

**METRO FLOOD DIVERSION AUTHORITY  
FEBRUARY 28, 2019—3:31 PM**

**1. MEETING TO ORDER**

A meeting of the Metro Flood Diversion Authority was held Thursday, February 28, 2019, at 3:31 PM in the Fargo City Commission Chambers with the following members present: Cass County Commissioner Mary Scherling; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Fargo City Mayor Tim Mahoney; Moorhead City Mayor Johnathan Judd; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Cass County Joint Water Resource District Manager Rodger Olson; and West Fargo City Commissioner Mike Thorstad. Fargo City Commissioner Tony Grindberg and Fargo City Commissioner Dave Piepkorn were absent.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Weyland moved and Mr. Steen seconded to approve the minutes from the January 23, 2019, meeting as presented. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

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

**4. MANAGEMENT UPDATE**

Martin Nicholson from Jacobs provided an update on activities over the last month which include a trip to Washington, D.C. on February 5-7 to meet with the Congressional Delegation, Corps of Engineers Assistant Secretary of the Army, and Office of Management and Budget; permit application submitted to the Buffalo-Red River Watershed District; testifying to North Dakota Senate Appropriations Committee in support of the funding request; support for \$39 million State of Minnesota funding legislation; and receipt of eight proposals from appraisal firms and related agreements with the Cass County Joint Water Resource District (CCJWRD).

Priorities include continued coordination with legal counsel, MDNR and Corps of Engineers with the objective to dismiss litigation and remove injunction; continued outreach to local entities and MDNR regarding permit status; advertise for rural structure removals work package associated with land purchases; continue with early and voluntary land acquisitions; and initiate appraisals for remaining properties in the channel.

Mr. Nicholson said the project cost-to-date is \$455 million and \$1.3 million has been spent out of the FY2019 first quarter cash budget of \$8.5 million.

**5. ADMINISTRATIVE/LEGAL UPDATE**

*Fredrikson & Byron Agreement*

Attorney John Shockley said for consideration today is a renewal agreement with Fredrikson & Byron, P.A. for Minnesota legislative and lobbying services for a two-year period beginning January 1, 2019, and ending December 31, 2020. The cost is \$3,000 per month. There has been previous requests for additional reports to be provided on a regular basis. The Moorhead City Manager and Clay County Administrator will serve as the primary contacts for the Diversion Authority. Mr. Shockley said Fredrikson & Byron has offered to attend a meeting if the board wishes.

Mr. Campbell discussed Minnesota legislation for \$39 million in funding to complete in-town levee work. Total funding of \$86 million from the State of Minnesota would be provided over two biennium. He said the work provided by Fredrikson & Byron has been invaluable and stressed the importance of their services. He said they plan to provide the board with monthly written progress reports. Mrs. Scherling also suggested one of the Co-Executive Directors be part of the direct line of communication with Fredrikson & Byron.

***MOTION, passed***

**Mr. Campbell moved and Mr. Peterson seconded to approve the agreement with Fredrikson & Byron, P.A. On roll call vote, the motion carried unanimously.**

**6. PUBLIC OUTREACH UPDATE**

*Committee report*

The Public Outreach Committee met on February 27<sup>th</sup>. Mr. Campbell said he and Mrs. Scherling will attend Becker County and Ottertail County board meetings to provide information on the project. The committee discussed legislative activities in both North Dakota and Minnesota as it relates to funding for the project.

*Business Leaders Task Force*

The task force organized a press conference that was held last week to discuss the importance of flood control and the need to continue moving forward with the project.

**7. LAND MANAGEMENT**

The Land Management Committee met on February 27<sup>th</sup>. Mrs. Scherling said the committee discussed letters that will be sent tomorrow to affected property owners regarding the land acquisition process.

Eric Dodds from AE2S said the committee also discussed the proposals received from eight appraisal firms to assist in land acquisitions. The CCJWRD will enter into agreements with all of the companies. He said property owners are anxious to move forward with the acquisition process.

Mr. Judd arrived for the remainder of the meeting.

**8. FINANCE UPDATE**

*Committee report*

The Finance Committee met on February 27<sup>th</sup>. Mr. Steen reviewed the financial report and said there is \$88 million in cash available. The net cash position is \$87.8 million.

***MOTION, passed***

**Mr. Weyland moved and Mr. Peterson seconded to receive and file the Financial Statement for January as presented. Motion carried.**

*Voucher approval*

The bills for the month are Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, OHB levee, and in-town levees; Dorsey & Whitney for legal services; and Ohnstad Twichell, P.C. for legal services.

***MOTION, passed***

**Mr. Steen moved and Mr. Peterson seconded to approve the vouchers received through February 22, 2019, in the amount of \$233,576.70. On roll call vote, the motion carried unanimously.**

*Recommended Contracting Actions*

Mr. Nicholson discussed task order amendments approved by the Co-Executive Directors. He reviewed the following contracting actions, which were approved by the Finance Committee:

- Industrial Builders, Inc. (Change Order #1 – 2<sup>nd</sup> Street South and Main Avenue flood mitigation)—remove Main Avenue project overlap work items and add CLSM pipe cradles, foundation debris removal and gate well structure fill for a deduction in the amount of \$240,636.15;
- Meyer Contracting (Change Order #6 – OHB Ring Levee Phases C & D)—balance unit quantities, add various changes to contract and add contract time in the amount of \$203,981.64;
- Houston-Moore Group (Task Order 25, Amendment 02 – Hydrology and Hydraulic Modeling)—add additional scope and budget for Phase 9 modeling tasks and extend period of performance to December 31, 2019 in the amount of \$194,816;
- Houston-Moore Group (Task Order 26, Amendment 01 – Work-In-Kind)—add budget for SEAI local drainage, transportation and utility updates, add scope and budget for SEAI design reviews, and extend period of performance to December 31, 2019 in the amount of \$541,306.

***MOTION, passed***

**Mr. Steen moved and Mr. Peterson seconded to approve the contracting actions as presented. On roll call vote, the motion carried unanimously.**

*Houston-Moore Group (HMG) and Jacobs labor rates for 2019*

Michael Redlinger, Co-Executive Director and Assistant Fargo City Administrator, said Houston-Moore Group and Jacobs (Program Management Consultant team which includes AE2S) may request annual labor rate adjustments up to an average of 3.5% to 3% respectively. The adjustments are included in the 2019 budget and are part of the Master Services Agreements with both firms. The Finance Committee approved the request.

***MOTION, passed***

**Mr. Steen moved and Mr. Weyland seconded to approve the 2019 labor rates for Houston-Moore Group and Jacobs as presented. On roll call vote, the motion carried unanimously.**

**9. OTHER BUSINESS**

Mr. Olson asked about plans for the intersection of County Road 16 and County Road 17. Jason Benson, Cass County Engineer, said the temporary bypass road will remain in the current location. He said the legal team has been reviewing what work can be done and if there are no issues with working on the road, temporary maintenance paving will be done to improve the surface. Cass County would complete the work and would request reimbursement from the Diversion Authority.

**10. NEXT MEETING DATE**

The next meeting is scheduled for Thursday, March 14, 2019. Mrs. Scherling anticipates the meeting will be cancelled if there are no contracting actions. The board would then meet on Thursday, March 28, 2019.

**11. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Peterson, seconded by Mr. Campbell, and all voting in favor, the meeting was adjourned at 4:16 PM.**