Metro Flood Diversion Authority Board of Authority Meeting Minutes

**3:30 P.M. – August 25, 2022**

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on August 25, 2022. The following members were present: Chad Peterson, Cass County Commissioner; Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; Shelly Carlson, Mayor, City of Moorhead; Chuck Hendrickson, Moorhead City Council; Dave Piepkorn, Fargo City Commissioner; David Ebinger, Clay County Commissioner; John Strand, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner; Mary Scherling and Rick Steen, Cass County Commissioners and Larry Seljevold, Moorhead City Council.

Member absent: 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 JULY 2022 MEETING**

**MOTION PASSED**

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

**3. APPROVE ORDER OF AGENDA**

**MOTION PASSED**

**Mr. Campbell moved to approve the order of the agenda as presented and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.**

**CONSENT AGENDA**

**MOTION PASSED**

**Mr. Strand moved to approve the consent agenda Mr. Steen seconded the motion. On a roll call vote, the motion passed.**

**4. EXECUTIVE DIRECTOR REPORT**

Mr. Paulsen provided the following update:

**Media & Event Highlights**

* Significant channel groundbreaking coverage

• ASN hiring

**Major Project Accomplishments**

* RRVW abandonment completed; soil testing and rail tie removal underway

**P3 Updates**

* Two project orientation sessions completed
* Two Limited Notices to Proceed 2 issued

**5. GENERAL COUNSEL UPDATE**

 **a. Resolution to Change the Frequency of the Land Management Committee**

Ms. Katie Schmidt, Ohnstad Twichell, P.C., provided an overview and summary of the proposed resolution to change the frequency of the Land Management Committee. The resolution would suspend regular meetings of the Land Management Committee of the Metro Flood Diversion Authority and the Land Management Committee shall be allowed to meet on an as-needed basis, pursuant to Section 6.07 of the JPA, and further resolves that from this date forward, the Chair of the Land Management Committee will determine when to call a meeting of the Land Management Committee.

**MOTION PASSED**

**Mr. Campbell moved to approve the resolution as presented and Mayor Carlson seconded the motion. On a roll call vote, the motion carried.**

**6. USACE PROJECT UPDATE**

Ms. Williams provided the following USACE 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. Preparations continue for gate install and setting bridge deck. Schedule for remaining primary features:

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 61% complete and remains on schedule. The required completion date is 20 October 2023. Work on dam walls and gate assembly continues. Schedule for remaining primary features:

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 53% complete and remains on schedule. IBI prepares to set the CR18 interchange bridge deck and is paving the mainline raise, to be complete Summer 2023. Required completion date NLT 1 January 2024.

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

Construction is nearing completion. Final inspections are being scheduled and O&M Manual being completed. This is the first federal reach to be turned over to the Diversion Authority for Operations and Maintenance.

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

Structure includes 3-50 ft. wide Tainter gates. Structural excavation and embankment construction ongoing. Required completion date is 19 March 2026.

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

Construction is 40% complete. The anticipated construction completion date is November 2022. Native plantings contract to be issued late-October 2022.

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

Site work continues. Anticipated completion is Fall 2023.

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

Site work has commenced. Anticipated completion is September 2024.

**9** Southern Embankment Design – All remaining reaches are being designed.

SE-1B: Final design signoff pending. Contract award: February 2024

SE-2B: 95% review starts late-Oct 2022. Contract award: August 2023

SE-3: 35% review starts mid-Jan 2023. Contract award: January 2025

SE-4: 35% review starts late-Oct 2022. Contract award: April 2024

SE-5: 35% review starts mid-Jan 2023. Contract award: January 2025

**7. PUBLIC OUTREACH UPDATE**

A drone video of the groundbreaking and equipment convoy, the Red River and I-29 road raise projects was viewed.

Ms. Willson commented that The Diversion Current is surpassing all industry averages. Work continues on additional videos and video introducing Mr. Tom Fuchs, the new director of engineering will be completed next week.

**8. LAND MANAGEMENT UPDATE**

**a. Property Acquisition Status Report**

Ms. Smith provided the following property acquisition status report:

* 82.49% completion in the Construction Footprint
* 99.5% of the parcels in the Stormwater Diversion Channel have been acquired
* 76% of the parcels in the Southern Embankment have been acquired
* 24.2% of the parcels in the Upstream Mitigation Area have been acquired
* 71.7% of the Environmental Easements have been signed
* 100% of the Oxbow-Hickson-Bakke levee, MFDA constructed in-town levees and the Drayton Dam mitigation is completed

**Key Activities**

* Negotiating settlement agreements for existing eminent domain actions
* Phase 3 Flowage Easement appraisals and completing purchase offers
* Planning and coordination for Last Written Offers for Phase 2 Flowage Easements
* Planning and process refinement for Upstream Mitigation Area Structure Mitigation

**9. FINANCE UPDATE**

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

 **Financial Model**

Mayor Dardis reported that the finance committee unanimously approved all three of the contracting actions that were presented and our net position as of July 31 is $149,182,466. The Legacy Bond Fund balance is $178,799,719 and the in-town work costs as of July 31 are $195,201,320.

**10. OTHER BUSINESS**

The next Lunch and Learn will be September 1 at the Amber Valley Parkway office.

**11. NEXT MEETING**

The next meeting will be September 22, 2022.

**12. ADJOURNMENT**

Mr. Campbell moved to adjourn, and Mr. Ebinger seconded the motion. The meeting adjourned at 3:57 PM.