moved and Mr. Walaker seconded to approve the vouchers as presented. On roll call vote, the motion carried unanimously.**

**9. OTHER BUSINESS**

Mr. Berndt briefly discussed the Bank of North Dakota and its maximum lending amount for loans related to mortgages. He looked into whether the cap is an administrative or statutory decision, and discovered it is outlined in state law. He and other staff will be working with legislators to raise the cap on loans.

**10. NEXT MEETING DATE**

The next meeting will be held on Thursday, February 14, 2013, at 3:30 PM.

**11. ADJOURNMENT**

*MOTION, passed*

**On motion by Mr. Walaker, seconded by Mr. Mahoney, and all voting in favor, the meeting was adjourned at 4:45 PM.**

Minutes prepared by Heather Worden, Cass County Administrative Assistant