

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on October 28, 2021. The following members were present: Dr. Tim Mahoney, Mayor, City of Fargo; Bernie Dardis, Mayor, City of West Fargo; Chad Peterson, Cass County Commissioner; Chuck Hendrickson, Moorhead City Council; David Ebinger, Clay County Commissioner John Strand, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner; Mary Scherling, Cass County Commissioner; Rick Steen, Cass County Commissioner; Rodger Olson, Cass County Joint Water Resource District and Larry Seljevold, Moorhead City Council.

Members absent: Shelly Carlson, Mayor, City of Moorhead and Dave Piepkorn, Fargo City Commissioner.

**1. CALL TO ORDER**

Mr. Peterson called the meeting to order at 3:31 PM. Roll call was taken, and a quorum was present.

**2. APPROVE MINUTES FROM THE SEPTEMBER 2021 MEETING**

**MOTION PASSED**

**Mr. Campbell moved to approve the minutes from the September 2021 meeting and Mr. Seljevold seconded the motion. On a voice vote, the motion carried.**

**3. APPROVE ORDER OF AGENDA**

Mr. Paulsen asked to remove item 10a from the agenda.

**MOTION PASSED**

**Mayor Dardis moved to approve the agenda as amended and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.**

**CONSENT AGENDA APPROVAL**

**MOTION PASSED**

**Mr. Steen moved to approve the consent agenda as presented and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.**

**4. EXECUTIVE DIRECTOR REPORT**

Mr. Paulsen provided the following October update:

**P3 updates**

- Financial close occurred on October 13, 2021
- Continued coordination with RRVA re. schedule, permitting, etc.

- Provided limited notice to proceed to allow coordination with other jurisdictional agencies (utilities, railroads, etc.) and to conduct survey work this fall

### **Planning**

- Washington DC trip the week of September 27, 2021
- Federal Funding update
- Jodi Smith is the new Director of Lands and Compliance and will begin in November
- Director of Finance Interviews were held the week of October 18, 2021

### **On-going coordination**

- Utility/Township/Municipality MOUs and Agreements
- Settlement agreement commitments
- Obtained key permits from Townships

## **5. GENERAL COUNSEL UPDATE**

### **a. Update on Financial Close with RRVA**

Mr. Shockley provided an update on the financial close with RRVA. The close transpired on October 13, 2021. There were significant cost savings due to the bonds being green. This means that a third party certified that the developer is qualified as a green developer. There will be a revolving line of credit in the amount of \$650 million.

## **6. USACE PROJECT UPDATE**

Mr. Bakkegard provided the following USACE update in Ms. Williams absence:

### **1 Diversion Inlet Structure Construction**

Structure includes 3-50 ft. wide Tainter gates. Work resumed in late-February. Construction is 78% complete with a required completion date of 7 June 2023. Anticipated remaining schedule:

2020: Foundations/site work, control structure, dam walls.

2021: Complete dam walls, concrete piers, stilling basin and walls. Complete gate fabrication.

2022: Install bridge deck, gates, and operating machinery.

2023: Paint gates, seed.

2024: Turf established.

### **2 Wild Rice River Structure Construction**

Structure includes 2-40 ft. wide Tainter gates. Work resumed in late-February. Construction is 48% complete with a required completion date of 20 October 2023. Anticipated schedule:

2020: Foundations/site work, control structure, dam embankment.

2021: Approach walls and apron, stilling basin and walls, preloads. Complete gate fabrication.

2022: Control building, dam embankment, gate installation.

2023: Complete excavation, dam embankment, seed.

2024: Turf established.

### **3 I-29 Raise Construction**

Includes approximately 4 miles of interstate raise south of the Wild Rice River.

Construction is 30% complete. Utilizing excess borrow material from the future site of the Red River Structure is essentially complete. All 4 lanes of the bypass are scheduled to be open on November 1, 2021. Completion of the raise of the mainline is scheduled to be complete Summer 2023. Required completion date NLT 1 January 2024.

### **4 Southern Embankment – Reach SE-1 (Western Tieback) Construction**

Includes approximately 2 miles of dam embankment construction, starting southwest of the Diversion Inlet Structure location. Required completion date NLT 30 June 2023.

### **5 Red River Structure**

Structure includes 3-50 ft. wide Tainter gates. The Request for Proposals (RFP) was issued on 12 October. Proposals are currently due 23 November. Award of the construction contract is being planned for late March 2022.

### **6 Southern Embankment – Reach SE-1B Design**

65% review began on 20 October 2021.

### **7 Southern Embankment – Reach SE-2A and 2B Design**

Final plans and specifications are scheduled to be complete 8 November 2021. Reach SE-2B 35% design review is scheduled to begin 4 November 2021.

### **8 Drain 27 Wetland Mitigation Project Design**

The final plans and specs were signed on 30 July 2021. Award of a construction contract is anticipated in 2nd quarter FY2022.

### **9 Drayton Dam Mitigation Project Design**

Plans and specs were final on 30 September 2021 with a construction contract award planned for February 2022.

## **7. PUBLIC OUTREACH UPDATE**

Ms. Darling reported that Ms. Kendall is working on website redesign to improve search capabilities. Ms. Darling also introduced Amy Wiser Willson, Neon Loon, who will be assisting the communications department on a consulting basis.

## 8. LAND MANAGEMENT UPDATES

### Property Acquisition Status Report

Mrs. Scherling provided the following land management committee update:

#### • Acquisitions

- Continue working on acquiring property for: Drain 27 Wetland Restoration Project, Red River Control Structure, Southern Embankment Reach 2A (SE-2A), Upstream Structures and Structure Sites, the Drayton Dam Replacement Project, and Environmental Monitoring Easements
- Acquired property interests on nearly 700 parcels (including those acquired via last resort eminent domain, and including split parcels)
  - ♣ Completed acquisitions for: Diversion Channel, SE-1, I-29 Road Raise, Wild Rice River Control Structure, and Diversion Inlet Structure

#### • Appraisal Work

- Appraisals being completed for Upstream Structures (farmsteads, rural residential, etc.)
- The Phase 2 Flowage Easement Valuation Study is scheduled to be complete late 2021
- **Farmland Management** – Leases being prepared for 2022, transition channel lands to RRVA
- **Relocation Benefits** – Informational Meeting for Displaced Property Owners being planned for late November
- **Crop Insurance** – Focus Group meeting being planned for late November
- **Cemetery Mitigation** - Plans being developed with cemetery boards, per settlement agreement

Mr. Olson reported that negotiations are continuing via the land agents. Two counteroffers were received today, and one has been accepted. Mr. Olson also reported that Housing Differential Payments are being approved as well as relocation costs.

Mr. Campbell reported that the EME plan has been updated to include new language and added a signing incentive. Four appraisals were approved along with three Housing Differential Payments and a land agent Task Order.

## 9. FINANCE UPDATE

Mayor Dardis reported that the finance committee met and that \$16 million will be forwarded to the Bank of North Dakota. LADs were approved for North Dakota and Minnesota for \$48 million and \$2.9 million, respectively.

The following contracting actions were approved:

- Services Agreement – Labor Requirements for Construction the FM Diversion – Conduct research study to estimate the size and characteristics of the construction workforce over the duration of the Comprehensive Project with NDSU \$35,844
- Services Agreement – Consulting Services – Provide Human Resource Services for the MFDA HighRoad Partners HR Solutions \$4,500
- Master Services Agreement – Professional Services – Policy Development Support – Provide a Crisis Communication Plan and other Communication Assistance Schatz & Associates \$0
- WP-50F Agreement – Capping Cass Rural Water facilities for WP-50F Project Cass Rural Water \$11,300

**10. OTHER BUSINESS**

There was no other business

**11. NEXT MEETING**

The next meeting will be November 18, 2021, at 3:30 PM.

**12. ADJOURNMENT**

**MOTION PASSED**

**Dr. Mahoney moved to adjourn the meeting and Mrs. Scherling seconded the motion. The meeting adjourned at 4:26 PM.**