

# Metro Flood Diversion Authority Board of Authority Meeting Minutes

**3:30 P.M. – September 22, 2022**

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on September 22, 2022. The following members were present: Chad Peterson, Cass County Commissioner; Dr. Tim Mahoney, Mayor, City of Fargo; Shelly Carlson, Mayor, City of Moorhead; 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 and Rick Steen, Cass County Commissioner.

Members absent: Bernie Dardis, Mayor, City of West Fargo; Dave Piepkorn, Fargo City Commissioner; Rodger Olson, Cass County Joint Water Resource District and Larry Seljevold, Moorhead City Council.

**1. CALL TO ORDER**

Mr. Peterson called the meeting to order at 3:32 PM. Roll call was taken, and a quorum was present.

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

**MOTION PASSED**

**Mrs. Scherling moved to approve the minutes from the August 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 as presented and Mr. Campbell seconded the motion. On a voice vote, the motion carried.**

**CONSENT AGENDA**

**MOTION PASSED**

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

**4. EXECUTIVE DIRECTOR REPORT**

Mr. Paulsen provided the following updates:

**Media & Event Highlights**

- Nebraska/Dakotas Chapter of American Society of Landscape Architects tour – Sept. 15
- 2 FM Realtor presentations next week
- Shortlisted for P3 Awards
  - MFDA for Public Sector Promoter/Procurer of the Year
  - Joel Paulsen for Future Leader of the Year

- John Shockley for Legal Advisor of the Year
- Shikun & Binui USA, Ashurst and Winston & Strawn for Best Utilities Project for their work on the FM Area Diversion

### **Major Project Accomplishments**

- Rotating Tainter gate at Wild Rice River Structure this week
- CR 81 & 18 intersection open to the public one week early

### **P3 Updates**

- Notice to Proceed 2 issued to Developer

## **5. GENERAL COUNSEL UPDATE**

### **a. Resolution to Approve and Adopt Governance Policies**

Mr. Shockley provided an overview and summary of the proposed resolution to approve and adopt the Governance Policies.

#### **MOTION PASSED**

**Dr. Mahoney moved to approve the resolution as presented and Mrs. Scherling seconded the motion. On a roll call vote, the motion carried.**

### **b. Resolution to Establish the Planning Committee**

Mr. Shockley provided an overview and summary of the proposed resolution to establish the Planning Committee.

#### **MOTION PASSED**

**Dr. Mahoney moved to approve the resolution as presented and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.**

### **c. Resolution to Dissolve the Public Outreach Committee**

Mr. Shockley provided an overview and summary of the proposed resolution to dissolve the Public Outreach Committee.

#### **MOTION PASSED**

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

### **d. Resolution to Dissolve the Ag Committee**

Mr. Shockley provided an overview and summary of the proposed resolution to dissolve the Ag Committee.

#### **MOTION PASSED**

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

### **e. Executive Director Employment Contract**

Mr. Shockley provided an overview and update regarding the changes to executive director Paulsen's employment agreement. After lengthy dialogue, it was recommended that Mr. Shockley work with Mr. Peterson to revise the language in Article V, specifically Sections 5.01 and 5.02, and bring back to the Board for consideration.

#### **MOTION PASSED**

**Dr. Mahoney moved to recommend that Mr. Peterson and Mr. Shockley convene to revise the language in Mr. Paulsen's employment agreement and Mr. Steen seconded the motion. On a voice 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 87% 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 64% complete and remains on schedule. The required completion date is 20 October 2023. Work on dam walls continues. Gate installation has commenced (see photos on back). 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 58% 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 50% 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 including construction of temp. riprap road. Anticipated completion is Fall 2023.

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

Inspection trench and embankment placement continues. 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 TBD. Contract award: April 2024

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

## 7. COMMUNICATIONS UPDATE

A drone video highlighting the progress on the Wild Rice River Structure and the I-29 road raise project was viewed.

Ms. Willson reported that the wireframe on the website has been finalized and the initial copy is under review. Work continues on additional videos to include the shortlisted awards, finance education and Faces of the Diversion.

**8. LAND MANAGEMENT UPDATE**

**a. Property Acquisition Status Report**

Ms. Smith provided the following property acquisition status report:

- 92.24% completion in the Construction Footprint
- 24.3% completion in the UMA Footprint
- 76% of the parcels in the Southern Embankment have been acquired
- 24.4% of the parcels in the Upstream Mitigation Area have been acquired
- 71.7% of the Environmental Easements have been signed
- 99.5% of the parcels in the Stormwater Diversion Channel have been acquired
- 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
- Conducting appraisal reports and making purchase offers for SE-2B and Phase 3 Flowage Easement properties
- Planning for sending Last Written Offers for Flowage Easements
- Planning two UMA Crop Insurance and Flowage Easement public meetings in November
- Presenting a new Irrevocable License Agreement option for unsigned Environmental Monitoring Easements

**9. FINANCE UPDATE**

Mr. Steen reported the items addressed at the Finance Committee meeting were approved in the Consent Agenda. A “draft” of the 2023 cash budget was presented, and no action is needed at this time.

Mr. Bakkegard gave an overview of the bids that were received for WP50G and recommended that Schmidt & Sons Construction be awarded the bid for structure mitigation, based on their bid submission of \$794,312.

**MOTION PASSED**

**Dr. Mahoney moved to award the bid to Schmidt & Sons Construction and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.**

**10. OTHER BUSINESS**

There was no other business to report.

**11. NEXT MEETING**

The next meeting will be October 27, 2022.

**12. ADJOURNMENT**

Mrs. Scherling moved to adjourn, and Mr. Steen seconded the motion. The meeting adjourned at 4:49 PM.