

**FLOOD DIVERSION BOARD OF AUTHORITY
AUGUST 8, 2013—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, August 8, 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 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 Brenda Elmer. 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 Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Tom O'Hara, Program Manager, CH2MHill; Dirk Draper, CH2MHill; Tom Dawson, Chairman, Chamber of Commerce Business Leader Task Force for Permanent Flood Protection; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve minutes from the July 11, 2013, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Mr. Wimmer 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 authority decisions; work on the design agreement amendment; progress on hardship acquisitions that included negotiations on the fourth property, and an appraisal conducted on the fifth property; and assisted the legal and administrative team on the second amendment to the Limited Joint Powers Agreement (JPA).

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, which she anticipates will be completed the end of August; provide continued support for the Minnesota EIS (Environmental Impact Statement) process; and preparation of responses to comments received regarding the supplemental Environmental Assessment (EA).

Ms. Williams said the project is awaiting federal authorization, and the United States House of Representatives is expected to address the Water Resources Development Act (WRDA) bill the end of September or beginning of October.

Task Orders and Authority Work Directives

Dirk Draper reviewed the status of existing Task Orders (TO) with the board. He also reviewed two new task orders as follows: Houston Moore Group (HMG) Task Order No. 13 Amendment No. 2 in the amount of \$4,090,000 and Corps of Engineers FY14 joint work plan funding in the amount of \$2,100,000 for a total of \$6,190,000.

MOTION, passed

Mr. Mahoney moved and Mr. Thorstad seconded to approve Task Order No. 13, Amendment 2 with HMG for levee designs, and FY14 joint work plan funding with the Army Corps of Engineers for upstream staging. On roll call vote, the motion carried unanimously.

Corps of Engineers FY14 work plan funding and FY14 program budget

Mr. O'Hara said the local sponsors and Corps of Engineers developed a FY14 joint work plan to identify recommended project activities to be completed in 2014. The total recommended budget is \$70 million with \$2.1 million in funding for the Corps of Engineers activities.

MOTION, passed

Mr. Wimmer moved and Mr. Pawluk seconded to approve the FY14 program budget. On roll call vote, the motion carried unanimously.

Limited Joint Powers Agreement Amendment No. 2

Erik Johnson, Fargo City Attorney, said the second amendment to the Limited Joint Powers Agreement (JPA) includes revisions regarding the following: the name of the entity created by the JPA to be known as the "Metro Flood Diversion Authority"; clarification of existing powers to enter into contracts, specifically with Oxbow for the ring levee, replacement property, and advancement and recoupment of funds; FY14 budget that clarifies that Minnesota entities will ask the Minnesota legislature to fund their share; and the official date when the Limited Joint Powers Agreement became effective, which was July 11, 2011.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the Limited Joint Powers Agreement (LJPA) Amendment No. 2 for coordination with the six member entities, and the diversion board acknowledges the amendment requires approval by all six member entities before final approval. On roll call vote, the motion carried unanimously.

The JPA will now be forwarded to the six member entities for their approval.

5. UPDATES FROM COMMITTEES*Retention efforts update from Red River Basin Commission*

Lance Yohe, Executive Director, was present to provide an update from the Red River Basin Commission on the retention study. He discussed the progress made on main stem modeling, and said their organization has talked with the Minnesota DNR about the MN EIS scoping document and how it may be connected to the retention study. He said at this time \$156,339 out of the \$500,000 budget has been expended.

Land Management Committee

Mr. Walaker said the Land Management Committee met earlier this afternoon, and he provided a brief update, including action taken on the Oxbow Memorandum of Understanding (MOU) and land acquisition management services plan.

Oxbow levee MOU

Mr. Johnson said the board approved the MOU on June 13, 2013, and the document was forwarded to the City of Oxbow for review. The city approved the MOU with some revisions that clarify items related to the Oxbow Golf and Country Club as well as funding to be provided by Oxbow for administrative, legal, engineering and project management services.

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve the Oxbow Levee Memorandum of Understanding for signature by the chairman of the Flood Diversion Board of Authority. On roll call vote, the motion carried unanimously.

Cass County Joint Water Resource District land acquisition plan

The Cass County Joint Water Resource District (CCJWRD) provided a proposal to manage the North Dakota lands-related activities associated with the diversion project. The proposal outlines the responsibilities of the Flood Diversion Authority and the CCJWRD with the water district acting as the agent to acquire land.

MOTION, passed

Mr. Pawluk moved and Mr. Walaker seconded to approve the proposal with the Cass County Joint Water Resource District for North Dakota lands-related services. On roll call vote, the motion carried unanimously.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on August 7th, and discussed the numerous outreach activities. He said the committee met with leaders from Moorhead and West Fargo to answer questions about the project; will meet with the City of Comstock on August 15th to discuss the project and a potential ring levee around the community; will continue to track North Dakota interim committee assignments; will prepare for a potential vote by the United States House on the WRDA bill this fall; updated the diversion website; and distributed the most current e-newsletter.

Finance Committee

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on August 7th and reviewed the FY13 budget and FY14 funding, and continued discussion regarding the ongoing study of special assessments as a funding option. He said \$11 million is still available out of the \$29 million budget for 2013, and adequate cash is available to cover expenses for the foreseeable future.

PMC Task Orders with CH2MHill for contract extension

Mr. Berndt said CH2MHill submitted Task Order No. 3 and Task Order No. 4, which outline work to be provided under a six-month contract extension at a cost of \$180,000 per month.

Mr. Berndt said CH2MHill will still be involved in project activities but with a diminished presence until more is known about federal funding. He recommends approval of both task orders.

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

Mr. Mahoney moved and Ms. Elmer seconded to approve Task Order No. 3 and Task Order No. 4 with CH2MHill, and the vouchers for July, 2013. On roll call vote, the motion carried unanimously.

7. OTHER BUSINESS

Mr. Vanyo said the Chamber of Commerce Business Leader Task Force will meet with North Dakota and Minnesota legislators on Tuesday, September 10th.

8. NEXT MEETING DATE

The next meeting will be held on Thursday, September 12, 2013, at 3:30 PM.

9. ADJOURNMENT

MOTION, passed

On motion by Mr. Mahoney, seconded by Mr. Wimmer, and all voting in favor, the meeting was adjourned at 4:35 PM.