

**FLOOD DIVERSION BOARD OF AUTHORITY
MARCH 12, 2015—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, March 12, 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 Ken Pawluk; West Fargo City Commissioner Mike Thorstad; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; 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; Moorhead City Manager Michael Redlinger; Cass County Engineer Jason Benson; Moorhead City Engineer Bob Zimmerman; Fargo City Director of Engineering Mark Bittner; John Glatzmaier, CH2MHill; 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 February 5, 2015, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

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

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

John Glatzmaier provided an update on activities over the last month including work on the in-town levees; OHB levee and pump design work; review of design submittal for the Corps of the diversion inlet structure; 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 in the staging area.

Corps of Engineers report

Terry Williams provided an update of activities by Corps of Engineers staff including continued 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, which should be completed in June; cultural surveys for cemetery sites in the staging area that have granted rights of entry; participation in weekly OHB levee coordination meetings; in-town levee design and construction support; and work on alternative resourcing and delivery plan for expedited implementation of the project.

5. ADMINISTRATIVE/LEGAL UPDATE

Lawsuit update

Attorney Erik Johnson provided an update regarding lawsuits filed by the Richland-Wilkin Joint Powers Authority. He said a hearing will be held at 10:00 AM on Thursday, March 26th at Federal District Court in Minneapolis. He said arguments will be heard on motions that have been filed by both parties.

6. TECHNICAL UPDATE

Task Orders and Authority Work Directives

Mr. Glatzmaier discussed two task order amendments with Houston Moore Group (HMG) totaling \$280,000 as follows:

- Task Order No. 9 Amendment 13 with HMG—hydrology and hydraulic modeling to account for additional identified culverts and support for NDSU Agricultural Impacts Study for \$90,000;
- Task Order No. 13 Amendment 9 with HMG—levee and design support for El Zagal Phase 2 levee for \$190,000;

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve two task orders with Houston-Moore Group totaling \$280,000. Discussion: Mr. Pawluk asked about the additional culverts identified. Mr. Glatzmaier said they are within the staging area. Brett Coleman said by identifying the additional culverts, the model will better reflect actual conditions and how long water will remain on land during an event. On roll call vote, the motion carried unanimously.

Buffalo-Red River Watershed District Retention Project Funding

A funding request was received from the Buffalo-Red River Watershed District (BRRWD) for the Stony Creek Flood Damage Reduction (FDR) and Restoration Project. The Finance Committee reviewed the application and recommended that the request be forwarded to the Technical Committee and Red River Retention Authority.

Mr. VanAmburg said this is one of several projects the BBRWD is considering for retention and would provide 6,500 acre feet of storage. If the guidelines provided by the Red River Basin Commission working committee were followed, the maximum eligible Diversion Authority funds are \$1,749,600. The request today is for 5% of the total for Phase I activities in the amount of \$87,480.

Eric Jones from Houston Engineering showed a map of the area. He provided information about the project, which would help reduce overland flooding and is part of a multi-project approach. Mr. Mahoney asked if this project would lower the flows through Fargo-Moorhead. Mr. Jones said flows north of Fargo would be lowered, but said it will take a number of these types of projects to notice an impact on water level reductions.

Mr. Jones said there will be a direct benefit to Georgetown. Mr. Campbell said this project could benefit properties in northern Cass and Clay Counties.

Mr. Berndt asked if a Minnesota EIS would be needed in order for the project to proceed. Mr. Jones said an EIS would not be required with this retention project.

MOTION, passed

Mr. Pawluk moved and Mr. Campbell seconded to refer the Buffalo-Red River Watershed District funding request for Stony Creek Flood Damage Reduction and Restoration project to the Technical Committee and Red River Retention Authority for their review and recommendation. Motion carried.

7. PUBLIC OUTREACH UPDATE

Committee report

Rodger Olson said the Public Outreach Committee met March 11th and discussed several items including hosting a booth at the North Dakota Rural Water Expo in Bismarck; monitoring of several diversion-related bills in the North Dakota legislature, including SB 2020 passed in the Senate which includes \$69 million for the diversion project; communications with the Buffalo-Red River Watershed Board, who are currently considering the 2015 Diversion Authority Budget, including letters from the Clay County Commission Chairman and Moorhead City Mayor; and e-newsletter and diversion website updates.

Mr. Olson said special assessment district ballots were mailed this week. Four public meetings will be held this month, including a public hearing on March 31st.

Mr. Campbell said the committee also discussed holding a joint meeting of all six member entities in the future. There was discussion about scheduling something in June and possibly inviting other elected officials as well as Corps of Engineers officials.

Business Leaders Task Force

Mr. Mahoney thanked the Chamber of Commerce for hosting “Chamber Day” at the North Dakota State Capitol last month, which provided an opportunity to discuss the project with legislators.

8. LAND MANAGEMENT UPDATE

Committee report

The Land Management Committee met earlier this afternoon. A few of the items discussed were property acquisitions, property management, and representation on the Ag Policy Subcommittee.

CCJWRD update

Mark Brodshaug provided an update on land acquisitions completed through February 28, 2015. He reviewed a handout with information on completed acquisitions, budget figures, and completed negotiations. He said appraisals have been completed on the homes to be purchased for the OHB levee, and seven offers were presented to residents. The purchase agreement has been signed for acquisition of the Park East Apartments with the closing scheduled for July 15th. He said around 40% of the units in Park East are vacant or have made plans to relocate.

Mr. Vanyo discussed management of properties that have been purchased as part of the diversion project. He said the Cass County Joint Water Resource District (CCJWRD) oversees the majority of the properties; the one exception are homes that

have been purchased through the medical hardship program, which the Diversion Authority has overseen. He said the committee approved that all property management be administered by the CCJWRD.

MOTION, passed

Mr. Pawluk moved and Mr. Thorstad seconded that all property management be administered by the Cass County Joint Water Resource District. Motion carried.

Mr. Vanyo said the Agriculture Policy Subcommittee has experienced difficulty in obtaining a quorum at recent meetings. As a result, a memo was sent to committee members asking if they want to continue as a member of the subcommittee. He said it may be necessary to recruit individuals who may be interested to serve on the board.

9. FINANCE UPDATE

Committee report

The Finance Committee met on March 11th. Michael Montplaisir, Cass County Auditor, said \$93 million has been spent so far on the diversion project. He discussed U.S. Bank loan funds, and said the first of the two \$50 million loans was taken out by Cass County. The City of Fargo will take out the second phase loan. He said the committee recommended that discussions begin with U.S. Bank to start the process for the second loan as a result of significant projected costs for land purchases in the upcoming months.

Special Assessment District Update

The ballots were mailed this week for the special assessment district. Mr. Montplaisir said intergovernmental agreements will need to be in place when the CCJWRD issues debt for the Diversion Authority. He and Kent Costin from Fargo will meet with the CCJWRD bond counsel next week to work out the details in order for the agreements to be drafted.

Corps of Engineers Funding Requests

The committee received a funding request from the Corps of Engineers for work in FY2015 and FY2016. The first is for \$1.8 million in contract work for geomorphology, fish monitoring, cultural resources and soil boring. The committee agreed to fund \$900,000 for cultural resources and soil boring work at this time.

MOTION, passed

Mr. Pawluk moved and Ms. Otto seconded to approve \$900,000 for cultural resources and soil boring work by the Corps of Engineers. On roll call vote, the motion carried unanimously.

The second part of the request is \$3 million for labor funds to help support Corps of Engineers work in 2015 and 2016. No action was taken by the committee on this request. Mr. Coleman said sufficient funding is in place now to support the work; however, if the Corps does not receive federal funding, the dollars would be needed. A formal request could be brought back for consideration if the funds are needed.

Land Acquisition Directive

The committee approved a Land Acquisition Directive to purchase three properties in the on the North Dakota side of the staging area. These individuals may want to relocate within the City of Oxbow. The directive will start the appraisal process on the properties.

MOTION, passed

Mr. Mahoney moved and Mr. Olson seconded to approve the Land Acquisition Directive for acquisition of three properties in the staging area. 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.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the vouchers in the amount of \$137,325.55 for February, 2015. On roll call vote, the motion carried unanimously.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, April 9, 2015, at 3:30 PM.

11. ADJOURNMENT***MOTION, passed***

On motion by Mr. Mahoney, seconded by Mr. Campbell, and all voting in favor, the meeting was adjourned at 4:50 PM.