

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 P.M. – February 23, 2023
City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on February 23, 2023. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Chad Peterson, Cass County Commissioner; 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.

Member absent: Dr. Tim Mahoney, Mayor, City of Fargo.

1. CALL TO ORDER

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

2. APPROVE MINUTES FROM THE JANUARY 26, 2023, MEETING

MOTION PASSED

Mayor Dardis moved to approve the minutes from the January 26, 2023, meeting and Mr. Hendrickson seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF AGENDA

MOTION PASSED

Mrs. Scherling moved to approve the order of the agenda as amended, moving item c. i. to the finance update section and Mr. Grindberg seconded the motion. On a voice vote, the motion carried.

CONSENT AGENDA

MOTION PASSED

Mrs. Scherling moved to approve the Consent Agenda as amended per above, and Mr. Seljevold seconded the motion. On a roll call vote, the motion carried.

4. EXECUTIVE DIRECTOR REPORT

Mr. Paulsen provided the following updates:

Happenings

Speaking & Outreach Highlights

- **Lake Agassiz Exchange Club:** Joel provided a project update
- **City of Wolverton Meeting:** Joel, Kris and Jodi presented on construction progress and programs impacting the Wolverton area
- **FMWF Chamber Leadership Program:** Joel presented on the importance and impact this project will have

on the area

- **Holy Cross Township Meeting**

Program Highlights

- BNSF acquisitions for channel ROW

5. GENERAL COUNSEL UPDATE

Mr. Shockley did not have an update to report.

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 continues. Bridge beams/deck 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 riprap 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 in the spring. 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 was advertised for bids on 1 February 2023. Contract award anticipated in mid-April 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 September 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 review Aug 2023. Contract award: February 2024

SE-2B: 95% review starts late-Feb 2023. Contract award: April 2024

SE-3: 65% review starts mid-Aug 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

b. SWDCAI Project Update

Mr. Bakkegard shared a draft of the construction map that shows current work in progress, 30 and 60 day projected progress. It was noted that the USACE section would be updated on future maps and will be reflected as an alternate color.

c. Drone Footage

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

7. COMMUNICATIONS UPDATE

Ms. Harter provided the following Communications update:

Media Relations: Articles in The Forum and FM Extra

Videos:

- Faces of the Diversion: Steve & Vera Roush (Ames Construction)
- FM Area Diversion Funding & Financing 101

Strategy:

- 2023 MFDA Communications Plan complete
- PIMs coordination with RRVA

Newsletter: Issue 9 sent on February 7

Board Bulletin: Redesigned and expanded

8. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 84.4% completion in the Construction Footprint
- 33% completion in the UMA Footprint
- 66.1% of the parcels in the Southern Embankment have been acquired
- 33% of the parcels in the Upstream Mitigation Area have been acquired
- 71.8% of the Environmental Easements have been signed
- 89.16% of the parcels in the Stormwater Diversion Channel have been acquired
- 97.4% of the Oxbow-Hickson-Bakke levee
- 100% MFDA constructed in-town levees and the Drayton Dam mitigation is completed

Key Activities

- Continue negotiating settlement agreements for existing eminent domain actions.
- Batch #3 filing for eminent domain action was requested on 28 property owners.
- Batch #4 of the last offer letters went out to 9 property owners.
- Batch #5 of last written offers finalized for 13 property owners.
- SE-2B of the last written offers went out to 7 property owners.

9. FINANCE UPDATE

a. Finance Report

Mayor Dardis reported that the current net position is \$179,428,919, current revenue is \$226,550,000 and costs to date total \$11,121,715. Mayor Dardis also reported that there was lengthy discussion regarding the recreational grant research funding.

MOTION PASSED

Mayor Dardis moved to reopen the recreational grant research discussion and Mr. Grindberg seconded the motion.

After additional discussion, it was recommended to move the recreational grant research discussion to the planning committee agenda for additional direction and forming a taskforce. It was also suggested that board member(s) recommend any individual(s) that they feel may be an asset to the taskforce.

MOTION PASSED

Mr. Peterson moved to place the discussion with the Planning Commission for future direction and Mrs. Scherling seconded the motion. On a roll call vote, the motion carried.

b. BNSF Railway Land Acquisition

Mr. Bakkegard provided an overview and summary of LAD-ND-00077:

The acquisition of property rights on the following properties are recommended and directed. These properties are impacted by the Project and are needed for construction and operation. This LAD authorizes the CCJWRD to acquire the property rights for the following Storm Water Diversion Channel and Associated Infrastructure properties. The acquisition of these properties is expected to be completed in 2023.

1236A LAND BNSF Railway

1236B LAND BNSF Railway

NA LAND BNSF Railway – Tracts F and G from attached certificates of survey

Property Acquisition Budget for above listed OINs: \$1,234,500.00*

*Includes purchase price of \$1,232,000.000 and administrative fee of \$2,500.00.

10. OTHER BUSINESS

There was no other business to report.

11. NEXT MEETING

The next meeting will be March 23, 2023.

12. ADJOURNMENT

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