

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – January 25, 2024

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on January 25, 2024. 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; Chad Peterson, Cass County Commissioner; Chuck Hendrickson, Moorhead City Council; Dave Piepkorn, Fargo City Commissioner; David Ebinger, Clay County Commissioner; Kevin Campbell, Clay County Commissioner; Mary Scherling, Cass County Commissioner; Tony Grindberg, Cass County Commissioner; John Strand, Fargo City Commissioner; Rodger Olson, Cass County Joint Water Resource District and Larry Seljevoll, Moorhead City Council.

Member(s) absent: no members were absent.

1. CALL TO ORDER

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

2. APPROVE MINUTES FROM THE DECEMBER 2023 MEETING

MOTION PASSED

Mr. Piepkorn moved to approve the minutes from the December 2023 meeting and Mrs. Scherling seconded the motion. On a voice vote, the motion carried.

3. APPROVE MINUTES FROM THE JANUARY 2024 SPECIAL MEETING

MOTION PASSED

Mr. Ebinger moved to approve the minutes from the January 2024 special meeting and Mr. Campbell seconded the motion. On a voice vote, the motion carried.

4. APPROVE ORDER OF THE AGENDA

MOTION PASSED

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

CONSENT AGENDA

MOTION PASSED

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

5. EXECUTIVE DIRECTOR REPORT

Mr. Paulsen provided the following updates:

Happenings

Presentations & Events:

- Red River Basin Commission Conference

New Year Items:

- Annual Construction and Monitoring Report
- Multiple work packages going out for bids
- Invited to serve on P3 Advisory Board
- Kickoff O&M meetings conducted with each member entity

6. GENERAL COUNSEL UPDATE

a. Resolution Consenting to the Issuance of CCJWRD SERIES 2024A Bonds

Mr. Shockley provided an overview and summary outlining the resolution consenting to the issuance of CCJWRD SERIES 2024A bonds.

MOTION PASSED

Mr. Strand moved to approve the resolution as presented and Mr. Grindberg seconded the motion. On a roll call vote, the motion carried.

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

Mr. Shockley provided an overview and summary outlining the resolution confirming the appointment of members to the Diversion Authority Board, and Land Management, Finance, and Planning Committees.

MOTION PASSED

Mrs. Scherling moved to approve the resolution as presented and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.

c. Election of Vice Chair for the Diversion Authority Board

Mr. Shockley provided an overview and summary outlining the annual election of the MFDA Board vice chair.

MOTION PASSED

Mr. Peterson nominated Mr. Grindberg as the vice chair of the Diversion Authority Board. No additional nominations were received, and Mayor Carlson closed nominations. Mayor Mahoney seconded the motion and on a voice call, the motion carried.

7. 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 99% complete. Construction completion date is currently estimated to be after December 2023 due issues related to the gate machinery.

Schedule for remaining work:

2024: Complete operating machinery corrections; turf established.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 95% complete. The construction completion date of 3 December 2023 was not met due to work remaining. Remaining schedule:

2024: Complete operating machinery corrections; resolve punchlist items; turf established.

3 I-29 Raise – Construction

Includes approximately 4 miles of interstate raise between County Roads 16 and 18. Construction is 98% complete. Final inspection held 3 January 2024; turf establishment is by 30 June 2024. Planning for O&M documents and turnover is ongoing.

4 Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 49% complete. Construction completion date is 19 March 2026. Placing concrete for piers, fabricating gates. Planning to shut down until March.

5 Drain 27 Wetland Mitigation Project Plantings - Construction

Native plantings 5-year contract awarded 17 May 2023. Remaining seeding to occur Spring 2024. Completion date is 1 December 2027.

6 Drayton Dam Mitigation Project Design - Construction

Construction is complete. Turnover to MFDA for O&M occurred on 28 Nov 2023. Willow plantings in 2024 during low water conditions.

7 Southern Embankment – Reach SE-2A - Construction

Construction is 69% complete. Embankment construction shut down for the winter, with 1/3 built to full height and remaining to elevation 918. Scheduled completion date is 30 September 2024.

8 Southern Embankment/OHB Ring Levee – 3 phases are out for bids; all remaining reaches nearing completion of design.

SE-1B: Solicited 12 Dec 2024..... Contract award: February 2024

SE-2B: Solicited 13 Dec 2024 Contract award: February 2024

OHB Reach 43B: Solicited 14 Dec 2024 Contract award: March 2024

SE-4: 95% review started 10 Jan 2024 Contract award: May 2024

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

SE-5: 95% review starts March 2024 Contract award: January 2025

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:

Updates

- Newly Functional Features
- Drain 29 Inlet
 - o Channel Reach 1, downstream from CR-4
- BNSF Hillsboro Crossing – Shoofly track installation underway
- CR-4/31 & CR-32 Crossings – Bridge abutments and piers are complete
- Main Channel Excavation – Continuing in Reaches 4, 5 & 6
- Maple River Aqueduct – Foundation work continues
- CR-10 Crossing – Pile driving underway
- Drain 14C Inlet
 - o Channel excavation continues
 - o Baffled chute drop structure, concrete work under-way

30 to 60 Day Outlook

- Main Channel Excavation on Reaches 4 thru 9

Work Continuing – Weather Permitting

- o Maple River Aqueduct - Flume/Conduit Structure
- o Drain 14C Inlet
- o Transportation Crossings
 - I-29
 - BNSF Prosper
 - CR-10
 - CR-22
 - CR-20
 - 38th St

c. Project Safety Update

Mr. Bakkegard provided the safety update for the periods November 1, 2023 to December 31, 2023. There were two recordable events in November with no major incidents. In December, there were no recordable events and only one minor incident that did not result in any lost time.

d. Drone Footage Video

A drone video highlighting the progress that has been achieved since December 2023 was viewed.

8. COMMUNICATIONS UPDATE

Ms. Willson provided the following Communications update:

Videos:

- Faces of the Diversion: Corey Lindeman & Alex Sprunk
- 2023 Year in Review
- Soil 101 & Soil 201 animations
- 9 short-form video updates since mid-December

Media Relations:

- Change in Board chairperson release

Comm Plans:

- Emergency & Crisis Communications Plan updated for 2024
- Editorial calendar updated for 2024

9. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 93.7% completion in the Construction Footprint
- 51.7% completion in the UMA Footprint
- 83.4% of the parcels in the Southern Embankment have been acquired
- 51.7% of the parcels in the Upstream Mitigation Area have been acquired
- 73.0% of the Environmental Easements have been signed
- 99.0% 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 and property owners without legal representation
- In the last month, successfully closed 13 parcels / 8 landowners
- ~18 parcels / 3 landowners are pending closing in January
- Former landowners have expressed interest in purchasing two of three Excess Lands along SE-1. The third preference letter for the third parcel will be mailed in January to the neighboring landowners, in accordance with the MFDA's Policy on the Disposition and Management of Comprehensive Lands
- Began farmland leases for 2024

10. FINANCE UPDATE

Finance Report

Mayor Dardis reported that the bills payable totaled \$6,725,370, and the current net position is \$211,183,891. Mayor Dardis also reported that the resolution consenting to the issuance of CCJWRD SERIES 2024A bonds was approved and Mr. Steen was re-elected to serve as the finance committee vice chair in 2024.

a. South University Floodwall Repair Project

Mr. Paulsen provided feedback regarding the following questions:

- 1) Is the slumping of the floodwall covered by insurance?
No, the slumping of the floodwall is not covered by the existing insurance that is in place.
- 2) Is submitting a request or grant to the ND State Water Commission an option that has been researched?

Additional funding from the ND State Water Commission is not an option as they have given the maximum amount of \$850 million that is allowable for flood protection. This is dictated by HB1020.

MOTION PASSED

Mr. Campbell made the following motion:

Per the “Resolution Approving the Procedure for Requesting that the City of Fargo Undertake Development of Comprehensive Project In-Kind Work Elements and Authorizing the Reimbursement of Such Development Costs and Expenses” I move to approve adding the South University Floodwall Repair Project (Project #FM-24-A) as a capital maintenance improvement project into the City of Fargo’s 2024 LFPAl Project work plan for a total project cost of \$4,895,000, make the appropriate adjustments to the 2024 Cash Budget to include the costs, and track the costs against the LFPAl Projects contingency funds line item.

Mr. Piepkorn seconded the motion and on a roll call vote, with Mr. Strand voting nay, the motion carried.

b. 2024 Final Cash Budget

Mr. Paulsen reported that the final draft of the 2024 cash budget has been updated to include the \$4,895,000 for the repair of the South University floodwall. The revised final cash budget is \$216,313,727.

MOTION PASSED

Mr. Grindberg moved to approve the 2024 cash budget and Mayor Mahoney seconded the motion. On a roll call vote, the motion carried.

11. OTHER BUSINESS

MFDA 2024 Calendar of Meetings

Mr. Paulsen shared the 2024 meeting schedule for board and committee meetings.

MOTION PASSED

Mr. Hendrickson moved to approve the calendar as presented and Mayor Mahoney seconded the motion. On a voice vote, the motion carried.

12. NEXT MEETING

The next meeting will be February 22, 2024.

13. ADJOURNMENT

Mr. Peterson moved to adjourn, and Mr. Ebinger seconded the motion. The meeting adjourned at 4:19 PM.