

**FLOOD DIVERSION BOARD OF AUTHORITY  
JUNE 13, 2013—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Board of Authority was held Thursday, June 13, 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 City Commissioner Tim Mahoney; Fargo City Commissioner Mike Williams; Cass County Joint Water Resource District Manager Rodger Olson; Clay County Commissioner Kevin Campbell; and Moorhead City Mayor Mark Voxland. 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; Moorhead City Manager Mike Redlinger; Clay County Administrator Brian Berg; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Cass County Engineer Jason Benson; Tom O'Hara, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; Tom Dawson, Chairman, Chamber of Commerce Business Leader Task Force for Permanent Flood Protection; and Aaron Snyder, Branch Chief for Project Management & Development, Corps of Engineers, via conference call.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Mahoney moved and Mr. Campbell seconded to approve minutes from the May 9, 2013, meeting as written. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

**Mr. Mahoney moved and Mr. Pawluk 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 development of biennium and FY14 program priorities; on-going technical and design activities; continued the acquisition process for the third and fourth hardship properties and began the appraisal process on the fifth property; worked with the legal team to refine language for the Memorandum of Understanding with Oxbow for the ring levee; and developed a timeline for impacted staging area properties.

Corps of Engineers status update

Aaron Snyder said Corps of Engineers staff continues to work on the National Environmental Policy Act (NEPA) process to address project modifications; preparation for a public meeting on June 25<sup>th</sup> regarding the Environmental Assessment (EA), which will be released to the public tomorrow, June 14<sup>th</sup>; and preparation for a meeting with northern landowners on June 26<sup>th</sup> to discuss design updates.

Mr. Snyder discussed federal funding for the project, and said \$5 million from the President's budget has been received. The Corps is waiting for official notification about \$2.4 million in additional funding.

Task Orders and Authority Work Directives

Bruce Spiller reviewed the status of existing Task Orders and Authority Work Directives with the board.

FY14 program decisions timeline

Mr. O'Hara discussed three main program decisions for FY14 that include the joint work plan with the technical team and the Corps of Engineers; FY14 funding decision; and amendments to the Joint Powers Agreement (JPA) to reflect the budget for next year. The JPA needs to be updated by September 30<sup>th</sup>.

Mr. O'Hara reviewed the FY14 priorities as follows: continuing work on the in-town levee and Oxbow/Hickson/Bakke levee; ongoing studies to continue efforts to mitigate project impacts (including Comstock levee); continued technical analysis to further reduce costs and improve project performance; and continued preparation of activities for Reaches 1 through 3. He asked the board to reconfirm the priorities as outlined in order to move forward with the timeline for FY14.

***MOTION, passed***

**Mr. Mahoney moved and Mr. Pawluk seconded to reconfirm the FY14 program priorities as presented. Motion carried.**

**5. REPORT ON TRIP TO WASHINGTON D.C.**

Mr. Vanyo provided an update on the trip made by the leadership team to Washington, D.C. Meetings were held with officials from the Office of Management and Budget (OMB), Senate Energy and Water Appropriations Committee, Corps of Engineers, and members of the North Dakota and Minnesota congressional delegation.

The Water Resources Development Act (WRDA) was approved by the Senate with language that would allow for authorization of the project. The bill still needs to be approved by the House. Mr. Vanyo anticipates the legislation will be approved by the end of the year.

**6. 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, including progress on model adjustments; watershed hydrologic modeling; main stem flood profile; and updated budget figures for dollars spent so far on the study.

*Land Management Committee*

Mr. Vanyo said the Land Management Committee met earlier this afternoon and reviewed new maps regarding upstream structure area impacts; discussed the staging/mitigation timeline; and received an update on the hardship acquisition program.

**Oxbow Levee Memorandum of Understanding (MOU)**

Mr. Vanyo said the Finance Committee reviewed the Memorandum of Understanding (MOU) with Oxbow for the Oxbow/Hickson/Bakke levee at their meeting yesterday, and recommended some changes which were incorporated into the document for the Land Management Committee today. The Oxbow City Council also needs to review the updated MOU.

Attorney Erik Johnson reviewed the proposed revisions and clarifications to the MOU, which were approved by the Land Management Committee.

***MOTION, passed***

**Mr. Mahoney moved and Mr. Thorstad seconded to accept the Memorandum of Understanding (MOU) between the City of Oxbow and the Flood Diversion Authority with the amendments presented today; recommend that the North Dakota entities of the Diversion Authority sign the MOU; and direct the Cass County Joint Water Resource District to act on behalf of the Diversion Authority to purchase land for the Oxbow/Hickson/Bakke levee project. Discussion: Mr. Campbell asked about reason behind the decision to have only North Dakota entities sign the document. Mr. Johnson said if for some reason the Diversion Authority disbanded or the diversion project is not built, North Dakota entities would be responsible for the Oxbow/Hickson/Bakke levee. Mr. Williams said it could be considered a “re-insurance policy”. The Diversion Authority member entities will also sign the document. On roll call vote, the motion carried unanimously.**

**Public Outreach Committee**

Mr. Olson said the Public Outreach Committee met on June 12<sup>th</sup>, and discussed the draft outreach plan for the biennium; Minnesota legislative meeting held May 30<sup>th</sup> to update local legislators about the project; development of a handout for the North Dakota Water Education Foundation Summer Water Tour; updated information included on the website; and work on the upcoming e-newsletter.

**Finance Committee**

Kent Costin, Fargo City Finance Director, said the Finance Committee met on June 12<sup>th</sup>. He said \$1.2 million was expended last month, and \$455,000 in bills for the month of June need to be approved.

**CH2M Hill task order extension**

Mr. O’Hara said an amendment to Task Order No. 2 with CH2M Hill is for a two-month extension through August at no cost to the Diversion Board of Authority.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Campbell seconded to approve Amendment No. 2 to Task Order No. 2 with CH2M Hill for program management services extending the period of services from June 30, 2013, to August 30, 2013. Motion carried.**

**7. VOUCHERS, Approved**

***MOTION, passed***

**Mr. Mahoney moved and Mr. Voxland seconded to approve the vouchers for May, 2013. On roll call vote, the motion carried unanimously.**

**8. OTHER BUSINESS**

Tom Dawson said the Chamber of Commerce Business Leader Task Force meets on a quarterly basis, and their next meeting will be held the end of July. He said local legislators will be invited to participate in the meetings.

**9. NEXT MEETING DATE**

The next meeting will be held on Thursday, July 11, 2013, at 3:30 PM.

**10. ADJOURNMENT**

***MOTION, passed***

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

Minutes prepared by Heather Worden, Cass County Administrative Assistant