

# Metro Flood Diversion Authority Board of Authority Meeting Minutes

**3:30 P.M. – October 27, 2022**

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on October 27, 2022. The following members were present: Chad Peterson, Cass County Commissioner; Dr. Tim Mahoney, Mayor, City of Fargo; Bernie Dardis, Mayor, City of West Fargo; Shelly Carlson, Mayor, City of Moorhead; Chuck Hendrickson, Moorhead City Council; Dave Piepkorn, Fargo City Commissioner; David Ebinger, Clay County Commissioner; Arlette Preston, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner; Mary Scherling, Cass County Commissioner; Rick Steen, Cass County Commissioner 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 3:31 PM. Roll call was taken, and a quorum was present.

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

**MOTION PASSED**

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

**3. APPROVE ORDER OF AGENDA**

**MOTION PASSED**

**Dr. Mahoney moved to approve the order of the agenda as amended, removing item ii., WPAi New Services Agreement as well as amending item iii, Program Advisor Services MSA, to reflect the term change from years 2023-2027 to years 2023-2025. Mr. Campbell seconded the motion and on a voice vote, the motion carried.**

**CONSENT AGENDA**

**MOTION PASSED**

**Mr. Hendrickson moved to approve the consent agenda as amended per above and Mr. Steen seconded the motion. On a roll call vote, the motion passed.**

**4. EXECUTIVE DIRECTOR REPORT**

Mr. Paulsen provided the following updates:

**Happenings**

**Media & Event Highlights**

- Project won three P3 Awards

- Public Sector Promoter/Procurer of the Year (MFDA)
- Best Financial Structure (Agentis Capital)
- Legal Advisor of the Year (Ashurst)

**Major Project Accomplishments**

- Second gate hung at Wild Rice River Structure
- SE-1 completed

**P3 Updates**

- Released for Construction plans issued for part of the stormwater diversion channel construction
- Started construction on Reach 1

**5. GENERAL COUNSEL UPDATE**

**a. Joint Resolution CWSRF Loan Resolution**

Mr. Shockley provided an overview and summary of the proposed resolution to approve and adopt the CWSRF Loan Resolution.

**MOTION PASSED**

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

**b. Resolution Requesting Permanent Right of Way Obstruction SWDCAI Phase II**

Mr. Shockley provided an overview and summary of the proposed resolution requesting permanent right of way obstruction in the SWDCAI Phase II region of the project.

**MOTION PASSED**

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

**c. Executive Director Employment Contract**

Mr. Shockley provided an overview and update regarding the COLA increase for executive director Paulsen. It was determined that Mr. Paulsen would receive a 3.7% increase, the COLA average of the five member entities.

**MOTION PASSED**

**Dr. Mahoney moved to approve the increase and Mr. Campbell 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 87% complete and remains on schedule. Required completion date is 7 June 2023. Preparations continue for gate setting. Bridge beams/deck and riprap downstream of the structure being installed. 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 and approach aprons nearing completion. Gate #1 installation is complete. Install of mechanical platform/vehicle service bridge ongoing. 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. The CR18 interchange opened this week. IBI continues to pave 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. Turnover to the Diversion Authority for Operations and Maintenance being scheduled.

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

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

### 6 Drain 27 Wetland Mitigation Project - Construction

Construction is more than 50% complete. The anticipated construction completion date is December 2022. Native plantings contract to be issued late-October/November 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 Sept. 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 mid-Jan 2023. Contract award: April 2024

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

SE-3U: 35% review starts mid-Jan 2023. Contract award: March 2024

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 at the project sites was viewed and Ms. Willson provided the following updates:

- **The Diversion Current:** Issue 5 was distributed on October 6
- **Public Relations:** News release on P3 Awards and media advisory on public meetings sent
- **Website:** copy finalized; design/development underway; set to launch in December
- **Q3 Social Media Stats** (July 1-September 30, 2022)
  - Top content:
    - Drone update videos
    - Individual award announcements
    - Groundbreaking
    - Construction updates
  - LinkedIn receives most engagements

## 8. LAND MANAGEMENT UPDATE

### a. Property Acquisition Status Report

Ms. Smith introduced Madeline Gorghuber, the new lands specialist for the Diversion Authority. Ms. Smith also provided the following property acquisition status report:

- 92.24% completion in the Construction Footprint
- 24.69% completion in the UMA Footprint
- 76% of the parcels in the Southern Embankment have been acquired

- 24.7% 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**

- Continue negotiating settlement agreements for existing eminent domain actions
- Finalizing appraisal reports and making purchase offers for SE-2B and Phase 3 Flowage Easement properties
- Planning and coordination for the batch #1 of last written offers for flowage easements, including development of a communications plan and planning two public meetings in early November focused on crop insurance and flowage easement
- Finalized the guidance document and process for mitigation of structures on the fringe areas of the UMA
- Developed a memo to USACE requesting authorization for mapping properties out of Mitigation Zone 1 and for raising roads in the UMA

### **9. FINANCE UPDATE**

Mayor Dardis reported that a bid was rejected by the City that came in at 135% above budget. Mayor Dardis also reported that a second version of the 2023 “draft” cash budget was reviewed, and no action is needed at this time.

Mr. Bakkegard provided the following overview for project FM-21-A2:

#### **FM-21-A1 Revised to FM-21-A2 – Erosion protection and bank stabilization of the South University Floodwall**

- July 2022 approved project budget based on updated engineer’s estimate = \$2,805,000
- The increase in the engineer’s estimate in July 2022 was based on the following items:
  - The area of the riverbank to be armored with rock rip rap needed to be expanded due to the riverbank failure area increasing since the original estimate had been put together. The area increased was slightly less than double.
  - The addition of pavement removal and replacement on 52nd Avenue S to repair the roadway where the bank failure has extended into it. This cost accounts for approximately \$75k of the increased cost.
  - The current bidding market and inflation impacts.
- The City of Fargo received only one bid on the project in September 2022 with the construction cost 135% over the engineer’s estimate. The City of Fargo rejected the bid in October 2022 and followed up with contractors that received plans.
- The City of Fargo and the project engineer have developed a revised project estimate based on feedback received from contractors. This resulted in the following project revisions:
  - The project number was revised from FM-21-A1 to FM-21-A2.
  - City of Fargo plans to rebid the project in 2022 with changes noted below.
  - Increasing the project estimated cost by \$330k. The additional cost for the project is due to the City of Fargo/MFDA taking over some of the risk for potential impacts of a flood by adding a demobilization/remobilization bid item as well as slight adjustments to a few of the bid item prices. The demobilization/remobilization bid item will not be paid unless the river goes above a river stage of 30 feet for three weeks when the contractor is on site.

**FM-21-A2: 2022 Engineer’s Estimate including engineering and contingency = \$3,135,000**

**Request Budget Increase = \$330,000**

If the proposed motion is approved, City of Fargo project FM-21-A2 will have a budget increase of \$330,000. It is important to note that this project increase and total project cost will be part of the 2023 Cash Budget and therefore we are not requesting an amendment to the 2022 Cash Budget.

*Per the "Resolution Approving the Procedure for Requesting that the City of Fargo Undertake Development of Comprehensive Project In-Kind Work Elements and Authorizing the Reimbursement of Such Development Costs and Expenses" I move to approve the Revised 2022 Development Plan Summary Sheets and the Estimated Total Project Costs (attached) for the following City of Fargo Project: • FM-21-A2 – Erosion Protection & Bank Stabilization of the South University Floodwall, for an increased budget of \$330,000 and a new total budget of \$3,135,000*

**MOTION PASSED**

**Mr. Steen read the motion and moved for approval and Mayor Carlson seconded the motion. On a roll call vote, the motion carried.**

**10. OTHER BUSINESS**

**a. P3 Developer Safety Presentation**

Rikk Wampler, ASN Contractors, provided a safety presentation. Below are the highlights referenced.

**Major Project Accomplishments Health and Safety**

- 60,000 Hours without an Injury
- 70 Employees Orientated
- 42 Pieces of Equipment Operating

**Plan**

- Project Orientation and Training Programs (LMS)
- Robust Safety Auditing Program. Safety Audits Daily.
- Leadership Accountability. Safety Starts at the Top.
- Immediately correcting any unsafe condition. • Prioritizing Safety as our No. 1 Core Value.
- Start every meeting and every day emphasizing that safety is our goal.
- Never make our employees feel as though a dollar or a date is more important than their health, their well-being or their life.

**b. Program Information Points Handout**

Mr. Paulsen distributed the current talking points handout.

**11. NEXT MEETING**

The next meeting will be November 17, 2022.

**12. ADJOURNMENT**

The meeting adjourned at 4:30 PM.