

**FLOOD DIVERSION BOARD OF AUTHORITY
JULY 11, 2013—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, July 11, 2013, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Vern Bennett; West Fargo City Commissioner Mike Thorstad; Fargo City Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Melissa Sobolik; 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; 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; John Glatzmaier, CH2MHill; Tom Dawson, Chairman, Chamber of Commerce Business Leader Task Force for Permanent Flood Protection; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to approve minutes from the June 13, 2013, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Mr. Walaker 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 FY14 draft joint work plan; on-going technical and design activities; progress on hardship acquisitions that included a closing on the third property, negotiations on the fourth property, and approval of the appraisal for the fifth property; design scope and timeline for the Oxbow/Hickson/Bakke ring levee; and a meeting with FEMA and the Corps of Engineers to discuss mitigation requirements.

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; provide continued support for the Minnesota EIS (Environmental Impact Statement) process; receive comments during the 30-day public comment period for the Environmental Assessment (EA), which was released on June 14th; and conducted public meetings on June 25th to discuss the EA and June 26th to discuss design updates with northern landowners.

Ms. Williams said the public comment period for the EA will end on July 14th. So far, the Corps has received 17 comments. She also briefly discussed federal funding, and said since the last meeting, the Corps received official notification about an additional \$2.385 million in funding.

Task Orders and Authority Work Directives

John Glatzmaier reviewed the status of existing Task Orders (TO) with the board. He also reviewed four amended Task Orders with Houston Moore Group (HMG) totaling \$490,000.

MOTION, passed

Mr. Mahoney moved and Mr. Olson seconded to approve Task Order No. 2, Amendment 2 for County Road 31/County Road 4 bridge alignment in the amount of \$20,000; Task Order No. 3, Amendment 2 for alignment evaluation of I-29 for I-29/County Highway 81 bridges in the amount of \$115,000; Task Order No. 4, Amendment 2 for bridge detour road design on County Road 31/County Road 22 bridges in the amount of \$145,000; and Task Order No. 9, Amendment 7 for hydrology and hydraulic modeling in the amount of \$210,000. On roll call vote, the motion carried unanimously.

FY14 program decisions timeline and joint work plan status

Mr. O'Hara discussed the timeline for FY14 program decisions that include the joint work plan for the technical team and Corps of Engineers; funding decision; and Joint Powers Agreement (JPA) amendments. He said the draft work plan with the tentative FY14 budget and draft JPA will be presented at the next meeting. The JPA will need to be approved by the six member entities with final approval by the board in September.

Joint Powers Agreement background and amendment

Erik Johnson, Fargo City Attorney, provided a brief history on the Limited Joint Powers Agreement (JPA) for the Diversion Board of Authority. He said the first JPA was approved in the summer of 2011 with the first amendment approved in 2012 to authorize the FY13 budget of \$29 million. He said a second amendment will be discussed at the next meeting, which will include the FY14 budget; clarification of the name of the "entity" that the board governs; advancing of funds to Oxbow; and that the Minnesota share of the project will come from the Minnesota legislature.

The Moorhead City Council recently met and expressed concerns regarding the Minnesota cost share. Ms. Otto said the council is concerned because the city does not have dollars in its general fund to cover the cost, and does not have the authority to issue a special sales tax for the project. She said some misperceptions about the project need to be addressed, especially about the level of protection associated with a 500-year flood event. She said members requested more frequent updates be provided by the Corps of Engineers to the council. Also, members were concerned about local funds being spent on the project without receiving federal authorization because the project may not be constructed if it is not approved by the federal government. Mr. Zimmerman said the current protective measures in place in Moorhead would not protect the city to the river levels associated with a 500-year flood event.

Mr. Campbell believes the concerns regarding the Minnesota cost share will be addressed in the amended JPA. In regard to the dollars already spent, the Corps of Engineers fully supports the project. Ms. Williams said no other project in the country will protect the number of people (around 215,000) that the diversion will. Mr. Campbell said investments made so far are in areas that will see benefits, and he stressed the need to continue to educate the public. Mr. Vanyo said federal authorization does not occur without some local dollars being spent.

Mr. Mahoney said quarterly updates to member entities by the Corps of Engineers will be useful so everyone is informed about the project status, and will allow questions and concerns to be addressed.

5. **UPDATES FROM COMMITTEES**

Retention efforts update from Red River Basin Commission

Jeff Lewis, RRBC Assistant Executive Director of Policy, 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 completion of individual modeling. He said the technical advisory committee continues to work with the Corps of Engineers and Minnesota DNR. Mr. Lewis said they are still on target to provide a final report at the September board meeting.

Land Management Committee

Mr. Walaker said the Land Management Committee met earlier this afternoon, and he provided a brief update. He said the City of Oxbow voted in favor to proceed with the Memorandum of Understanding (MOU) for the ring levee. Also, the Agricultural Policy Subcommittee met earlier this week, and decided to look at adding a rider to federal crop insurance first before considering the option of being self-insured.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on July 10th, and discussed the numerous outreach activities over the last month. He said the committee worked with the Business Leaders Task Force to provide information for their meeting to be held July 30th with local legislators; created a project brochure for the North Dakota Water Education Foundation Summer Water Tour; assisted with a technical presentation given to the Home Builders Association; began communications with Minnesota officials regarding future meetings with the City of Comstock and residents in the staging area as well as quarterly updates from the Corps of Engineers; updated the diversion website; and distributed the most current e-newsletter.

Finance Committee

Kent Costin, Fargo City Finance Director, said the Finance Committee met on July 10th. He said one of the main items discussed was the FY14 work plan. Also, he said \$11 million remains out of the \$29 million budget for FY13.

6. **VOUCHERS, Approved**

MOTION, passed

Mr. Walaker moved and Ms. Otto seconded to approve the vouchers for June, 2013. On roll call vote, the motion carried unanimously.

7. NEXT MEETING DATE

The next meeting will be held on Thursday, August 8, 2013, at 3:30 PM.

8. ADJOURNMENT

MOTION, passed

On motion by Mr. Walaker, seconded by Mr. Campbell, and all voting in favor, the meeting was adjourned at 4:55 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant