

# Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 P.M. – January 26, 2023

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on January 26, 2023. The following members were present: Chad Peterson, Cass County Commissioner; Dr. Tim Mahoney, Mayor, City of 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; Rodger Olson, Cass County Joint Water Resource District and Larry Seljevold, Moorhead City Council.

Members absent: Bernie Dardis, Mayor, City of West Fargo and Tony Grindberg, Cass County Commissioner.

## 1. CALL TO ORDER

Dr. Mahoney called the meeting to order at 3:31 PM. Roll call was taken, and a quorum was present.

## 2. APPROVE MINUTES FROM THE DECEMBER 2022 MEETING

### MOTION PASSED

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

## 3. APPROVE ORDER OF AGENDA

### MOTION PASSED

Mr. Ebinger moved to approve the order of the agenda as amended to include 5c., items i. and ii., and Mr. Peterson seconded the motion. On a voice vote, the motion carried.

## CONSENT AGENDA

### MOTION PASSED

Mr. Strand moved to approve the Consent Agenda and Mr. Peterson seconded the motion. On a roll call vote, the motion carried.

## 4. EXECUTIVE DIRECTOR REPORT

Mr. Nicholson provided the following updates:

### Happenings

### Event Highlights

- Red River Basin Commission Conference: Joel presented a project update
- State of the Cities: Mayor Dardis provided a project update
- City of Moorhead meeting: Joel presented on supplemental crop insurance programs
- American Water Summit: Joel presented and joined a roundtable on our financial plan structure

## **Program Highlights**

- Move to Amber Valley office completed
- New settlement report on mitigation projects now available and can be provided upon request

## **5. GENERAL COUNSEL UPDATE**

### **a. Resolution Confirming the Appointment of Members to the Diversion Authority Board, Land Management, Finance and Planning Committees**

Mr. Shockley provided an overview and summary of the above-referenced resolution.

#### **MOTION PASSED**

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

### **b. Election of Vice Chair for the Diversion Authority Board**

#### **MOTION PASSED**

**Mayor Carlson nominated Mr. Campbell to serve as the vice chairman of the Board of Authority and Mr. Ebinger seconded the nomination. On a roll call vote, the motion carried.**

### **c. Update on Insurance Quotes**

Mr. Shockley provided an overview of the quotes that were received from AON Insurance for coverage on the following:

- Owners Interest General Liability for the SEAI
- Owners Interest General Liability for the SWDCAI

#### **MOTION PASSED**

**Mr. Peterson moved to approve both insurance quotes as presented by Mr. Shockley and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.**

## **6. CONSTRUCTION PROJECT UPDATES**

### **a. 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 93% 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:  
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. All three gates have been installed. Install of mechanical platform/vehicle service bridge and channel excavation ongoing. Remaining schedule:  
2023: Control building, install gate operating machinery, complete excavation of engineered channel, close off natural channel / redirect to 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 72% 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 was completed 10 November 2022. O&M Manual being completed. Partial turnover to the Diversion Authority for Operations and Maintenance occurred on 29 December 2022.

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

Structure includes 3-50 ft. wide Tainter gates. Construction is 8% complete. Foundation pile driving is 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 was completed 2 December 2022. Native plantings 5-year service contract is scheduled to be advertised for bid on 1 February 2023.

### 7 Drayton Dam Mitigation Project Design - Construction

Construction is 45% complete. All work has paused for the winter. Removal of the existing dam planned for Summer 2023. Anticipated completion is Fall 2023.

### 8 Southern Embankment – Reach SE-2A - Construction

Construction is 12% complete. All work has paused for the winter. 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-Feb 2023. Contract award: April 2024

SE-3: 35% review started 17 January 2023. Contract award: January 2025

SE-4: 35% review starts mid-March 2023. Contract award: April 2024

SE-5: 35% review starts early March 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.*

#### **b. SWDCAI Project Update**

Mr. Bakkegard presented a draft format for providing project status updates for the SWDCAI design and construction. An overview of a time and space diagram extracted from the overall detailed project schedule was presented to show the work planned for construction in 2023. A time lapse graphic was also presented that showed the progression of work throughout the entire construction schedule.

#### **c. Drone Footage**

A drone video highlighting the progress that has been achieved since December was viewed.

## **7. COMMUNICATIONS UPDATE**

Ms. Harter provided the following communications update:

**The Diversion Current:** Issue 8 sent on January 5

**Website:** Launched!

**Videos:**

- Year-in-Review update
- Faces of the Diversion with IBI's Matt Pollert

**PR:** Distributed release on chairmanship change

## **8. LAND MANAGEMENT UPDATE**

### **a. Property Acquisition Status Report**

Ms. Smith provided the following property acquisition status report:

- 93.4% completion in the Construction Footprint
- 33.8% completion in the UMA Footprint
- 80.3% of the parcels in the Southern Embankment have been acquired
- 33.8% of the parcels in the Upstream Mitigation Area have been acquired
- 71.8% 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, including reaching agreement with two additional property owners.
- Batch #1 eminent domain actions were filed on seven property owners.
- Batch #2 eminent domain actions were filed on 11 property owners.
- Batch #3 of the last offer letters went out to 32 property owners.
- Finalized the list of 11 property owners for Batch #4 of last offer letters for Flowage Easements.

**9. FINANCE UPDATE**

Mr. Steen shared the financial report indicating that the bills for January totaled \$112,216,228 and the current net position is \$150,599,961. The Braun Intertec contracting action was approved, two MOUs, two insurance proposals and the City of Fargo project bid requesting additional funds; final approval is required from the Board.

**a. City of Fargo Work Plan for Projects Bid in 2023**

Mr. Bakkegard provided an overview of the City of Fargo’s plans to bid the following projects in 2023:

**NR-23-A0: STS LS #47 & #48 Reconstruction**

- In December 2022, the MFDA Board of Authority approved the 2023 cash budget which included \$4,900,000 for construction on this project in 2023.
- This project scope includes reconstruction of sanitary sewer lift stations #47 and 48, I-29 ditch modifications adjacent to Drain 27, and two Drain 27 culvert replacements.
- The scope of this overall project has not changed since it was approved in 2018. The 2018 estimated total project cost was \$6,200,000.
- The updated engineer’s estimate of total project cost is \$11,008,250.
  - o The increase in the engineer’s estimate from the 2018 cost estimate is due to the current bidding market and inflation impacts.
  - o This project is projected to be bid in Q1 2023 and will be constructed in both 2023 and 2024.
  - o Design of the project is 95% complete and property acquisition is 50% complete.
  - o The estimated spend for this project in 2023 is not anticipated to exceed the \$4,900,000 which was included in the approved 2023 cash budget.

The 2023 engineer’s estimate including engineering and contingency is \$11,008,250 of which \$4,900,000 is projected in 2023. The total project budget request increase is \$4,808,250.

**MOTION PASSED**

**Mr. Peterson moved to approve the \$4.8 million budget increase and Mr. Ebinger 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 February 23, 2023.

**12. ADJOURNMENT**

Mrs. Scherling moved to adjourn, and Mr. Peterson seconded the motion. The meeting adjourned at 4:08 PM.