

**FLOOD DIVERSION BOARD OF AUTHORITY
FEBRUARY 5, 2015—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, February 5, 2015, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commission representative Darrell Vanyo; Cass County Commissioner Chad M. Peterson; West Fargo City Commissioner Mike Thorstad; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Mike Williams; 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 Michael Redlinger; Clay County Administrator Brian Berg; Cass County Engineer Jason Benson; Bob Zimmerman, Moorhead City Engineer; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Bruce Spiller, CH2MHill; Mark Nisbet, Chamber of Commerce Business Leaders Task Force; Aaron Snyder, Branch Chief for Project Management & Development, Corps of Engineers; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve minutes from the January 8, 2015, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Mr. Thorstad seconded to approve the order of the agenda with the addition of an update from the Red River Basin Commission under “Other Business”. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Bruce Spiller provided an update on activities over the last month including work on the in-town levees, including completion of the sheet piling on the 2nd Street North pump station and 4th Street pump station; OHB levee and pump design work; Minnesota Environmental Impact Statement (EIS) work products; continued work on land acquisition activities and policies; and cultural surveys and right-of-entry work on impacted cemeteries.

Mr. Spiller said the date has been changed for the public release of the draft MN EIS from May 28, 2015, to August 13, 2015.

Corps of Engineers report

Brett Coleman provided an update of activities by Corps of Engineers staff including work on the operation plan and adaptive management plan; updates to the Maple River aqueduct physical model; continued coordination with the Minnesota DNR to provide

information needed for the EIS process; continued work on the cemetery mitigation plan; participation in weekly OHB levee coordination meetings; in-town levee design and construction support; work on the alternative resourcing and delivery plan for expedited implementation of the project; and soil boring work along the diversion channel alignment.

5. ADMINISTRATIVE/LEGAL UPDATE

Lawsuit update

Attorney Erik Johnson provided an update regarding lawsuits filed by the Richland-Wilkin Joint Powers Authority. He said this month is the deadline for all parties to exchange their briefings with the court. He said a hearing will be scheduled around the end of March.

6. TECHNICAL UPDATE

Task Orders and Authority Work Directives

Mr. Spiller discussed two Task Orders with Houston Moore Group (HMG), one Task Order with URS Corporation, and one Authority Work Directive with HMG totaling \$841,130 as follows:

- Task Order No. 8 Amendment 9 with HMG—Work-in-Kind for additional support for the MN EIS information request and Maple River to diversion inlet modeling for \$97,000;
- Task Order No. 13 Amendment 8 with HMG—levee and design support for 2nd Street and downtown levee work, 2nd Street pedestrian crossing evaluation, and Mickelson Levee extension design for \$450,000;
- Task Order No. 1 Amendment 2 with URS Corporation—cultural resources investigations for additional work on the in-town levees and field investigations for nine staging cemeteries for \$244,130;
- AWD-00047 with HMG—EI Zagal Phase 2 levee design for \$50,000.

Mr. Spiller said Fargo will pay for the costs associated with the 2nd Street pedestrian crossing evaluation.

MOTION, passed

Mr. Mahoney moved and Mr. Thorstad seconded to approve three Task Orders and one Authority Work Directive totaling \$841,130. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATE

Committee report

Rodger Olson said the Public Outreach Committee met February 4th and discussed several items including attendance at the Red River Basin Commission conference in Winnipeg and North Dakota Rural Water Expo in Bismarck; monitoring of several diversion-related bills in the North Dakota legislature, including SB 2020, which includes \$69 million for the diversion project; and e-newsletter and diversion website updates.

Business Leaders Task Force

Mark Nisbet said February 12th is “Chamber Day” at the North Dakota State Capitol, and so far 90 people will be attending the event in Bismarck. The Chamber of Commerce has arranged for buses to transport task force members and other officials to visit with state legislators regarding the project.

8. LAND MANAGEMENT UPDATE

Committee report

Mr. Mahoney said the Land Management Committee met earlier this afternoon. He said a few of the items discussed were land acquisitions, the staging area and mitigation work in Oxbow, and the cemetery study.

CCJWRD update

Mark Brodshaug provided an update on land acquisitions completed through January 31, 2015. He reviewed a handout with information on completed acquisitions, budget figures, and completed negotiations. He said appraisals continue for the remaining properties associated with the OHB levee and in-town levees. He said the purchase of the Oxbow Country Club is complete, and the old clubhouse will be used while the new facility is under construction.

9. FINANCE UPDATE

Committee report

Michael Montplaisir, Cass County Auditor, said \$92 million has been spent so far on the diversion project. The State Water Commission has paid \$10 million with the remaining costs split with Cass County paying 45%, Fargo paying 45% and 10% allocated to Minnesota.

The Finance Committee met on February 4th and discussed the following items:

Finance Committee Membership

Mr. Montplaisir said the committee discussed the addition of a Cass County Commissioner to its membership since Darrell Vanyo is no longer a commissioner but still serves on the committee. Mr. Montplaisir said this will help to keep the Cass County Commission informed of committee activities. Diversion board members agreed the representative should be appointed by the Cass County Commission.

MOTION, passed

Mr. Olson moved and Mr. Williams seconded to direct the Cass County Commission to appoint a Commissioner to the Flood Diversion Finance Committee. Motion carried.

Special Assessment District Update

Rocky Schneider from AE2S said the CCJWRD met this morning and approved all the information necessary to send out ballots to vote on the creation of a special assessment district. He said ballots will be mailed March 6th and will be due back to the CCJWRD Office by the end of April. There will be public meetings held on March 10th, March 17th and March 24th with a public hearing on March 31st at the Fargo Dome. The three other meetings will be held at locations in West Fargo, South Fargo, and Harwood.

Task Order No. 5 Amendment 1 – CH2MHill Contract

Mr. Montplaisir said the committee approved an amendment to the current task order with CH2MHill to extend their contract for one year at the existing rate of \$310,000 per month. Keith Berndt, Cass County Administrator, outlined the technical, legislative, project implementation, and public outreach support that CH2MHill and sub-consultant AE2S are providing to the Flood Diversion Board of Authority.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve Task Order No. 5 Amendment 1 for a contract extension with CH2MHill for program management consulting services through February 26, 2016. On roll call vote, the motion carried unanimously.

Voucher approval

The bills for the month are for legal services with Erik Johnson & Associates, Ltd. and Dorsey & Whitney LLP; and government relations services with Fredrikson & Byron, P.A.

MOTION, passed

Mr. Mahoney moved and Mr. Olson seconded to approve the vouchers in the amount of \$117,897.63 for January, 2015. On roll call vote, the motion carried unanimously.

10. OTHER BUSINESS

Jeff Lewis, Executive Director of the Red River Basin Commission, distributed a progress report on long-term flood solutions for the basin. He said the report is to help residents, community leaders, water managers, and policy makers understand the overall risk of flood damages and potential benefits that are possible to make the basin less susceptible to future flooding.

11. NEXT MEETING DATE

The next meeting will be held on Thursday, March 12, 2015, at 3:30 PM.

12. ADJOURNMENT***MOTION, passed***

On motion by Mr. Mahoney, seconded by Mr. Williams, and all voting in favor, the meeting was adjourned at 4:18 PM.