

**FLOOD DIVERSION BOARD OF AUTHORITY
FEBRUARY 14, 2013—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, February 14, 2013, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Ken Pawluk; West Fargo City Commissioner Mike Thorstad; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Cass County Joint Water Resource District Manager Rodger Olson; 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; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Cass County Engineer Jason Benson; Tom O'Hara, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; and Brett Coleman, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Walaker moved and Mr. Campbell seconded to approve minutes from the January 10, 2013, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Pawluk moved and Mr. Thorstad seconded to approve the order of the agenda as presented. Motion carried.

4. PROGRAM MANAGEMENT FIRM UPDATE

Program manager consultant monthly report

Tom O'Hara provided an update on activities over the last month including meetings with the North Dakota and Minnesota legislative bodies; continued work on upstream levee supporting analysis and in-town flow models; meeting with the local design and local consultant technical team; and coordination with the Minnesota DNR on the scoping document for the Minnesota EIS (environmental impact statement).

Corps of Engineers status update

Brett Coleman said Corps of Engineers staff continues to work on the National Environmental Policy Act (NEPA) process to address project modifications; provided comments to project sponsors regarding bridge designs; participated in public meetings with Oxbow/Hickson/Bakke residents last month; and attended a North Dakota legislative open house earlier this week to discuss the project.

Mr. Coleman said surveys were distributed to Oxbow/Hickson/Bakke residents at the public meetings last month, and he discussed the results. He said 70% of Oxbow residents who responded support a levee while 75% of Bakke residents prefer a buyout.

Mr. Mahoney suggested staff ask Hickson and Bakke residents for a list of conditions similar to what was requested of Oxbow regarding the levee concept. Mr. O'Hara said a meeting was held with MaryJane Nipstad, Pleasant Township board member, and she will act as a liaison to bring back comments and concerns from the township to the Diversion Board.

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 amended Task Order No. 9 for hydrology and hydraulic modeling (\$93,000); amended Task Order No. 10 for utilities design and identification from I-94 to the staging area (\$194,000); new Task Order No. 14 for transportation and local drainage master plans for the southern section of the diversion channel (\$605,000); and new AWD-00024 for initial survey and geotechnical data for design of the Oxbow/Hickson/Bakke upstream staging area ring levee (\$100,000).

Mr. Pawluk said he is unsure about the advantage of approving Task Order No. 14 and AWD-00024 today. He questioned whether approval of the two items could wait for a few months. There was discussion about residents living south of the project and how both will help to answer many questions regarding utilities, transportation and drainage plans associated with the project.

MOTION, passed

Mr. Mahoney moved and Mr. Wimmer seconded to approve three Task Orders with Houston Moore Group totaling \$892,000 and one Authority Work Directive with Houston Moore Group totaling \$100,000. Discussion: Mr. Pawluk said some funding decisions are pending with the North Dakota legislature, and he doesn't see any disadvantages to wait on the two items he previously discussed. Mr. Campbell verified with staff that the costs today are within the \$29 million budget for this year. Mr. Mahoney said it is important to stay on task and based on the recommendations of the technical committee, move forward in order to answer questions of the residents. On roll call vote, the motion carried with Mr. Vanyo, Mr. Thorstad, Mr. Walaker, Mr. Mahoney, Mr. Wimmer, Mr. Olson, Mr. Campbell and Ms. Otto voting "Yes"; and Mr. Pawluk voting "No".

5. 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 on the retention study. He discussed the Halstad Upstream Retention (HUR) project, and the tasks associated with upstream modeling and site impacts.

Mr. Vanyo discussed the timeline and said the goal is to complete the study by August. He said the board approved \$500,000 toward the study, and suggested any costs from the Red River Basin Commission be submitted as an invoice to the board.

Land Management Committee

Mr. Walaker said the Land Management Committee met earlier this afternoon, and discussed the following topics:

Hardship properties status

Eric Dodds from AE2S said the Diversion Authority owns two hardship properties in Oxbow, and one is rented and the other is available to rent. He said since the last board meeting, an additional hardship request was received from an Oxbow resident. The Hardship Buyout Committee met yesterday and determined the request met the hardship criteria, and approved to move forward with an appraisal on the property. Also, earlier today the Land Management Committee approved the request.

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve the additional hardship property request and to move forward with the appraisal process. Motion carried.

Agricultural Impact Mitigation Plan

Mr. Dodds reviewed the draft agricultural impact mitigation plan, which addresses flowage easements and crop insurance. The easement will provide the legal ability to inundate property as part of the operation of the project, and the Corps of Engineers process will be followed when determining values on easements. Federal crop insurance will apply if a crop can be planted before the established late planning dates. He said under the plan, the Diversion Authority will contract with an independent insurance provider to administer the coverage and damage adjustment process.

CapX2020 letter

Mr. Dodds said a letter has been drafted to Xcel Energy to inform them about the change in the southern alignment channel by one mile to the north as well as the ring levee concept for the Oxbow/Hickson/Bakke area as it relates to the final alignment and construction of the CapX2020 power line.

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to authorize the chairman to sign a letter to Xcel Energy informing them of a change in the southern alignment and ring levee concept associated with the diversion project as it relates to the CapX2020 power line construction and alignment. Motion carried.

Oxbow/Hickson/Bakke area levee progress report

Mr. O'Hara said the Oxbow City Council passed a resolution in support of the ring levee concept. The city council also formed a steering committee to oversee development of the Memorandum of Understanding (MOU) with the Diversion Authority, and to keep residents informed.

Mr. O'Hara said 47 surveys from Bakke residents were received with the majority of the responses indicating they do not support the project or the levee. Some of the residents expressed interest in a buyout. He said because of the support from Oxbow residents and lack of support from Bakke residents, technical staff believes it is necessary to consider construction of a levee around Oxbow and Hickson, or only around Oxbow.

Mr. O'Hara said the Corps of Engineers will continue with their internal review of the full Oxbow/Hickson/Bakke levee as the recommended alternative during the environmental assessment (EA) process. The Corps will also include the Oxbow/Hickson levee as an alternate plan. He said staff will work with residents of Hickson and Bakke over the next two months to provide information and gather comments.

Mr. O'Hara said levee alternatives will be presented at the April board meeting, and the board will be asked to provide a final recommendation to the Corps of Engineers.

MOTION, passed

Mr. Walaker moved and Mr. Pawluk seconded to support the Corps of Engineers continuing to move forward with the Federal Environmental Assessment (EA) including the Oxbow/Hickson/Bakke area levee and for the board to provide the Corps with its final recommendation at the April board meeting after receiving additional input from affected residents. Motion carried.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on February 13th, and the main topic of discussion was on different ways to get the message out to the public about the project. He referred to the handout titled "Who Benefits from the Diversion?" which includes facts about the project that is very informative. He said AE2S will draft a plan outlining different ways to inform the public about the diversion to ensure accurate information is being disseminated.

Craig Whitney, President and CEO of the Chamber of Commerce, was present. He said the chamber has formed a task force consisting of 35 business members to support the Diversion Board and other elected officials regarding the project and permanent flood protection for the area.

Mr. O'Hara said recently an open house was held with North Dakota legislators and a breakfast was held with Minnesota legislators to discuss and answer any questions regarding the project.

6. VOUCHERS, Approved

Michael Montplaisir, Cass County Auditor, said the board was provided with a list of bills in the amount of \$74,482.25. However, part of the legal services invoice was already paid, and an additional deposit to the property management firm is needed, so the bills for the month of February amount to \$61,904.75

MOTION, passed

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

7. NEXT MEETING DATE

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

8. ADJOURNMENT

MOTION, passed

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