

Metro Flood Diversion Authority Finance Committee Meeting Minutes

4:00 PM – December 13, 2023

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Finance Committee was held on December 13, 2023. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; Susan Thompson, Finance Director, City of Fargo; Lori Johnson, Clay County Auditor/Treasurer; Mike Redlinger, Administrator, City of Fargo; Tony Grindberg, Cass County Commissioner; Dave Piepkorn, Fargo City Commissioner; Shelly Carlson, Mayor, City of Moorhead and Brandy Madrigga, Cass County Finance Director.

Member(s) absent: Chad Peterson, Cass County Commissioner; Rick Steen, Cass County Joint Water Resource District and Mike Rietz, City of Moorhead Assistant City Manager.

1. CALL TO ORDER

Mayor Dardis called the meeting to order at 4:00 PM. Roll call was taken, and a quorum was present.

2. APPROVE MINUTES FROM THE NOVEMBER 2023 MEETING

MOTION PASSED

Mayor Mahoney moved to approve the minutes from the November 2023 meeting and Mayor Carlson seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF THE AGENDA

MOTION PASSED

Mr. Piepkorn moved to approve the order of the agenda and Ms. Thompson seconded the motion. On a voice vote, the motion carried.

4. APPROVAL OF BILLS

Ms. Thompson reported that the bills payable through December 6, 2023, total \$9,171,394 and are payable to the usual vendors, with Cass County Joint Water Resource District being the largest at \$7,710,717.

MOTION PASSED

Mayor Mahoney moved to approve the bills as presented and Mr. Redlinger seconded the motion. On a roll call vote, the motion carried.

5. FINANCIAL REPORT

Ms. Thompson reported that the total assets to date are \$218,141,554; liabilities total \$95,392; the cash balance is \$198,584 and the current net position is \$218,046,162.

MOTION PASSED

Mayor Carlson moved to approve the financial report as presented and Mr. Redlinger seconded the motion. On a voice vote, the motion carried.

6. EXECUTIVE DIRECTOR FINANCIAL REPORT

Mr. Paulsen reported that \$4,760,000 was received in sales tax revenue from the City of Fargo in December and the year-to-date total is \$31,686,000. Cass County sales tax receipts totaled \$2,332,000 and \$15,838,000 has been received year-to-date.

A draw from the State of North Dakota Legacy Fund was received in December totaling \$18,574,000; \$2,052,000 was received from the State of North Dakota Revolving Fund and \$1,001,000 was received from the sale of land.

Everything continues to track as expected and it is anticipated that we will reach our goal this year. The administrative budget is slightly over, due to the unanticipated purchases of IT and phone equipment; travel and registration was slightly over as well.

7. DA BOARD APPROVAL CONTRACTING ACTIONS

Mr. Paulsen provided an overview of the following contracting actions:

- Task Order 02, Amendment 1 – Consulting Services – The amendment extends the period of performance to December 31, 2024, and adds budget for fiscal year 2024. Program Advisor Services \$504,700.
- New Master Agreement for Construction Services (MACS) – WP38C Property Mitigation On-Call Services
The agreement will mitigate property structure in the Upstream Mitigation Area as part of the overall delivery. The MACS contract will speed up the property handover process to the Contractor, reduce project completion time, and eliminate the need for external bidding for future work packages. The MACS will remain in effect for approximately 3 years and 6 months from the effective date through June 30, 2027. Gordon Construction \$0.00.
- New Master Agreement for Construction Services (MACS) – WP38C Property Mitigation On-Call Services
The agreement will mitigate property structure in the Upstream Mitigation Area as part of the overall delivery. The MACS contract will speed up the property handover process to the Contractor, reduce project completion time, and eliminate the need for external bidding for future work packages. The MACS will remain in effect for approximately 3 years and 6 months from the effective date through June 30, 2027. Hough, Inc. \$0.00.
- New Master Agreement for Construction Services (MACS) – WP38C Property Mitigation On-Call Services
The agreement will mitigate property structure in the Upstream Mitigation Area as part of the overall delivery. The MACS contract will speed up the property handover process to the Contractor, reduces project completion time, and eliminates the need external bidding for future work packages. The MACS will remain in effect for approximately 3 years and 6 months from the effective date through June 30, 2027. Industrial Builders, Inc. \$0.00.
- New Master Agreement for Construction Services (MACS) – WP38C Property Mitigation On-Call Services
The agreement will mitigate property structure in the Upstream Mitigation Area as part of the overall delivery. The MACS contract will speed up the property handover process to the Contractor, reduce project completion time, and eliminate the need for external bidding for future work packages. The MACS will remain in effect for approximately 3 years and 6 months from the effective date through June 30, 2027. Schmidt and Sons, Inc. \$0.00.
- Change Order 01 – WP52B AAB Fill – OIN 12 & 13 was used for waste material from the UASCE Drain 27 project. The intent was to use this material for the AAB building pad however the material was found unsuitable. OINs 12 and 13 needed to be cleaned up so 25,000CY of topsoil was hauled, spread, and graded to prevent weed issues and help with long term maintenance. Schmidt and Sons, Inc. \$75,000.

MOTION PASSED

Mayor Mahoney moved to approve all the contracting actions as presented and Mr. Redlinger seconded the motion. On a roll call vote, the motion carried.

8. MOUs AND AGREEMENTS

Mr. Bakkegard provided an overview of the following MOU and agreements:

- **Clay County & MFDA SEAI, UMA, and Clara Cemetery**
This MOU describes the roles and responsibilities of Clay County and the Authority for the SEAI and for the Clara Cemetery levee. The Authority is securing the necessary interests from Clay County for the design and construction of the SEAI by the USACE and for the design and construction of the Clara Cemetery levee by the Authority. The Authority will reimburse Clay County for expenses incurred under the MOU. The MOU additionally sets forth the roles and responsibilities of the parties for pre- and post-operation of the Comprehensive Project. The Authority will reimburse Clay County for repairs and clean-up work resulting from Comprehensive Project operation.
- **Cass County & MFDA Forest Mitigation Agreement**
This agreement describes the roles and responsibilities of Cass County and the Authority for forest mitigation in conjunction with the Comprehensive Project. The Authority is securing the necessary interests from Cass County for monitoring and managing new tree plantings on property owned by Cass County in accordance with the AMMP and the Forest Mitigation Plan of the Section 404 permit.
- **Mickeal and Bonnie Fosse & MFDA Railroad Bridge Removal over the Sheyenne River**
This agreement describes the roles and responsibilities of Mickeal and Bonnie Fosse and the Authority for the removal of a railroad bridge on the Fosses' property. As part of the abandonment of the Red River Valley & Western line for the Comprehensive Project, the Authority assumed the responsibility of removing the railroad bridge over the Sheyenne River that existed on the line. The Fosses subsequently purchased the railroad right-of-way and corresponding bridge from BNSF. The Authority will be responsible for accessing the Fosses' property to remove the railroad bridge and to remediate any regulated substances as required by the North Dakota Department of Environmental Quality.

MOTION PASSED

Mayor Mahoney moved to approve the MOU and agreements as presented and Ms. Thompson seconded the motion. On a roll call vote, the motion carried.

9. OTHER BUSINESS

a. 2024 Version 3 Cash Budget

Mr. Paulsen reported that there have been no changes since the last meeting and it is anticipated that the final budget will be presented for approval at the January meeting.

b. City of Fargo South University Floodwall Repair

Mr. Paulsen reported that the South University floodwall repair will be addressed at the January meeting. He also noted that there is no insurance in place that would cover repair.

Mr. Boerboom has contacted the State Water Commission to set up a meeting regarding potential funding of the repair but, to date, has not heard back.

10. NEXT MEETING

The next meeting will be January 24, 2024.

11. ADJOURNMENT

The meeting adjourned at 4:21 PM.