

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

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, March 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; and Clay County Commissioner Kevin Campbell.

Moorhead City Council Member Nancy Otto and ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District, were absent.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Moorhead City Manager Mike Redlinger; 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; Brett Coleman, Project Manager, Corps of Engineers, and Terry Williams, Project Manager, Corps of Engineers, via conference call.

2. MINUTES APPROVED

MOTION, passed

Mr. Walaker moved and Mr. Mahoney seconded to approve minutes from the February 14, 2013, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney 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

Tom O'Hara provided an update on activities over the last month including refinements to the Oxbow/Hickson/Bakke levee concept; implementation of a legislative outreach plan; letter of support from North Dakota and Minnesota congressional leaders for FY2014 project funding; meetings with Pleasant Township representatives to discuss the ring levee concept; work on in-town levees and upstream staging area ring levee analysis; and continued coordination with the Minnesota DNR on the scoping document for the Minnesota EIS.

Mr. O'Hara said the Chamber of Commerce Business Leader Task Force met for the first time on February 26th. Mr. Vanyo said the chamber is working with the Greater Fargo Moorhead Economic Development Corporation in support of the diversion project and permanent flood protection for the area. Mr. Vanyo introduced Tom Dawson, Task Force Chairman, to board members.

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; a non-structural study update was presented to the project sponsors; and Corps staff met with the North Dakota Senate Appropriations Committee on March 8th. He also discussed the Maple River aqueduct and said a physical model is being built in a warehouse near the Twin Cities.

Mr. Olson asked for an updated project cost. Mr. O'Hara said the estimate continues to be around \$1.78 billion. He said design costs have decreased, but have been offset by an increase in land purchases. Mr. Berndt reminded board members that each year construction on the project is delayed, project costs increase annually by several hundred million dollars.

Task Orders and Authority Work Directives update

Mr. O'Hara reviewed the status of existing Task Orders and Authority Work Directives (AWD) with the board. He provided information regarding a Master Services Agreement with URS to transfer an existing City of Fargo contract to the Flood Diversion Board for cultural resources investigation of the project area. The agreement is subject to review by the legal team, and next month a new Task Order will be issued for consideration by the board.

Mr. O'Hara discussed AWD-00025 for Maple River aqueduct flow analysis in the amount of \$15,000; and AWD-00026 for cultural resources investigation of the diversion channel in the amount of \$25,000. Mr. Campbell questioned whether these costs are part of the \$29 million budget approved for 2013 by the board. Mr. O'Hara said the expenses are within this year's budget.

MOTION, passed

Mr. Olson moved and Mr. Wimmer seconded to approve the Master Services Agreement with URS, subject to final negotiation and review by legal staff. Motion carried.

MOTION, passed

Mr. Olson moved and Mr. Wimmer seconded to approve AWD-00025 with Houston Moore Group LLC in the amount of \$15,000 to initiate modeling of the Maple River aqueduct flow; and approve AWD-00026 with URS in the amount of \$25,000 to continue cultural resources investigation of the diversion channel. Discussion: Mr. Pawluk understands the costs are within the 2013 budget, but is concerned about pending legislation that may eliminate state funding for the project, and questioned whether the contracts may be terminated if this occurs. Mr. Berndt said each contract has a termination clause if work needs to be halted. Board members discussed the importance of contacting legislators to discuss the need for this project to provide long-term flood protection for the area. On roll call vote, the motion carried unanimously.

5. **UPDATES FROM COMMITTEES**

Retention efforts update from Red River Basin Commission

Mark Brodshaug 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 status of the tasks associated with the project. He said the goal is for modeling procedures to be determined by the end of the August.

Land Management Committee

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

Hardship properties status

Four hardship applications from Oxbow have been approved since last year. Currently, two of the properties are being rented. Two appraisals have been completed on the third property; however, because of the significant difference between them, a third appraiser has been hired to conduct a technical review and advise the program management team. An appraisal on the fourth property approved last month is expected to be done in early April.

Oxbow/Hickson/Bakke area levee progress report

Mr. O'Hara said the Corps of Engineers is proceeding with the full Oxbow/Bakke/Hickson levee alignment for the Environmental Assessment (EA). The technical team developed alternative alignments excluding Bakke and/or Hickson from the protected area. He said one-on-one meetings will be held the first two weeks of April with Pleasant Township residents to discuss the different options. The board will be provided with updated information on alternatives and will be asked to provide a final recommendation to the Corps at the April meeting.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on March 13th, and asked Eric Dodds from AE2S to provide an update.

Mr. Dodds discussed public outreach activities over the last month including formation of the Chamber of Commerce Business Leaders Task Force for Permanent Flood Protection; coordination with the Corps of Engineers to draft responses to false information regarding the project; assistance with scheduling one-on-one meetings with Hickson and Bakke residents; completed updates to the official website; and worked on the e-newsletter which will be distributed on March 18th. Mr. Dodds said the responses to false information will be posted on the website.

North Dakota legislative update

Rocky Schneider, serving as a diversion consultant, provided information on meetings held with elected officials and legislators regarding HB1020 that deals with State Water Commission funding for projects throughout the entire state. He said the bill includes amendments designed to prohibit the use of state funds toward the diversion project as well as other flood protection measures. A Senate Appropriations Committee hearing was held last week with testimony provided by proponents and opponents of the diversion. The bill was assigned to a three-member Senate subcommittee for further study.

There was discussion regarding an amendment that if passed would stop construction of the Oxbow/Hickson/Bakke levee. Construction on this ring dike is expected to last three years, and if halted, would severely affect the residents of Oxbow who would need to build an earthen levee on the eastern side of the golf course for protection during flood events.

Mr. Vanyo said many discussions have been held with federal officials over the last four years, and local officials have been told that the federal government is more inclined to support the project if local and state funding is in place.

Board members will continue to contact legislators to discuss the need for this project, and to request the removal of the amendments included in HB1020.

Finance Committee

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on March 13th. He said the project continues to be paid with cash on hand, and approximately \$18.5 million has been spent with \$9 million in outstanding contracts. He said the committee is in the process of developing a report that will include how much has been spent toward the \$29 million budgeted for 2013.

Mr. Montplaisir said a request for an additional deposit of \$1,000 from Coldwell Banker was received for expenses associated with the rental properties in Oxbow.

**6. VOUCHERS, Approved
*MOTION, passed***

Mr. Pawluk moved and Mr. Walaker seconded to approve the vouchers in the amount of \$16,212.28, including an additional \$1,000 for expenses associated with rental properties in Oxbow. On roll call vote, the motion carried unanimously.

7. NEXT MEETING DATE

The next meeting will be held on Thursday, April 25, 2013, at 3:30 PM.

8. ADJOURNMENT

MOTION, passed

On motion by Mr. Wimmer, seconded by Mr. Walaker, and all voting in favor, the meeting was adjourned at 4:40 PM.