

**FLOOD DIVERSION BOARD OF AUTHORITY  
MAY 26, 2016—4:30 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Board of Authority was held Thursday, May 26, 2016, at 4:30 PM in the Fargo City Commission Room with the following members present: Cass County Commission representative Darrell Vanyo via conference call; Cass County Commissioner Mary Scherling; 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 Mark Brodshaug; 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.

Cass County Joint Water Resource District Manager Rodger Olson arrived late and took his place at the table for the remainder of the meeting.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Bruce Grubb; Cass County Engineer Jason Benson; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer Nathan Boerboom; Martin Nicholson, CH2M; and Bruce Spiller, CH2M.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Williams moved and Ms. Otto seconded to approve the minutes from the May 12, 2016, meeting as presented. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

**Mrs. Scherling moved and Mr. Williams seconded to approve the order of the agenda. Motion carried.**

**4. FINANCIAL PLAN PRESENTATION**

Martin Nicholson provided a brief summary on the financial plan for the FM Metro Flood Protection project. The plan was prepared using a multi-generational funding approach based on an extension of the current flood sales taxes levied by the City of Fargo and Cass County, which will need to be approved by local residents. No property tax increases or special assessments will be needed through this plan, and the sales tax revenue will be used to secure short and long-term financing for project construction.

Dr. Mahoney thanked staff from CH2M, Ernst & Young and Ohstad Twichell for their excellent work in developing the financial plan. The board received the financial plan as presented.

**5. ADMINISTRATIVE UPDATE**

Task Order

Keith Berndt said CH2M construction management services for in-town levee work expires this month, and Task Order No. 7 is to continue services from May 28, 2016, to November 25, 2016.

- CH2M Task Order No. 7 Amendment 0 (WP-42 In-Town Levees Construction Management)—construction management services for Work Package 42 In-Town Levee work in the amount of \$1,020,000.

***MOTION, passed***

**Ms. Sobolik moved and Ms. Otto seconded to approve the appropriation of funds for the task order as outlined; 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.**

**6. TECHNICAL UPDATE****Recommended Contract Actions Summary**

Bruce Spiller discussed the following authority work directive, task order amendment, change orders and contract award:

**Authority Work Directive**

- Houston-Moore Group, LLC AWD-00059 (WP-42 In-Town Levees Services During Construction)—add services during construction scope of work for WP-42F.1S, WP-42H.2 and WP-42I.1 in the amount of \$25,000.

**Task Order Amendment**

- Houston-Moore Group, LLC Task Order No. 17 Amendment 3 (WP-42F.1N Services During Construction)—add services during construction scope and budget for WP-42F.1N, Flood Control, 2<sup>nd</sup> Street North, North of Pump Station; add services during bidding scope and budget for WP-42F.2, Flood Control, 2<sup>nd</sup> Street South; and add requirement to include activity ID on monthly invoices in the amount of \$751,000.

***MOTION, passed***

**Mr. Williams moved and Mr. Olson seconded to approve the appropriation of funds for the authority work directive and task order amendment as outlined; 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.**

**Change Orders**

- Industrial Builders, Inc. Change Order 7 (WP-42A.2, 2<sup>nd</sup> Street North Pump Station)—furnish and install exterior pump station beacons in the amount of \$1,870.32.
- Industrial Builders, Inc. Change Order 7 (WP-42F.1S, 2<sup>nd</sup> Street North – South of Pump Station)—add tee manhole and revise SS-10 manhole in the amount of \$16,378.55.

***MOTION, passed***

**Ms. Sobolik moved and Mrs. Scherling seconded to approve the appropriation of funds for the change orders as outlined; 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.**

**P3 Insurance, Performance Security and Risk Management Services Contract Award**

- Three statements of qualifications were submitted in response to a Request for Proposals (RFP), and the review team recommends selection of Aon Risk Services Central, Inc. (Aon).

***MOTION, passed***

**Ms. Otto moved and Ms. Sobolik seconded to authorize staff to negotiate contract terms with Aon and return a contract to the board for approval; and authorize Aon to begin work prior to contract execution with expenditures not to exceed \$50,000. On roll call vote, the motion carried unanimously.**

**7. DIVERSION INLET CONTROL STRUCTURE LANDS ACQUISITION UPDATE**

Mark Brodshaug said the acquisition process for the inlet area begin in January, 2016 with initial contact letters sent to property owners by land agents contracted by the Cass County Joint Water Resource District (CCJWRD). Three parcels were identified that are needed for inlet structure construction this year. Land appraisals were completed in March and acquisition offers were presented to property owners based on the appraised values. He said none of the property owners have accepted the final offers, and as a result, on May 18, 2016, the CCJWRD passed resolutions of necessity and resolutions of offer to purchase for the three properties. The CCJWRD also approved filing eminent domain actions on the three properties and directed attorneys to file the actions and deposit the amounts in court. If agreements are not reached by May 31, 2016, eminent domain actions will begin at that time. Negotiations are permissible and will continue even as court actions commence, and legal actions may be withdrawn at any time if an agreement is reached.

**8. NEXT MEETING DATE**

The next meeting will be held on Thursday, June 9, 2016, at 3:30 PM.

**9. ADJOURNMENT**

***MOTION, passed***

**On motion by Ms. Sobolik, seconded by Mr. Williams, and all voting in favor, the meeting was adjourned at 4:47 PM.**