Metro Flood Diversion Authority Board of Authority Meeting Minutes

**3:30 P.M. – May 26, 2022**

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on May 26, 2022. The following members were present: Chad Peterson, Cass County Commissioner; Bernie Dardis, Mayor, City of West Fargo; Shelly Carlson, Mayor, City of Moorhead; Dr. Tim Mahoney, Mayor, City of Fargo; Chuck Hendrickson, Moorhead City Council; David Ebinger, Clay County Commissioner; John Strand, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner and Larry Seljevold, Moorhead City Council.

Members absent: Dave Piepkorn, Fargo City Commissioner; Mary Scherling, Cass County Commissioner; Rick Steen, Cass County Commissioner and Rodger Olson, Cass County Joint Water Resource District.

**1. CALL TO ORDER**

Mr. Peterson called the meeting to order at 3:30 PM. Roll call was taken, and a quorum was present.

**2. APPROVE MINUTES FROM THE APRIL 2022 MEETING**

**MOTION PASSED**

**Mayor Dardis moved to approve the minutes from the April 2022, meeting and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.**

**3. APPROVE ORDER OF AGENDA**

**MOTION PASSED**

**Mr. Strand moved to approve the order of the agenda and Mayor Carlson seconded the motion. On a voice vote, the motion carried.**

**CONSENT AGENDA**

**MOTION PASSED**

**Mr. Ebinger moved to approve the consent agenda and Dr. Mahoney seconded the motion. On a roll call vote, the motion passed.**

**4. EXECUTIVE DIRECTOR REPORT**

Mr. Nicholson provided the following current events update:

**Happenings Event Highlights**

• Association of State Floodplain Managers Conference – Joel Paulsen and Greg Thompson presented

• Financing America’s Infrastructure Conference – Joel Paulsen, Sam Headon, and Jaime Diaz Perez (Acciona) on panel this week

**Major Project Accomplishments**

• PFI Awards – Commissioner Peterson, Joel Paulsen, and Martin Nicholson accepted America’s P3 Deal of the Year Award

**P3 Updates**

• Groundbreaking and community event planning in progress for Aug. 9, 2022

**USACE Updates**

• Bids awarded for Drayton Dam, Drain 27, and SE-2A

**5. GENERAL COUNSEL UPDATE**

Mr. Shockley did not have any updates to report.

**6. USACE PROJECT UPDATE**

Ms. Williams provided the following USACE project update:

**1** Diversion Inlet Structure (DIS) – Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 79% complete and remains on schedule. Required completion date is 7 June 2023. Schedule for primary features:

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 (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 53% complete and remains on schedule. The required completion date is 20 October 2023. Schedule for primary features:

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 between County Roads 16 and 18. Construction is 50% complete and remains on schedule. IBI in process of reconstructing the CR18 interchange. The mainline raise will occur from south to north and 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, southwest of the Diversion Inlet Structure location. Construction is 80% complete. Anticipated completion date is Sept 2022.

**5** Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction contract was awarded to Ames Construction, Inc on 14 March 2022 for $114,897,115. Required completion date is 19 March 2026.

**6** Drain 27 Wetland Mitigation Project - Construction

The base construction contract (work north of 112th Ave S.) was awarded to HSG Park JV, LLC on 28 April 2022 for $3.9 million. The anticipated construction completion date is November 2022.

**7** Drayton Dam Mitigation Project Design - Construction

Construction contract awarded to HSG Park JV, LLC on 19 May 22 for $7.7 million. Anticipated completion is Fall 2023.

**8** Southern Embankment – Reach SE-2A - Construction

Construction contract awarded to H.G Construction of Platte City, MO on 12 May 2022 for $6.1 million. Anticipated completion is September 2024.

**9** Southern Embankment Design – Reaches SE-1B, 2B, 3, 4 and 5

SE-1B: 95% review complete. Signoff pending SE-2B: 65% review starts July 2022

SE-4: 35% review starts July 2022 SE-3 and 5: Conceptual design continues

**10** Additional 2022 Activities

Support P3 design/construction of the diversion channel. Forest and cultural mitigations. Complete pre-project geomorphology surveys. Emergency Action Planning. Water Control Manual.

**7. PUBLIC OUTREACH UPDATE**

Ms. Willson provided the following update on the public outreach/communications efforts:

**Website:**

•All updates completed

•Faces of the Diversion section added

•Form for tours will launch soon

•E-newsletter sign-up form coming soon

•Work continues with agency for developing new site

**Newsletter:**

•The Diversion Current

•Debuts in June

•Two versions initially

•Plan to release monthly

•Required by TRs

**Social Media:**

•Monitoring new analytics and content that best resonates with audience

•Seeing gradual organic growth

**Coming Soon/In Progress:**

•Office address change notification and updates

•Faces of the Diversion: Rodger Olson

•Lands Update with Rodger

•Construction Update: Summer Preview

•2022 tour handouts

**8. LAND MANAGEMENT UPDATE**

**a. Recommendation for the Disposal of Organic Farmlands**

Ms. Smith provided the following overview of the organic farmlands disposal recommendation and noted that it was unanimously approved at the Finance Committee and asked the Board for final approval.

1. Establish market value.

2. Identify organic farmland owners and producers who are impacted by the comprehensive project. Offer the organic farmland to the impacted organic farmland owners and producers in exchange for necessary land rights.

3. If the impacted organic farmland owners and producers do not accept the exchange of land for necessary land rights, then offer the organic farmland to landowners impacted by the Southern Embankment and Associated Infrastructure component in a land exchange.

4. If the impacted organic farmland owners and producers do not accept the exchange of land for necessary land rights, then offer the organic farmland to landowners impacted by the Southern Embankment and Associated Infrastructure component in a land exchange. If landowners impacted by the Southern Embankment and Associated Infrastructure component are not interested in a land exchange, then the parcels will be reviewed by the Metro Flood Diversion Authority executive director to determine if the parcels should be deemed excess lands.

5. Offer the organic farmland via public sale.

**MOTION PASSED**

**Dr. Mahoney moved to approve the disposal of organic farmlands recommendation and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.**

**b. Property Acquisition Status Report**

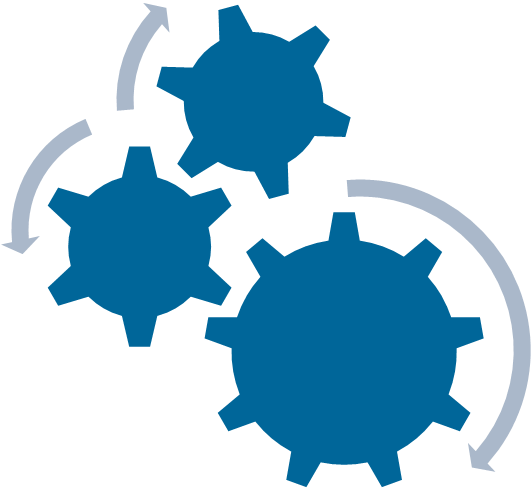
Ms. Smith gave the property acquisition status report and indicated that 84 parcels (26 owners) have gone through the LRED process. She also reported the following milestones:

* **Parcels acquired within the channel – 98% complete**
* **Southern Embankment – 77% complete**
* **Upstream Mitigation Area – 17% complete**
* **Monitoring Easements – 71% complete**

**MCCJPA Update**

Mr. Campbell reported that one farm lease (organic land) and two contracting actions were approved. The contracting actions that were approved are Crown Appraisals and Compass Land Consultants.

* **Cost Escalation**
* **Interest Rates**
* **Revenue Sources**
* **Financing Costs**



**Financial Model**

**9. FINANCE UPDATE**

Mayor Dardis reported that Consent Agenda items a-e were unanimously approved at the Finance Committee meeting and turned it over to Mr. Nicholson for the re-baseline report.

**a. Program Budget and Financial Plan Re-Baseline Report**

Mr. Nicholson provided the following update on the 2022 financial plan:

**Cost and Risk Inputs**

* **Lands**
* **Construction**
* **Mitigation Costs**
* **Utility relocations**
* **Non-construction costs**
* **Contingency**

**Closing Comments**

* **Costs through construction completion remain within short-term financing ability**
* **Long-term debt service and P3 payments remain within affordability limits**
* **Financed contingency remains about the same as before at ~$160M**
* **All long-term debt and payments are covered if sales tax receipts grow at 2.9% per year or greater**

**10. OTHER BUSINESS**

**a. Jacobs Safety Presentation**

Mr. Crisman gave the following safety presentation:

Jacobs has developed a comprehensive Project Health, Safety, and Environmental Plan (PHSEP) to ensure processes leading to project risks are being eliminated or mitigated through the identification of hazards, assessment of risk, and the application of effective control measures, and to achieve a safe and healthy workplace for ourselves and the subconsultants to whom we have a legal and moral duty of care, are established. Jacobs has created an initial Hazard Identification and Risk Assessment (HIIRA) that identifies known hazards and control measures on projects similar to the FargoMoorhead Area Diversion.

**StepBack Process**

A task level, personal and team risk assessment and hazard identification process developed to help ensure that routine and non-routine tasks are completed without an adverse event occurring. Three (3) Key Processes:

* + Identify: identify any new hazards or changes to the work environment
  + Evaluate: assess the risk associated with the new hazard or change to the environment to understand the level of risk
  + Act: take appropriate action. Identify risk mitigation measures. STOP if necessary and engage with your supervision

**BeyondZero**

BeyoneZero® is our approach to the health, safety and security or our people, the protection of the environment and the resilience of the project. BeyondZero is the foundation of our company’s culture of caring and a core part of our values and who we are at Jacobs. We are proud that in our culture, our people go beyond following rules, procedures, and processes. Our goal is beyond driving statistics to zero. Although we have made significant progress since we commenced our BeyondZero journey in 2007, our performance can always be better. It is imperative that through our common vision and purpose, we continue to improve together.

Our Vision:

* Work must be healthy, safe and secure for our people and our planet. We go beyond our workplace and into our daily lives, creating a safer and healthier future for our families and our communities.

Our Approach to BeyondZero:

* Our BeyondZero to 2025 and Beyond Strategy and programs drive ambitious, sustained and continuous improvements in our HSE and security performance, lift the wellbeing of our employees and our partners, and increase our business resilience.
* We tackle all types of harm at work. This includes continuing our focus on acute harm associated with high-risk activities, while ensuring we are managing wider health risks, including mental health.
* We also focus on achieving better outcomes for our supply partners, especially in industries of greater risk such as construction, work in lesser industrialized nations, or those who are more likely to be engaged in temporary, geographically remote or precarious employment.
* As the future of work becomes a reality and global challenges to our security, wellbeing and ability to operate evolve, we remain focused on managing HSE and security risks effectively and leveraging our culture of caring to deliver the best outcomes for our people, the environment, our company, clients, the community and our partners.

**11. NEXT MEETING**

The next meeting will be June 23, 2022.

**12. ADJOURNMENT**

**Mr. Campbell moved to adjourn, and Mr. Ebinger seconded the motion. The meeting adjourned at 4:27 PM.**