

**FLOOD DIVERSION BOARD OF AUTHORITY
SEPTEMBER 10, 2015—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, September 10, 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 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: Interim Fargo City Administrator Bruce Grubb; Moorhead City Manager Michael Redlinger; Cass County Engineer Jason Benson; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Tom Dawson, Chairman; Chamber of Commerce Business Leaders Taskforce; and Bruce Spiller, CH2M.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve the minutes from the August 13, 2015, 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 work on in-town levees and the bid schedule for 2016; work on the Fargo High Rise west parking lot; bid phase for demolition of the Park East Apartments; construction and closings on 15 homes in Oxbow; foundation work on the clubhouse for the Oxbow Country Club; and development of contract documents for the Public-Private Partnership (P3).

Mr. Spiller said the draft Minnesota EIS will be released to the public on September 14th. A public meeting is scheduled for October 14th in Moorhead. The public comment period ends October 28th.

Corps of Engineers report

Mr. Vanyo said a meeting was held with Lieutenant General Thomas Bostick from the U.S. Army Corps of Engineers. He said Gen. Bostick is supportive in working with the Office of Management and Budget and congressional delegates to help obtain Federal funding for the diversion 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 the briefing cycle on the base lawsuit will end this month and oral arguments on the case merits will be scheduled.

Mr. Mahoney asked if the release of the draft MN EIS will affect the injunction order which halted construction on the OHB levee. Mr. Johnson said once the EIS is finalized, the basis for the injunction could be lifted.

6. TECHNICAL UPDATERecommended Contract Actions Summary

Mr. Spiller discussed Task Order Amendments with URS and Terracon and a reimbursement agreement with Xcel Energy as follows:

- URS Task Order No. 1 Amendment 3—Phase 1 cultural investigation and mitigation for Mickelson levee extension in the amount of \$29,500;
- Terracon Task Order No. 1 Amendment 1—add material testing services for in-town levee projects in the amount of \$400,000;
- Xcel Energy—reimbursement agreement for utility relocation work for basketball court and warming house at 304 4th Street South in the amount of \$16,275.85.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve the appropriation of funds for an Task Order No. 1 Amendment 3 with URS in the amount of \$29,500, Task Order No. 1 Amendment 1 with Terracon in the amount of \$400,000, and reimbursement agreement with Xcel Energy in the amount of \$16,275.85; and recommend approval of the appropriation of funds by the Dakota Metro Flood Board for the Diversion Authority. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATECommittee report

Mr. Campbell said the Public Outreach Committee met on September 9th and discussed community outreach efforts including a presentation given to the Red River Basin Commission by Darrell Vanyo and April Walker and a report to the North Dakota Water Topics Overview Committee; and work to begin discussions on cemetery mitigation options beyond the Federal requirements. He discussed the public meeting for the MN EIS that will be held in Moorhead next month and asked business leaders and realtors to submit public comments.

Daron Selvig from AE2S provided an update on the newsletter and website. He said a re-design of the website will be done within the next month that will be more mobile friendly and will provide better access to information on the site.

Business Leaders Task Force

Mr. Dawson said last meeting of the task force was held in June. Board members thanked the Chamber of Commerce for the welcome given to General Bostick that was published in the newspaper during his visit to the area.

8. LAND MANAGEMENT UPDATE

Mr. Mahoney said the Land Management Committee met on September 9th and discussed five land acquisitions in Oxbow, and the criteria that is used to figure the costs associated with replacement homes. Out of the 40 replacement homes available in Oxbow, 25 have either been designated or purchased at this time.

CCJWRD update

Mark Brodshaug referred to the handout regarding land acquisitions completed through August 31, 2015, which includes completed acquisitions, budget figures, and completed negotiations. Habitat for Humanity has finished salvaging items from the Park East Apartments, and the Fargo Fire Department is now conducting training within the buildings. He said construction has begun on replacement homes in Oxbow. The board approved Land Acquisition Directives (LAD's) for in-town levee easements and an opportunistic medical hardship case.

9. FINANCE UPDATECommittee report

Michael Montplaisir Cass County Auditor, said the Finance Committee met on September 9th. The committee approve five property acquisitions in Oxbow and decided to hold meetings twice a month if needed to move forward with property acquisitions. He said currently there is \$62 million in unallocated funds available in the FY15 budget.

Voucher approval

The bills for the month are with 702 Communications for work on the 2nd Street floodwall project; Fredrikson & Byron, P.A. for government relations services; Obermiller Nelson Engineering for fiber relocation on 2nd Street levee project; Erik R. Johnson & Associates, Ltd. for legal services; Dorsey & Whitney, LLP for legal services; U.S. Geological Survey for river level information; U.S. Army Corps of Engineers for FY15/16 cost share funding; and CCJWRD for costs associated with right of entry work, in-town levees, OHB ring levee, Diversion Project Assessment Committee (DPAC) work, OHB levee, and Oxbow Country Club golf course construction.

MOTION, passed

Mr. Mahoney moved and Mr. Thorstad seconded to approve the vouchers in the amount of \$4,424,676.79 for August, 2015. On roll call vote, the motion carried unanimously.

10. OTHER BUSINESS

Mr. Pawluk re-emphasized the importance of the diversion project as it will provide flood protection not only for Fargo-Moorhead, but for all of Cass County and Clay County. The Diversion Board chose the North Dakota plan because it will protect all of Cass County and Fargo; the Minnesota plan was not a feasible option because it would not protect Cass County or the entire City of Fargo.

Mr. Campbell said the North Dakota plan is the only option that fulfills the needs of all entities. Mr. Williams said the project will provide comprehensive water management for the entire area.

11. NEXT MEETING DATE

The next meeting will be held on Thursday, October 8, 2015, at 3:30 PM.

12. ADJOURNMENT**MOTION, passed**

On motion by Mr. Pawluk, seconded by Ms. Otto, and all voting in favor, the meeting was adjourned at 4:19 PM.