

**METRO FLOOD DIVERSION AUTHORITY  
NOVEMBER 21, 2019—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Metro Flood Diversion Authority was held Thursday, November 21, 2019, at 3:30 PM in the Fargo City Commission Chambers with the following members present: Cass County Commissioner Mary Scherling; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Clay County Commissioner Kevin Campbell; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Tony Grindberg; Moorhead City Mayor Johnathan Judd; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Shelly Carlson; Cass County Joint Water Resource District Manager Dan Jacobson; and West Fargo City Commissioner Mike Thorstad. Fargo City Commissioner Dave Piepkorn and Clay County Commissioner Grant Weyland were absent.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Grindberg moved and Mr. Hendrickson seconded to approve the minutes from the October 31, 2019 meeting as presented. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

**Mr. Judd moved and Mr. Campbell seconded to approve the order of the agenda with the addition of a request from the Executive Director regarding administrative staff. Motion carried.**

**4. EXECUTIVE DIRECTOR REPORT**

Joel Paulsen, Executive Director, said actual expenditures-to-date are \$508.5 million with revenue sources of \$162.7 million. He reviewed information available on the financial dashboard to help track costs in real time, which is almost ready for board members to use.

Mr. Paulsen reviewed contracting items approved by the Executive Director, and task orders approved by the Cass County Joint Water Resource District (CCJWRD). Moorhead Clay County Joint Powers Authority (MCCJPA) did not have any task orders.

Mr. Paulsen discussed activities and achievements, which include bidding for Hickson Main Avenue storm sewer project, OHB wetland mitigation, and Property Structure Mitigation for Phase B; completion of outreach to cities, townships and counties regarding the FEMA Conditional Letter of Map Revision (CLOMR); development and issuance of draft P3 Request for Proposals; securing the remaining rights-of-entry for Southern Embankment design in both North Dakota and Minnesota; and negotiation of the scope for Phase 2 Flowage Easement Valuation.

**5. CORPS OF ENGINEERS UPDATE**

Terry Williams, Project Manager from the Corps of Engineers, provided an update, which included pile driving and load testing at the Diversion inlet structure construction site; contract award this month for the Wild Rice River structure; physical modeling of the Red River structure design; geotechnical borings and ongoing design to incorporate Plan B into the Southern Embankment; review of I-29 road raise design; and further investigation of two archaeological sites along the Diversion channel associated with cultural resources mitigation.

**6. ADMINISTRATIVE/LEGAL UPDATE**

WIFIA events update

Attorney John Shockley provided a monthly update on the schedule of events associated with the Water Infrastructure Finance and Innovation Act (WIFIA) loan through the Environmental Protection Agency (EPA) and referred to the handout showing the timeline.

Flow of funds for WIFIA

Mr. Shockley distributed a chart showing the flow of funds associated with the WIFIA loan. He said WIFIA post-closing activities will include quarterly progress reports, annual financial statements, and site visits. He will provide a presentation on the flow of funds to each of the Diversion member entities.

Resolution to Authorize Payment of WIFIA Application Fees

Last month the board approved WIFIA loan underwriting fees of approximately \$500,000 be paid from flood sales and use tax dollars. Mr. Shockley said a resolution has been drafted to formalize the use of sales tax revenues, which needs action today.

**MOTION, passed**

**Mr. Peterson moved and Mr. Steen seconded to adopt a Resolution Authorizing Submission of US EPA WIFIA Application and Use of Sales Tax Revenues for US EPA WIFIA Loan Application Fees. On roll call vote, the motion carried unanimously.**

**7. PUBLIC OUTREACH UPDATE**

Committee report

The Public Outreach Committee met on November 20<sup>th</sup>. Rocky Schneider said the committee discussed development of a new communications plan next year with updated goals and objectives; utilization of postcards to conduct public surveys; and use of visual methods to show progress on the project.

**8. LAND MANAGEMENT**

Committee report

The Land Management Committee met on November 20<sup>th</sup>. Mrs. Scherling said work continues with land acquisitions and appraisals.

Property Acquisition Status Report

The Property Acquisition Status Report is updated monthly and shows the status of all parcels required for the project. The information is helpful to understand all the land purchases taking place and to monitor their progress.

Acquisition Program for Voluntary Sale of Property

Last month the board decided to not bid on properties for sale through an auction and to develop a policy for private sales. Eric Dodds from AE2S said changes were made to the section of the Mitigation Plan regarding the “Acquisition Program” because of the discussion last month. The section was renamed the “Acquisition Program for Voluntary Sale of Property”. The Land Management Committee approved the changes.

**MOTION, passed**

**Mr. Jacobson moved and Mr. Campbell seconded to approve the amended policy for the Acquisition Program for Voluntary Sale of Property as presented. On roll call vote, the motion carried unanimously.**

**9. FINANCE UPDATE**

Committee report

The Finance Committee met on November 20<sup>th</sup>. Mr. Grindberg referred to the financial report and said the net cash position is \$91.4 million.

***MOTION, passed***

**Mr. Steen moved and Mr. Judd seconded to approve the financial report as presented. On roll call vote, the motion carried unanimously.**

*Voucher approval*

The bills for the month are with Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion right-of-entry and land acquisitions, OHB levee, and in-town levees; Dorsey & Whitney for legal services; Ohnstad Twichell, P.C. for legal services; and Cass County for reimbursement of Executive Director expenses.

***MOTION, passed***

**Mr. Steen moved and Ms. Carlson seconded to approve the vouchers received through November 15, 2019, in the amount of \$2,557,869.69. On roll call vote, the motion carried unanimously.**

**10. FY2020 CASH BUDGET**

Mr. Paulsen said the FY2020 Cash Budget will be brought to the board next month for approval.

**11. EXECUTIVE DIRECTOR ORGANIZATIONAL CHART, Authorized to advertise for Executive Assistant and Assistant Executive Director**

Mr. Paulsen presented an organizational chart for the Diversion Authority through the duration of construction. Today, he is requesting to advertise for an Executive Administrative Assistant and Assistant Executive Director.

***MOTION, passed***

**Mr. Grindberg moved and Mr. Judd seconded to authorize the Executive Director to advertise for an Executive Administrative Assistant and Assistant Executive Director. On roll call vote, the motion carried unanimously.**

**12. RECOMMENDED CONTRACTING ACTIONS**

- Houston-Moore Group Task Order 31 Amendment 0 (Permit Compliance Monitoring)—initial scope and budget for permit compliance monitoring to track work regulated by federal and state permits in the amount of \$184,639. The Finance Committee unanimously approved the task order.

***MOTION, passed***

**Mr. Grindberg moved and Mr. Peterson seconded to approve the task order with Houston-Moore Group as presented. On roll call vote, the motion carried unanimously.**

**13. GIFT POLICY**

Mr. Paulsen reviewed a Gift Policy drafted that applies to board members, administrative staff and consultants to provide guidelines regarding gifts that may be received.

Mr. Peterson asked if a policy manual will be created for the Diversion Authority. Mr. Paulsen said his intent is to use the Cass County Employee Handbook as a guide to develop a manual. Mr. Paulsen will use information from Fargo and Cass County in the development of a compensation plan for Diversion staff.

***MOTION, passed***

**Ms. Carlson moved and Mr. Campbell seconded to approve the Gift Policy as presented. On roll call vote, the motion carried unanimously.**

**14. NEXT MEETING DATE**

The next meeting is scheduled for Thursday, December 19, 2019.

15. **ADJOURNMENT**

*MOTION, passed*

**On motion by Mr. Peterson, seconded by Mr. Judd, and all voting in favor, the meeting was adjourned at 4:31 PM.**

Minutes prepared by Heather Worden, Cass County Administrative Assistant