

DIVERSION AUTHORITY  
PUBLIC OUTREACH COMMITTEE  
FARGO CITY COMMISSION ROOM, FARGO CITY HALL  
FARGO, NORTH DAKOTA  
WEDNESDAY, OCTOBER 25, 2017

The Diversion Authority Public Outreach Committee met on October 25, 2017, at 1:30 p.m. at the Fargo City Commission Room, Fargo City Hall, Fargo, North Dakota.

The following Committee members were present: Rodger Olson (by phone), Cass County Joint Water Resource District; Kevin Campbell, Clay County Commissioner; Brenda Elmer, Moorhead City Council; Mike Thorstad, West Fargo City Commissioner; Jason Benson, Cass County Engineer; and Elly Peterson, Fargo Moorhead Business Leaders Flood Task Force. Absent were: Rick Steen, Cass County Commissioner; Jacob Gust, Cass County Joint Water Resource District; John Strand, Fargo City Commissioner; and Gerald Van Amburg, Buffalo-Red River Watershed District.

Also present were: Grant Weyland; Clay County Commissioner; Robert Wilson, Cass County Administrator; Rocky Schneider and Tammy Jo Taft, Advanced Engineering and Environmental Services, Inc.; and Michelle Anderson, Cass County Joint Water Resource District staff.

Kevin Campbell conducted the meeting.

**Minutes**

It was moved by Mike Thorstad, seconded by Jason Benson and unanimously carried to approve the minutes of the September 27, 2017, meeting.

**Metro Flood Diversion Project - Fargo-Moorhead Area Flood Diversion Task Force (Task Force)**

Rocky Schneider updated the Committee on the Task Force meeting held on October 23, 2017. Mr. Schneider stated the Task Force discussed topography, 100-year flood level protection, ring levees, and reviewed basic questions asked regarding the design for the Metro Flood Diversion Project. Mr. Schneider stated several Task Force members expressed concern on using the data from the study done by the Corps of Engineers to determine adequate flood protection for a 100-year flood event. The Task Force agreed to use the most current data contingent upon verification by FEMA.

Mr. Schneider presented and reviewed the Charter for the Task Force. Minnesota Governor Mark Dayton and North Dakota Governor Doug Burgum have agreed to co-chair the Task Force. The purpose of the Task Force is to develop design principles and concept-level engineering solutions to achieve balanced flood risk management for the Fargo-Moorhead region. Mr. Schneider stated Governor Dayton and Governor Burgum identified and agreed to key parameters for the Task Force on October 4, 2017. Mr. Schneider stated the Task

Force reviewed and discussed the Charter, which determines the Task Force process and protocol. Mr. Schneider stated Governor Burgum and Governor Dayton are the only authorized representatives to speak on behalf of the Task Force. Updates and observations communicated at meetings or groups outside of the Task Force are only personal opinions and do not represent the Task Force.

Mr. Schneider stated the Task Force will provide its recommendations by December 15, 2017, unless Governor Dayton and Governor Burgum agree to an alternative date. Mr. Schneider stated the Diversion Authority will discuss and determine legal considerations regarding the temporary injunction placed by Minnesota U.S. District Judge John Tunheim. Minnesota and North Dakota agreed to put a hold on legal proceedings for 60 days and the Diversion Authority can file an appeal with an immediate stay to preserve their legal right to appeal.

Jason Benson stated the Task Force consists of a wide range of people with experience and knowledge about flooding that has occurred in the area and the Metro Flood Diversion Project. Mr. Benson stated it was great to have an open discussion forum to answer questions and concerns. Mr. Schneider stated some of the topics of discussion were tabled for a future meeting to be explained by technical engineers. Mr. Benson stated it was a great first meeting, it's going in the right direction with the timeline presenting a positive challenge. Brenda Elmer expressed concern some members of the Task Force do not appear to want to believe the data, and stated it will be hard for the Task Force to agree if they do not believe the data. Mike Thorstad stated he is impressed with Governor Dayton's and Governor Burgum's sincere efforts to find a comparable solution. Kevin Campbell stated at the recent meeting in Moorhead, Minnesota, Governor Dayton expressed a strong interest to resolve the permitting issues. The Diversion Authority is hopeful increased communication will result in a positive resolution.

Mr. Schneider stated the Task Force meeting videos and Charter will be available to view on the [FMDiversion.com](http://FMDiversion.com) website.

#### **Metro Flood Diversion Project – legislative update**

Rocky Schneider updated the Committee on the joint meeting of the Water Topics Overview Committee and the State Water Commission held on October 12, 2017. Governor Doug Burgum presented information on the Task Force. Cost share funding from the State of North Dakota will be discussed after December 15, 2017. Mr. Schneider stated new State Water Commission members were present to learn about the Metro Flood Diversion Project.

#### **Metro Flood Diversion Project – project update**

Rocky Schneider updated the Committee on the temporary by-pass road to reconnect traffic on Cass County Highway 17 south of Horace. Mr. Schneider stated construction could start next week and a press release is ready to go out. The temporary bypass road is scheduled to be open by the end of October 2017.

Judge Tunheim issued an *Order* explaining the partial lifting of the May 13, 2015, *Preliminary Injunction*, which allows construction to continue on a portion of the Oxbow-Hickson-Bakke Ring Levee Project. Mr. Thorstad stated a press release should be issued giving information on Judge Tunheim's *Order* and a short explanation of the temporary bypass to reconnect traffic on Cass County Highway 17 south of Horace. Mr. Benson stated Cass County Highway 81 will be paved and open this fall.

**Community outreach update**

Committee members discussed potential educational opportunities for candidates and upcoming elections in the area. Jason Benson stated the Cass County Highway Department presented an update on the Metro Flood Diversion Project to local officials at the Cass County Comprehensive and Transportation Plan in the Cities of Harwood and Casselton.

Nathan Boerboom and Eric Dodds presented updates on the Metro Flood Diversion Project at the North Dakota Water and Pollution Control Conference on October 17, 2017.

**FMDiversion website and social media analytics**

Rocky Schneider stated an E-Newsletter will not be published this month, but project updates were released through Twitter. Mr. Schneider stated as soon as a clear path forward has been determined social media will be utilized to support the project. Mr. Schneider stated the videos are a popular feature on the website.

Committee members made suggestions to create a video demonstrating specific data on each of the flood events that occurred in Fargo-Moorhead and the surrounding communities, and how the data supports the need for 100-year flood level protection. Discussion was held on the data used for the design of the Metro Flood Diversion Project.

**Business Leaders Flood Taskforce update**

Elly Peterson updated the Committee on the recent information presented to the Business Leaders Flood Taskforce.

**North Dakota Water Convention and Irrigation Expo update**

Rocky Schneider stated Fargo Mayor Tim Mahoney may be presenting at the 54th Joint Annual North Dakota Water Convention and Irrigation Workshop in Bismarck, North Dakota on December 7, 2017.

**Adjournment**

There being no further business to be considered, the meeting adjourned without objection.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Cass County Joint Water Resource District  
Secretary-Treasurer