

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – September 28, 2023
City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on September 28, 2023. The following members were present: 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; David Ebinger, Clay County Commissioner; John Strand, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner; Tony Grindberg, Cass County Commissioner; Rodger Olson, Cass County Joint Water Resource District and Larry Seljevold, Moorhead City Council.

Member(s) absent: Chad Peterson, Cass County Commissioner; Dave Piepkorn, Fargo City Commissioner and Mary Scherling, Cass County Commissioner.

1. CALL TO ORDER

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

2. APPROVE MINUTES FROM THE AUGUST 2023 MEETING

MOTION PASSED

Mr. Campbell moved to approve the minutes from the August 2023 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 and Mr. Hendrickson seconded the motion. On a voice vote, the motion carried.

CONSENT AGENDA

MOTION PASSED

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

4. EXECUTIVE DIRECTOR REPORT

Mr. Paulsen provided the following updates:

Happenings

Diversion Inlet Structure turnover celebration will be the morning of Friday, Oct. 27, 2023 (time TBA)

Recreational Task Force white paper completed

NAC Award to be presented to USACE

Red River Basin Commission toured full project

5. GENERAL COUNSEL UPDATE

Mr. Shockley provided an overview of the Resolution Amending the Appointment of Members to the Finance Committee and indicated that Ms. Susan Thompson will serve as the finance committee representative for the City of Fargo.

MOTION PASSED

Mayor Dardis moved to approve the Resolution appointing Ms. Thompson to the Finance Committee and Mr. Ebinger 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 97% complete. Construction completion date is currently estimated to be in November 2023 due issues related to the gate machinery.

Schedule for remaining primary features:

2023: Complete operating machinery install, seeding.

2024: Turf established.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 91% complete and remains on schedule. The construction completion date is 3 December 2023. Constructing eastern earthen dam and bridge deck. Remaining schedule:

2023: Bridge deck, 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 84% complete. Borrow ditch bridges are complete. Traffic to be switched to all new lanes by 1 November. Current construction completion date is 1 January 2024.

4 Southern Embankment – Reach SE-1 (Western Tieback) - Construction

Construction was completed 10 November 2022. Partial turnover to the Diversion Authority for Operations and Maintenance occurred on 29 December 2022. O&M Manual was provided for review 9 August 2023.

5 Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 30% complete. Construction completion date is 19 March 2026. Concrete placements for approach wall foundations and abutments ongoing. Completion date is 19 March 2026.

6 Drain 27 Wetland Mitigation Project Plantings - Construction

Native plantings 5-year contract awarded 17 May 2023. Completion date is 1 December 2027.

7 Drayton Dam Mitigation Project Design - Construction

Construction is 85% complete. Placement of the rock-arch rapids is complete. Riprap placement ongoing. Construction completion is 30 September 2023.

8 Southern Embankment – Reach SE-2A - Construction

Construction is 67% complete. Inspection trench and embankment foundations complete. Embankment construction ongoing. Scheduled completion date is 30 September 2024.

9 Southern Embankment Design – All remaining reaches are being designed.

SE-1B: BCOES review Sep 2023 Contract award: February 2024

SE-2B: BCOES review complete 9 June 2023 Contract award: April 2024

SE-3: 95% review starts Jan 2024 Contract award: January 2025

SE-4: 65% review Sep 2023 Contract award: May 2024

SE-5: 95% review starts Dec 2023 Contract award: January 2025

OHB Reach 43B: BCOES review starts Oct 2023 Contract award: February 2024

b. SWDCAI Project Update

Mr. Bakkegard provided an update of the construction map that shows current work in progress, 30 and 60 day projected progress:

New Features Under Construction

- Channel Reaches 6 & 7
- 38th Street & 52nd Avenue crossings (wick drains, settlement & approach/surcharge embankments)
- CR-10 (bypass)

30- to 60-Day Outlook

- Channel Reaches 8 & 9
- Raymond Township drain Inlets
- CR-20, 32nd Ave & CR-14 Crossing (Bypass/Settlement)
- I-94 & 37th St Frontage Road (Bypasses - off alignment)

Misc. Updates

- 2,000,000 CY of material excavated in August
- I-29 & CR-81 - asphalt pavement placed in August
- Maple River Aqueduct - piling and foundation work ongoing
- Diversion Outlet - bedding and rip-rap placement ongoing

c. Project Safety Update

Mr. Bakkegard provided an update on the safety statistics for the period August 1-31, 2023. Mr. Bakkegard noted that there was one incident requiring first aid and another as a recordable event.

d. Drone Footage Video

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

7. COMMUNICATIONS UPDATE

Ms. Willson provided the following Communications update:

Materials developed for high school groups

Released Videos:

- Faces of the Diversion: Tyler Cole, Ames pile driver
- Aqueduct project update
- RRS project update
- Fast Fact: RRS rebar amounts

Media Relations:

- Construction Equipment Guide: project update
- The Forum: cemetery mitigation
- Western Builder News: funding model
- Grand Forks Herald: Drayton Dam

Coming Soon:

- October newsletter: aqueduct focus
- Faces of the Diversion: Yehuda Ken-Dror

8. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 92.0% completion in the Construction Footprint
- 43.9% completion in the UMA Footprint
- 77.7% of the parcels in the Southern Embankment have been acquired
- 43.9% of the parcels in the Upstream Mitigation Area have been acquired
- 72.6% of the Environmental Easements have been signed

- 99.5% 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
- In the last month, successfully closed 10 parcels / 6 landowners
- In the last month, agreement signed on 24 parcels / 6 landowners
- Preparing Last Written Offer letters for MN parcels to maintain construction schedule
- Submitted the first plat of project lands for the Diversion Channel to Cass County Planning Commission

b. SE-1 Excess Land Sale

Ms. Smith provided an overview and update on excess land parcels in SE-1. Per the Excess Land Policy and at the discretion of the executive director, these parcels are deemed excess land and Ms. Smith asked the committee to approve disposal of these remnant parcels.

MOTION PASSED

Mr. Grindberg moved to approve disposal of the parcels per the Excess Land Policy and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.

c. Cass County ROW Excess Land Sale

Ms. Smith provided an overview and update on the Cass County ROW parcels. Per the Excess Land Policy and at the discretion of the executive director, these parcels are deemed excess land and Ms. Smith asked the committee to approve disposal of these remnant parcels.

MOTION PASSED

Mr. Strand moved to approve disposal of the parcels per the Excess Land Policy and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

d. OIN 507Y Excess Land Recommendation

Ms. Smith provided an overview and update on parcels in OIN 507Y. Per the Excess Land Policy and at the discretion of the executive director, these parcels are deemed excess land and Ms. Smith asked the committee to approve disposal of these remnant parcels.

MOTION PASSED

Mr. Ebinger moved to approve disposal of the parcels per the Excess Land Policy and Mr. Grindberg seconded the motion. On a roll call vote, the motion carried.

9. FINANCE UPDATE

Finance Report

Mayor Dardis reported that the bills payable totaled \$3,933,527, the current net position is \$215,068,862, and \$955,909,680 are the FY 2023 costs to date.

Mayor Dardis also reported that Mr. Paulsen presented the 2024 draft budget and indicated that the draft balance is \$218,373,943. More iterations will be presented as the final budget evolves.

a. WP38B Recommendation to Award Bid

Mr. Bakkegard provided a summary of WP38B and recommended that that bid be awarded to Schmidt & Sons Construction in the amount of \$407,557.75.

MOTION PASSED

Mr. Grindberg moved to award the bid as presented and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

b. Fiscal Agent Investment Report

Ms. Thompson provided the following fiscal agent investment report:

The City of Fargo administers MFDA cash as per the Fiscal Services Contract which indicates that MFDA cash is to be managed in accordance with the City of Fargo's standard processes. Bank of North Dakota (BND) cash accounts are held in reserve at BND with terms as per BND's agreement with the MFDA. All other cash is invested by the City of Fargo as either short-term through a governmental money market sweep account with a current return of 5.20%, or longer-term through a managed fund for governmental clients with a current return of 5.19%.

10. OTHER BUSINESS

There was no other business to report.

11. CLOSED EXECUTIVE SESSION

MOTION PASSED

Mr. Grindberg moved to go into executive session and Mr. Hendrickson seconded the motion. On a roll call vote, the motion carried, and members retreated to the Red River Room at 4:17 PM.

12. NEXT MEETING

The next meeting will be October 26, 2023.

13. ADJOURNMENT

Members returned to the Chambers at 5:11 PM and the meeting adjourned at 5:13 PM.