

**FLOOD DIVERSION BOARD OF AUTHORITY
MAY 8, 2014—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, May 8, 2014, at 3:30 PM in the Cass County 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: Fargo City Administrator Pat Zavoral; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Cass County Engineer Jason Benson; Bruce Spiller, CH2MHill; Tom Dawson, 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. Walaker moved and Ms. Otto seconded to approve minutes from the April 10, 2014, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Wimmer 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 design work on the Oxbow/Hickson/Bakke (OHB) levee; work on the in-town levee designs in coordination with the new Fargo City Hall building; on-going process with the Minnesota EIS (Environmental Impact Statement); and continued work on land acquisition activities and policies. He said work is being done to respond to comments made on the 404 permit application, which is required before construction begins on the OHB levee.

Corps of Engineers report

Brett Coleman provided an update of activities by Corps of Engineers staff including continued work on the Maple River aqueduct physical modeling; continued coordination and information to the Minnesota DNR during their EIS process; participation in weekly meetings on the OHB levee; and continued coordination on the in-town levee design. He said the Corps is planning to provide a tour of the aqueduct physical model on Thursday, July 24th. The Corps continues to await federal authorization for the project.

5. ADMINISTRATIVE/LEGAL UPDATELawsuit update

Erik Johnson, Attorney, provided an update regarding the lawsuit filed by the Richland-Wilkin Joint Powers Authority v. Corps of Engineers. A hearing was held on April 3rd in Duluth regarding a motion to dismiss three of the four claims within the case. Since the hearing, a second amended complaint was agreed upon by both parties with three of the claims removed. The case moves forward with a review of the data gathered by the Corps of Engineers during the EIS study to submit to the court.

6. TECHNICAL UPDATEDesign Contracts / Task Orders / Authority Work Directives (AWD)

Mr. Spiller reviewed Task Orders as follows: Task Order No. 6 Amendment 5 for land management services at a cost of \$80,000 with Houston-Moore Group (HMG); Task Order No. 13 Amendment 5 for levee design and design support at a cost of \$55,000 with HMG; and Task Order No. 1 Amendment 1 for Phase 1 cultural field investigations at a cost of \$526,000 with URS Corporation.

Mr. Campbell asked about the significant cost of the task order with URS Corporation. Mr. Spiller said the initial task order was approved in 2013. The amendment is for 2014 activities including the addition of 3,000 acres for cultural field investigations. The cost is within this year's budget.

Mr. Pawluk asked about the two other task orders. Mr. Spiller said Task Order No. 6 Amendment 5 is for right-of-entry work on a number of newly identified properties in Minnesota; and Task Order No. 13 Amendment 5 is for a change in the scope of work in order to even out the balance of work completed by the Corps of Engineers and HMG.

MOTION, passed

Mr. Wimmer moved and Ms. Otto seconded to approve Task Order No. 6 Amendment 5 and Task Order No. 13 Amendment 5 with HMG and Task Order No. 1 Amendment 1 with URS Corporation for a total cost of \$661,000. On roll call vote, the motion carried unanimously.

Wild Rice River Dam Fish Passage

Mr. Spiller discussed an existing dam on the Wild Rice River. The initial plan in the EIS was to replace it with a more natural structure to better allow fish passage. Since then, technical staff have discussed removing the dam altogether. He said the estimated replacement cost is \$3.7 million, while the cost to remove it is around \$1 million. He said a number of outside agencies were contacted for input including River Keepers, Fargo Park District, and Southeast Cass Water Resource District. All three agencies preferred the removal of the dam and believe it is the best option.

Mr. Spiller said since removal of the dam is a change in the project as outlined in the EIS, the Corps of Engineers needs a request from the project sponsor to make the change.

MOTION, passed

Mr. Pawluk moved and Mr. Thorstad seconded to authorize the chairman to sign a letter to the Corps of Engineers requesting the Wild Rice Dam Fish Mitigation project be changed from a replacement to a removal project. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATE**Committee report**

The Public Outreach Committee met on May 7th. Mr. Olson discussed numerous outreach activities including work with the Corps to address questions from the public; compile information for the monthly newsletter; provide additional outreach opportunities; provide presentations at community organizations and service clubs; and continued communication with federal congressional offices regarding project authorization through the WRDA/WRRDA legislation. Mr. Pawluk serves on this committee and encourages any group or organization to contact them for a presentation.

Business Leaders Task Force update

Tom Dawson said the task force is waiting on the outcome of the WRDA/WRRDA legislation. He spoke with U.S. Senator John Hoeven and was told the bill is expected to be heard by the full Senate over the Memorial Day weekend. The task force will most likely meet in mid-June.

8. LAND MANAGEMENT UPDATE**Committee report**

Mr. Walaker said the Land Management Committee met earlier this afternoon, and asked for an acquisition update from Mark Brodshaug, Chairman of the Cass County Joint Water Resource District (CCJWRD).

CCJWRD update

Mr. Brodshaug provided an update on land acquisitions completed through April 30, 2014. He reviewed a handout with information on completed acquisitions, budget figures, and completed negotiations. He said numerous appraisals are in progress for properties associated with the OHB levee and in-town levee.

Mr. Mahoney asked about the status of the Park East apartments, which are to be purchased for the in-town levee. Mr. Brodshaug said relocation specialists will be meeting individually with tenants, and an appraisal will be completed in June or July. Mr. Brodshaug said the CCJWRD will be working closely with city staff during this process.

9. BUFFALO-RED RIVER WATERSHED, Potential detention sites

Jerry VanAmburg, Buffalo-Red River Watershed District, provided information to the board regarding 14 potential flood water detention sites involving approximately 200,000 acre feet of storage. He said detention is important for flood reduction damage on a local and basin-wide basis. Federal funding will be available through the farm bill, and he noted five sites (Pierce Lake; Stony Creek-Off Channel; Barnesville Township; Deerhorn Creek Site 2A; and Manston Township) placed at the top of the list in which work has begun and some landowners have been

contacted.

Mr. VanAmburg said detention projects take a long time to construct with the biggest challenge being landowners agreeing to the project. He also noted the expense involved and estimates the cost at around \$2,000 per acre foot to build. He said their watershed district will be approaching the diversion board in the future for Phase 1 development funding.

Mr. Campbell believes the diversion board should give first priority to detention sites that will reduce the impacts to properties in the staging area of the diversion project.

Mr. Olson discussed the Upper Maple River Dam in Cass County. He said landowners recently approved the project with 80% voting in favor to assess themselves for this project. The dam will cost \$8 million to construct, and he discussed the different funding sources that will be used to fund this project.

10. FINANCE UPDATE

Committee report

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on May 7th. He said the committee continues to review short and long-term financing options. He said the “pay as you go” process is ending because expenses have increased significantly due to land acquisitions. Requests for Information (RFI) were sent to financial institutions for short-term bonding options of up to \$50 million for the remainder of 2014. A recommendation will be forwarded to the Fargo City Commission and Cass County Commission for approval as both entities have been paying the monthly expenses toward the project.

Voucher approval

The bills for the month are for legal services with Erik Johnson & Associates and for access work and diversion special assessment committee work with the Cass County Joint Water Resource District.

MOTION, passed

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

11. NEXT MEETING DATE

The next meeting will be held on Thursday, June 12, 2014, at 3:30 PM.

12. ADJOURNMENT

MOTION, passed

On motion by Mr. Wimmer, seconded by Mr. Walaker, and all voting in favor, the meeting was adjourned at 4:39 PM.