

**FLOOD DIVERSION BOARD OF AUTHORITY
JANUARY 12, 2012—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held on Thursday, January 12, 2012, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Scott Wagner; West Fargo City Commissioner Mike Thorstad; Cass County Joint Water Resource District Manager Rodger Olson; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Staff members and others present: Cass County Administrator Keith Berndt; Moorhead City Manager Mike Redlinger; Clay County Administrator Brian Berg; Fargo City Engineer Mark Bittner; Fargo City Senior Engineer April Walker; Cass County Engineer Jason Benson; Moorhead City Engineer Bob Zimmerman; Tom Waters, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve the minutes from the December 8, 2011, meeting as written. Motion carried.

3. ORDER OF AGENDA

MOTION, passed

Mr. Wimmer moved and Mr. Campbell seconded to approve the order of the agenda as presented. Motion carried.

4. CONSENT AGENDA

MOTION, passed

Mr. Wimmer moved and Mr. Wagner seconded to approve the consent agenda as follows: Motion carried.

a. Contract approval

- Authority work directives (AWD) 00001 through 00007 with Houston Engineering and Moore Engineering;
- Dorsey & Whitney LLP to provide legal services for the project.

b. Voucher approval

5. PROJECT MANAGEMENT FIRM UPDATE

Tom Waters, Program Manager from CH2MHill, discussed the following items with the board:

Federal process

Mr. Waters said the Chief's Report was signed last month and has been forwarded to Congress with a recommendation to authorize construction of the project. He said funding for the project design is expected to continue until the design is completed.

The Federal Environmental Impact Statement (EIS) has also been completed. He said progress on the design and construction schedule is dependent on annual Congressional appropriations.

Gene Barr initial report

Mr. Waters said there is a process to be followed prior to land acquisition. Gene Barr, Senior Consultant with CH2MHill, has been involved with the process for this project. His report includes information on creation of a real estate plan; use of a non-structural approach; and staging and storage areas.

Mr. Waters said the non-structural approach includes land acquisition, elevation of existing homes, flood proofing, ring dikes and re-location options. He said meetings were held this week regarding mitigation options with residents of the Oxbow/Bakke/Hickson areas and agricultural representatives.

Project schedule development

Bruce Spiller, Engineer with CH2MHill, provided an update on technical design work. He said Request for Qualifications (RFQ's) for engineering design firms were completed last week for the work-in-kind and other design activities.

Minnesota EIS

Mr. Waters said the Minnesota Environmental Impact Statement (EIS) process has begun, and meetings were held with the Minnesota Department of Natural Resources (DNR). Mr. Zimmerman said the Minnesota DNR has agreed to set up an organizational structure, which includes the project team. The EIS is needed because of state standards which classify the diversion as a dam, and which require environmental impacts to be studied.

6. UPDATES FROM COMMITTEES

Public Outreach Committee

Rodger Olson provided an update from the Public Outreach Committee, which has met twice since the last board meeting. The committee has been involved with landowner meetings, and responded to a letter to the City of Grandin regarding the project.

Eric Dodds, Advanced Engineering & Environmental Services (AE2S), discussed on-going outreach efforts with land acquisition and real estate planning. Also, they are working with the Corps of Engineers to prepare specific information for public meetings with officials from Richland County, Wilkin County and Reed Township.

Daron Selvig, Communications Specialist from AE2S, provided a brief update on the website. He said questions are being answered through the FAQ section of the website with assistance from the Corps of Engineers.

Finance Committee

Michael Montplaisir, Cass County Auditor, provided an update from the Finance Committee, which met on January 6th. The committee discussed the scheduled costs for the life of the project and long-term financing.

A financial consultant from Springsted, Inc. gave a presentation to the committee. Mr. Zavoral said a proposal has been requested from Springsted, Inc. on different options for financing the project.

Mitigation (Land Management) Committee

Mr. Walaker provided an update from the Mitigation Committee, which met earlier today. A decision was made to change the name to the Land Management Committee.

Membership was discussed and the committee recommends the following to serve as members:

Fargo Mayor Dennis Walaker; Moorhead Mayor Mark Voxland; Cass County Commission Representative Darrell Vanyo; Clay County Commission Representative Jon Evert; Cass County Joint Water Resource District Representative Rodger Olson; Buffalo-Red River Watershed District Representative Gerald Van Amburg; Fargo City Administrator Pat Zavoral; Cass County Administrator Keith Berndt; Moorhead City Administrator Michael Redlinger; Clay County Administrator Brian Berg; Clay County Engineer Dave Overbo; Fargo City Engineer Mark Bittner (Fargo City Senior Engineer April Walker, alternate); Moorhead City Engineer Bob Zimmerman; Oxbow Mayor Jim Nyhof; and CH2MHill Program Manager Tom Waters (ex-officio member).

MOTION, passed

Mr. Mahoney moved and Mr. Wagner seconded to approve the membership on the Land Management Committee as presented.

Motion carried.

Mr. Walaker said future meetings will be held at 1:00 PM on the same day the Flood Diversion Board of Authority meets.

7. PRESENTATION ON UPSTREAM RETENTION PROJECTS

Chad Engels from Moore Engineering and Erik Jones from Houston Engineering provided a presentation on upstream retention projects and studies in the watersheds of Elm River, Rush River, Maple River, Sheyenne River, Wild Rice River, Buffalo-Red River and Bois de Sioux.

8. CORPS OF ENGINEERS STATUS UPDATE

Mr. Coleman said a kick-off meeting with other Corp of Engineers district offices was held earlier today. The other district offices will assist with design elements of the project. The Corps has also been involved in discussions with the Minnesota DNR regarding the Minnesota EIS, and has attended landowner meetings.

Ms. Williams said the Corps is developing specific information for public meetings with Richland County and Wilkin County. She said Corps staff will work closely with the Public Outreach Committee when preparing the information.

9. GENERAL LIABILITY INSURANCE COVERAGE WITH NDIRF

Erik Johnson, Fargo City Attorney, updated the board on general liability insurance coverage through the North Dakota Insurance Reserve Fund (NDIRF). He said NDIRF is working toward approval of a form of coverage policy, which he hopes to have for consideration at the next meeting. Some of the issues under consideration include claim coverage and identification of an appropriate reserve amount.

Mr. Wagner also serves on the NDIRF Board of Directors and said potential front-end costs are another issue that NDIRF has to consider.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, February 9, 2012, at 3:30 PM.

11. ADJOURNMENT

MOTION, passed

On motion by Mr. Wagner, seconded by Mr. Wimmer, and all voting in favor, the meeting was adjourned at 4:50 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant