

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 P.M. – December 15, 2022

Virtual via Teams

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held virtually on December 15, 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; John Strand, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner; Mary Scherling, Cass County Commissioner; Tony Grindberg, Cass County Commissioner; Rodger Olson, Cass County Joint Water Resource District and Larry Seljevold, Moorhead City Council.

Members absent: no members were absent.

1. CALL TO ORDER

Mr. Peterson called the meeting to order at 3:30 PM. Roll call was taken, and a quorum was present.

2. APPROVE MINUTES FROM THE NOVEMBER 2022 MEETING

MOTION PASSED

Mr. Jacobson moved to approve the minutes from the November 2022 meeting and Mr. Piepkorn seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF AGENDA

CONSENT AGENDA

MOTION PASSED

Mr. Strand moved to approve the consent agenda and Mr. Olson 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

- P3 Government Conference and meetings
- Bond Buyer: The Deals of the Year Awards Gala
 - Public-Private Partnership Deal of the Year Award
 - Public-Private Partnership Financing Award
- North Dakota Annual Water Convention presentation

2022 Project Awards

- Americas P3 Deal of the Year from Project Finance International
- North America Water Deal of the Year Award from Proximo

- Dan W. Renfro Partnering Award (USACE)
- IJ Global's Water Deal of the Year and Public Sector Project of the Year in North America
- Environmental Finance Green Social and Sustainability Loan of the Year
- Americas Award for Public Finance from International Finance Law Review
- Project Delivery Team of the Year – USACE
- P3 Awards Public Sector Promoter/Procurer of the Year (MFDA), Best Financial Structure (Agentis Capital) and Legal Advisor of the Year (Ashurst)
- Bond Buyer's P3 Deal of the Year and P3 Public Financing Award

5. GENERAL COUNSEL UPDATE

Mr. Shockley did not have any updates to report.

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 92% complete and remains on schedule. Required completion date is 7 June 2023. Installation of the 3 gates has commenced. Bridge beams/deck and downstream riprap being installed. Schedule for remaining primary features:
2022-2023: Install bridge and mechanical platform deck, gates, operating machinery, seeding.
2024: Turf established.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 75% complete and remains on schedule. The required completion date is 20 October 2023. Gate 2 has been installed. Install of mechanical platform/vehicle service bridge and channel excavation ongoing. Remaining schedule:
2022-2023: Control building, install gate operating machinery, complete excavation of engineered channel, dam embankment, seeding.
2024: Turf established.

3 I-29 Raise – Construction

Includes approximately 4 miles of interstate raise between County Roads 16 and 18. Construction is 69% complete and remains on schedule. Most work has paused for winter. Paving of 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 held 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. Construction is 7% complete. Structural excavation, embankment construction and foundation pile driving ongoing. Structural concrete pours are anticipated to begin late Winter. Required completion date is 19 March 2026.

6 Drain 27 Wetland Mitigation Project - Construction

Construction is complete and final inspections are ongoing. Native plantings contract is delayed due to remaining land acquisition of 2 parcels. Must be issued NLT January 2023 to allow for spring planting.

7 Drayton Dam Mitigation Project Design - Construction

Construction is 45% complete. Sheet pile weir complete. Riprap being placed. Removal of the existing dam planned for Summer 2023. Anticipated completion is Fall 2023.

8 Southern Embankment – Reach SE-2A - Construction

Construction is 7% complete. The first 3200 LF of embankment is to final elevation. Scheduled completion date is 30 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-4: 35% review starts mid-March 2023. Contract award: April 2024

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

Real estate needs have been identified for all reaches with the exception of SE-4 which is due 31Jan 2023.

7. COMMUNICATIONS UPDATE

A drone video highlighting the progress at the project sites as of December 2022 was viewed; Ms. Willson provided the following updates:

The Diversion Current: Distributed Issue 7 on December 7

Faces of the Diversion Videos:

- Released video with ASN’s HR director
- Filmed 2 interviews that are in production

PR: Distributed releases on flowage easements and The Bond Buyer awards

Networking & Education

- 19 presentations to conferences or groups
- 6 formal site tours provided
- 13 project awards accepted

Public Relations

- 12 press releases distributed
- Events: 1 press conference hosted; groundbreaking supported
- Nearly 200 published news stories or project mentions logged

Year-Over-Year Comparison*: Social Media

•Facebook

- Reach went up 596%
- Page visits went up 401%
- Page likes went up 192%

•YouTube

- Views went up 138% to more than 18,500
- Watch time increased 101% to 757.7 hours
- Subscribers increased by 84 to 224

•Twitter

- Impressions tripled to more than 24,000

•LinkedIn

- Page views increased 2,809%
- Unique visitors increased 1,985%

**Year-over-year view reflects 2022 numbers through Dec. 12*

8. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 91.1% completion in the Construction Footprint
- 29.96% completion in the UMA Footprint
- 74.3% of the parcels in the Southern Embankment have been acquired

- 30% of the parcels in the Upstream Mitigation Area have been acquired
- 71.8% of the Environmental Easements have been signed
- 98.5% 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, including reaching agreement with three additional property owners.
- Received final ROW drawings and notice-to-proceed letters from USACE for SE-3 & SE-5.
- Deadline of November 28, 2022, passed for Batch #1 of the last offers for Flowage Easements, and eminent domain actions were filed on eight property owners.
- Batch #2 of the last offer letters for Flowage Easements went out to 16 property owners.
- Finalized the list of 32 property owners for Batch #3 of last offer letters for Flowage Easements.

9. FINANCE UPDATE

Mayor Dardis shared Ms. Gayhart's financial report indicating that the bills for December totaled \$5,740,505, the current net position is \$138,521,623 and all the contracting actions were approved. Mayor Dardis also reported that the 2023 cash budget was approved as presented.

MOTION PASSED

Mayor Dardis moved to approve the 2023 budget as presented and Dr. Mahoney 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 January 26, 2023.

12. ADJOURNMENT

The meeting adjourned at 4:13 PM.