

**FLOOD DIVERSION BOARD OF AUTHORITY
DECEMBER 19, 2013—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, December 19, 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; Moorhead City Engineer Bob Zimmerman; Cass County Engineer Jason Benson; Bruce Spiller, CH2MHill; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Walaker moved and Mr. Campbell seconded to approve minutes from the November 14, 2013, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Pawluk moved and Mr. Olson seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Bruce Spiller provided an update on activities over the last month including ongoing geotechnical and survey work on the Oxbow/Hickson/Bakke (O/H/B) levee; continued work on land acquisition activities and policies; coordination with the new Fargo City Hall project regarding in-town levees; and monitoring of the WRDA/WRRDA bills, which are in conference committee.

Corps of Engineers report

Brett Coleman provided an update of activities by Corps of Engineers staff including continued support for the Minnesota EIS (Environmental Impact Statement) process; continued design work associated with the O/H/B levee; meeting with the Rush River Water Resource Board to discuss drains as they relate to the project; work on the Maple River aqueduct physical modeling; and development of a cemetery study to update information included in the feasibility study. The project continues to await federal authorization.

5. LEGAL UPDATE

Attorney Erik Johnson provided a brief update on the lawsuit filed by the Richland-Wilkin Joint Powers Authority vs. the U.S. Army Corps of Engineers. The Corps has authorized for the Flood Diversion Board of Authority to intervene. He discussed the schedule to respond to the lawsuit, which is in the initial stages.

6. TECHNICAL UPDATE

Design Contracts / Task Orders

Mr. Spiller reviewed a contract amendment with the Minnesota Department of Natural Resources (MN DNR) Amendment No. 2 to complete the Environmental Impact Statement (EIS) scoping decision document and preparation of the MN EIS in an amount of \$780,000. The DNR required additional hours to respond to public comments and evaluate the socioeconomic component, which increased the scoping budget by approximately \$30,000. The original contract with the DNR included \$750,000 to prepare the EIS, and if the amendment is approved today, the final EIS will be drafted.

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to approve an increase to the MN EIS scoping budget by approximately \$30,000 as part of Amendment No. 2 to the contract with the Minnesota DNR. On roll call vote, the motion carried unanimously.

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to authorize Diversion Authority staff to negotiate the EIS preparation budget with an estimated cost of \$750,000 and execute Amendment No. 2 to the contract with the Minnesota DNR. On roll call vote, the motion carried unanimously.

Mr. Spiller discussed AWD-00034 (Authority Work Directive) with Houston Moore Group (HMG) not to exceed \$25,000 to amend Task Order No. 9 to update the river and drain structures for hydrology and hydraulic modeling.

MOTION, passed

Mr. Wimmer moved and Ms. Otto seconded to approve AWD-00034, Update River and Drain Structures in HEC-RAS Model, at a cost not to exceed \$25,000. On roll call vote, the motion carried unanimously.

Red River Basin Commission update

Mark Brodshaug said modeling work is done on the Halstad Upstream Retention (HUR) Project. After peer review comments are received, the final report will be prepared. He said the HUR study will be presented at the annual conference of the Red River Basin Commission next month.

Zac Herman discussed the timeline for full implementation of the plan and reviewed some funding graphs using a 10-year cycle. Pat Downs from the Red River Retention Authority discussed the next steps to establish a funding mechanism for the Diversion Authority, and said the funding assistance committee will hold its first meeting on January 6th.

7. PUBLIC OUTREACH UPDATE

Committee report

Rodger Olson said the Public Outreach Committee met on December 18th. He discussed numerous outreach activities including: attendance at the North Dakota Water Users Conference in Bismarck; development of a flyover video by the Corps of Engineers to illustrate the path of the diversion project and its design features; attendance at a public meeting with Oxbow residents regarding the timeline for construction of the ring levee; and continued communication with federal congressional offices regarding project authorization through the WRDA/WRRDA legislation.

Business Leaders Task Force update

Ann McConn from the Business Leaders Task Force said the committee will hold their next meeting in early January.

8. LAND MANAGEMENT UPDATECommittee report

Mr. Walaker said the Land Management Committee met earlier this afternoon. He said the committee received updates on land acquisitions, right of entry status, and cultural resources easement acquisitions.

Mr. Berndt discussed a handout on the status of land acquisitions, and a recommended motion. The Cass County Joint Water Resource Board (CCJWRB) has been designated by the Diversion Authority to acquire land for the project, and sometimes decisions need to be made promptly, which makes full Authority Board decisions difficult and impractical. The 2014 budget includes \$38 million for land acquisition, and considering a potential 50% cost share from the State of North Dakota through the State Water Commission, total available funds could be near \$76 million. Also, the Finance Committee has been empowered to oversee financial matters related to the Diversion Authority. The Land Management Committee approved action for the CCJWRB to purchase land that may be needed within the footprint of the project.

MOTION, passed

Mr. Pawluk moved and Mr. Mahoney seconded to authorize the Cass County Joint Water Resource Board (CCJWRB) to spend up to \$76 million for land acquisition in 2014. The CCJWRB is authorized to make decisions regarding which parcels to purchase, timing of the purchase, and purchase price on behalf of the Diversion Board of Authority. In addition to property within the footprint, the CCJWRB may also purchase property located elsewhere for future land trades. The CCJWRB will consult as necessary with Fargo and Cass County Administrators and with the Finance Committee. The CCJWRB will periodically report to the Diversion Board of Authority but need not seek Finance Committee or Board of Authority approval for individual land purchases. On roll call vote, the motion carried unanimously.

9. FINANCE UPDATECommittee report

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on December 18th. He said land has been purchased in Oxbow for the levee, and closing on the property was completed earlier this week. The project continues to be financed on a cash basis.

Mr. Berndt said the committee approved the engineering rate schedule for 2014 with Houston Moore Group. There was discussion about the amount of the increase. Mr. Berndt said rates include a 6% increase from 2012, which is competitive considering inflationary costs over the past two years.

MOTION, passed

Mr. Wimmer moved and Ms. Otto seconded to adopt the 2014 engineering rate schedule for Houston Moore Group. Motion carried.

Voucher approval

MOTION, passed

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

10. NEXT MEETING DATE

The January board meeting is cancelled unless there is any pending business. The next meeting will be held on Thursday, February 13, 2014, at 3:30 PM.

11. ADJOURNMENT

MOTION, passed

On motion by Mr. Wimmer, seconded by Mr. Walaker, and all voting in favor, the meeting was adjourned at 4:25 PM.