

**FLOOD DIVERSION BOARD OF AUTHORITY
FEBRUARY 13, 2014—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, February 13, 2014, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Vern Bennett; 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; 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. Mahoney moved and Mr. Walaker seconded to approve minutes from the January 21, 2014, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Ms. Otto 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

Terry Williams 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 and participated in value engineering studies for the O/H/B levee and In-Town Levee projects; received approval to execute the Construction MOU; and presented at the Red River Basin Commission Conference in January. The project continues to await federal authorization.

5. ADMINISTRATIVE/LEGAL UPDATE

Election of Chair and Vice Chair for 2014

Erik Johnson reviewed the by-laws for electing a Chairman and Vice Chairman for the Board of Authority. The by-laws state the election should take place at the first regular meeting of each year.

MOTION, passed

Mr. Campbell moved and Mr. Thorstad seconded to elect Mr. Vanyo as Chairman of the Flood Diversion Board of Authority for 2014. Motion carried.

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to elect Mr. Mahoney as the Vice Chairman of the Flood Diversion Board of Authority for 2014. Motion carried.

Construction MOU

The Memorandum of Understand (MOU) between the Department of the Army, the cities of Fargo and Moorhead and the Flood Diversion Board of Authority was presented and allows the construction process to move forward.

MOTION, passed

Mr. Campbell moved and Mr. Wimmer seconded enter into the Memorandum of Understanding with the Department of the Army, the cities of Fargo and Moorhead and the Flood Diversion Board of Authority. Discussion: Ms. Otto asked for clarification that at this time there are no set dollar amounts; rather the MOU is an understanding allowing the sponsoring entities to work with the Corps. It was clarified that the MOU is an understanding to work with the Corps. Motion carried.

6. TECHNICAL UPDATE**Design Contracts / Task Orders / Authority Work Directives (AWD)**

Mr. Spiller reviewed Task Orders with Houston Moore Group (HMG) as follows: Task Order No. 1 Amendment 4 for project management at a cost of \$65,000; Task Order No. 6 Amendment 4 for land management services for Minnesota right of way funding at no cost; Task Order No. 8 Amendment 6 for work-in-kind related to the Minnesota EIS preparation support at a cost of \$129,345; and Task Order No. 10 Amendment 4 for utilities design of sanitary sewer relocation associated with the O/H/B levee at no cost.

Mr. Spiller reviewed AWD-00035 with HMG for the 4th Street levee pump station replacement to begin preliminary work on soil borings and planning for the design at a cost not to exceed \$100,000.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve Task Order No. 1 Amendment 4, Task Order No. 6 Amendment 4, Task Order No. 8 Amendment 6, and Task Order No. 10 Amendment 4 for a total cost of \$194,345 and AWD-00035 for the 4th Street levee pump station replacement at a cost not to exceed \$100,000. On roll call vote, the motion carried unanimously.

Decision Paper for Utilities Relocation Compensation Policy

Mr. Spiller reviewed DP-00034 which is a policy for Utilities Relocation Compensation. The policy states that once the utilities to be relocated are identified by the technical team, the information on those utilities is given to the Corps for compensability determination.

MOTION, passed

Mr. Campbell moved and Mr. Mahoney seconded to approve a policy to compensate utility owners, public and private within reaches one through seven for costs associated with relocation of utilities due to the diversion project, whether or not such costs are determined to be “compensable” by the U.S. Army Corps of Engineers (USACE) for purposes of crediting. Discussion: Mr. Olson said it is important that utility owners understand that action taken today and that the lines of communication remain open. On roll call vote, the motion carried unanimously.

Red River Basin Commission update

Jeff Lewis from the Red River Basin Commission was present and gave an update which included the conference held in January. He has met with and briefed two of the Canadian Ministers within Manitoba, and an engineering group in St. Paul. Mr. Lewis said they are working with representatives of the federal farm bill in an effort to be identified within the bill which was recently passed.

Zach Herman, Houston Engineering, gave a presentation on the Halstad Upstream Retention Study. They are reviewing the models and will fine tune the process as needed.

7. PUBLIC OUTREACH UPDATE***Committee report***

Rodger Olson said the Public Outreach Committee met on February 12th. He discussed numerous outreach activities including: attending the Upstream Coalition Meeting with Mr. Wimmer; continued communication with federal congressional offices regarding project authorization through the WRDA/WRRDA legislation; and developing an online and media presence through an E-Newsletter which is distributed to legislators from both North Dakota and Minnesota.

Business Leaders Task Force update

Tom Dawson from the Business Leaders Task Force said they plan to have information available at the next Diversion Board meeting.

8. LAND MANAGEMENT UPDATE***Committee report***

Mr. Walaker said the Land Management Committee met earlier this afternoon. He said the committee is recommending hiring Pifer’s Land Management for farmland management services.

MOTION, passed

Mr. Campbell moved and Mr. Wimmer seconded to hire Pifer’s Land Management for Farmland Management Services. On roll call vote, the motion carried unanimously.

CCJWRD update

Mark Brodshaug said they have been acquiring farmland; most of it is in the four and five reaches. He distributed maps outlining the land which has been recommended for purchase and includes 1029.49 acres at a recommended purchase price of \$4,966,801.20.

MOTION, passed

Mr. Wimmer moved and Mr. Olson seconded to proceed with the land acquisition for the recommended cost of \$4,966,801.20. On roll call vote, the motion carried unanimously.

Mr. Brodshaug said the appraisers are scheduled to start at Oxbow, Hickson, and Bakke next week.

9. FINANCE UPDATE

Committee report

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on February 12th. He said they had discussion on the special assessment process regarding laying out the expectations for people should special assessments be needed.

The state has not been reimbursing land purchases at Oxbow; however, they are continuing to work with the state and will do the same with the farmland purchases.

Local funds have been used as the funding source and to date about \$40 million has been spent on the diversion project.

Voucher approval

MOTION, passed

Mr. Mahoney moved and Mr. Wimmer seconded to approve the vouchers for January, 2014. On roll call vote, the motion carried unanimously.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, March 13, 2014, at 3:30 PM.

11. ADJOURNMENT

MOTION, passed

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