

**Metro Flood Diversion Authority
Finance Committee
Meeting Minutes
4:00 PM – December 15, 2021**



A regular meeting of the Metro Flood Diversion Authority Finance Committee was held on December 15, 2021. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; Dan Jacobson, Chairman, Cass County Joint Water Resource District; Kent Costin, City of Fargo Finance Director; Lori Johnson, Clay County Auditor/Treasurer; Mike Redlinger, City of Fargo Assistant Administrator; Dave Piepkorn, Fargo City Commissioner; Shelly Carlson, Mayor, City of Moorhead; Brandy Madrigga, Cass County Finance Director and Rick Steen, Cass County Commissioner.

Members absent: Chad Peterson, Cass County Commissioner and Mike Rietz, City of Moorhead Assistant Manager.

1. CALL TO ORDER

Mayor Dardis called the meeting to order at 4:00 PM. Roll call was taken, and a quorum was present.

2. APPROVE MINUTES FROM THE NOVEMBER 2021 MEETING

MOTION PASSED

Dr. Mahoney moved to approve the minutes from the November 2021 meeting and Mr. Steen seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF AGENDA

Mayor Dardis asked that the agenda be amended as follows:

- Add item 7.a.ii for consideration - Dissemination Agent Agreement with Colliers Securities, LLC

MOTION PASSED

Mr. Jacobson moved to approve the agenda as amended and Mr. Steen seconded the motion. On a voice vote, the motion carried.

4. APPROVAL OF BILLS

Mr. Costin reported that \$10,584,745.94 are the bills payable through December 9, 2021. Mr. Costin commented that these are the anticipated payables and had no further comment.

MOTION PASSED

Mr. Steen moved to approve the bills as presented by Mr. Costin and Mayor Carlson seconded the motion. On a roll call vote, the motion carried.

5. FINANCIAL REPORT

Mr. Costin reported that \$113,730,022 is the 2021 year to date spent and \$760,193,573 is the grand total spent to date. Mr. Costin also reported the current net position is \$98,984,816.

MOTION PASSED

Mr. Jacobson moved to approve the financial report as presented by Mr. Costin and Mr. Steen seconded the motion. On a roll call vote, the motion carried.

6. EXECUTIVE DIRECTOR FINANCIAL REPORT

Mr. Paulsen reported that there have been no significant changes since November. We are over budget in mitigation due to settlement agreements and the majority of expenditures continue to be in land acquisitions.

7. CONTRACTING ACTIONS

DA Board Approval Contracting Actions:

Mr. Paulsen reported on the following contracting actions:

- WP50F Agreement – Revision 1 – Capping Cass Rural Water facilities for WP50F Cass Rural Water \$12,840
- Dissemination Agent Agreement – Colliers Securities, LLC to file certain disclosures that are required annually for the PABS bonds - \$700

MOTION PASSED

Dr. Mahoney moved to approve the contracting actions as presented by Mr. Paulsen and Mr. Costin seconded the motion. On a roll call vote, the motion carried.

8. OTHER BUSINESS

a. 2022 Cash Budget Final

Mr. Paulsen presented the final 2022 cash budget and recommended that it go to the board for final approval.

MOTION PASSED

Dr. Mahoney moved to approve the 2022 cash budget and present it to the board for final approval. Mr. Jacobson seconded the motion and on a roll call vote, the motion carried.

b. Resolution for Contracting Actions Amendment 3

Mr. Shockley provided a summary outlining the purpose and necessity for the following resolution:

- Resolution adopting the third amendment to the procedure for approval of construction, maintenance, technical, architectural, professional services, and general services contracts, master services agreements, and change orders and amendments

MOTION FAILED

Mr. Steen made a motion to table the resolution until the January meeting to allow additional time to review the content and intent of the resolution. The motion was not seconded.

MOTION PASSED

Dr. Mahoney made a motion to approve the resolution as presented by Mr. Shockey and Mayor Carlson seconded the motion. Mayor Carlson stated that the approval is with the understanding that the resolution can be revisited for modifications. On a roll call vote, the motion carried.

c. DA Board Approved MOU and Agreement Actions

In Mr. Shockley's absence, Mr. Paulsen provided a summary outlining the purpose and necessity for the following MOUs and MURA:

- **NDDOT & MFDA MOU DCAI** -The MOU outlines respective roles and responsibilities for the design, construction, and relocation of road and bridge facilities in conjunction with the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. The MOU addresses design; preliminary planning and engineering activities; property interest acquisition; construction and performance; inspection, operation and maintenance; construction of the diversion channel; future changes or additions; conformity with regulations, codes and specifications; etc. Reimbursement includes the following: (i) NDDOT reimbursable costs; and (ii) outside consultant costs if necessary.
- **City of Horace & MFDA MOU SEAI** -The MOU outlines respective roles and responsibilities of the Parties in regard to the impacts resulting from construction of the Diversion Inlet Structure and Reaches SE-1 and SE-2 of the FargoMoorhead Metropolitan Flood Risk Management Project. Pursuant to the terms of the PPA, the Authority is responsible, on behalf of USACE, for obtaining the interests and authorizations necessary for construction, operation, and maintenance of the Elements, which will be designed and constructed by USACE. As a result, the Parties desire to enter this MOU to address the Parties' respective rights and obligations related to the design, construction, obligation, and maintenance of the Elements. Reimbursement includes the following: (i) reimbursement to the City of up to \$5,000 annually between the effective date of the MOU and completion of the final element

for project related expenses; (ii) reimbursement up to \$2,500 annually following completion of the final element for project related expenses; and (iii) extraordinary expenses as a result of the project if the City first receives written authorization from the Authority.

- **City of Horace & MFDA MOU DCAI** - The MOU outlines respective roles and responsibilities of the Parties in regard to the impacts resulting from construction of the Storm Water Diversion Channel and Associated Infrastructure of the Fargo-Moorhead Metropolitan Flood Risk Management Project. The Authority, in conjunction with USACE, is designing, constructing, operating, and maintaining the Comprehensive Project. One element of the Comprehensive Project is the SWDCAI, with the Authority intends to deliver through a public private partnership with a Developer. The Authority intends to transfer the majority of the obligations set forth in this MOU to the Developer through the entrance of the Project Agreement. If an obligation is not transferred to the Developer, the Authority will undertake such obligation itself or assign the same to a third party. In the event the Authority's design creates a Parcel Without Access within the incorporated city limits of Horace, the Authority will be responsible for establishing a New Street to provide access to that parcel and the Authority will be responsible for all costs associated with establishing a New Street. In the event Horace desires to add a crossing of the SWDCAI, Horace must secure written approval from the Authority. Low water crossings of the SWDCAI will neither be considered nor allowed by the Authority. The Authority will install, at its own cost and expense, up to three (3) sanitary sewer crossings under the SWDCAI at the request of Horace. Horace will not make these requests until a developer has applied for a plat approval for property west of the SWDCAI. The sizing of the crossings will be discussed by the Authority and Horace at the time the requests are made and will be dependent upon not only the proposed development but projected future capacity needs that would be serviced by that crossing. Reimbursement includes the following: (i) reimbursement to the City of up to \$5,000 annually between the effective date of the MOU and completion of the final element for project related expenses; (ii) reimbursement up to \$2,500 annually following completion of the final element for project related expenses; and (iii) extraordinary expenses as a result of the project if the City first receives written authorization from the Authority.
- **Polar Communications Mutual Aid Corporation & MFDA MURA SEAI & UMA** - The purpose of this Agreement is to ensure a coordinated, time efficient, and costeffective process for completing the Utility Relocation Project, for coordinating operations and maintenance activities after completion of the Utility Relocation Project, and for the development of individual Task Orders issued in conjunction with, and subject to, the terms and conditions of this Agreement. The Authority shall pay all reasonable costs of

the Utility Relocation Project that are identified within Section VII of the agreement, excluding the utility's internal costs. The Utility shall be responsible for costs and expenses of betterments installed during the utility relocation project.

MOTION PASSED

Dr. Mahoney made a motion to approve the MOUs and MURA as presented by Mr. Paulsen and Mr. Redlinger seconded the motion. On a roll call vote, the motion carried.

d. MFDA 2022 Public Meeting Calendar

Mr. Paulsen presented the 2022 public meeting calendar for information only.

e. Program Information Points

Mr. Paulsen will be providing an update and handouts at the board meeting. It is an overview of talking points for members should they receive inquiries from the public or media.

9. NEXT MEETING

The next meeting will be January 26, 2022.

10. ADJOURNMENT

The meeting adjourned at 4:40 PM.