

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – February 22, 2024

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on February 22, 2024. The following members were present: Dr. Tim Mahoney, Mayor, City of Fargo; Bernie Dardis, Mayor, City of West Fargo; 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 Seljevold, Moorhead City Council.

Member(s) absent: Shelly Carlson, Mayor, City of Moorhead.

1. CALL TO ORDER

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

2. APPROVE MINUTES FROM THE JANUARY 2024 MEETING

MOTION PASSED

Mr. Piepkorn moved to approve the minutes from the January 2024 meeting and Mayor Mahoney seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF THE AGENDA

MOTION PASSED

Mr. Campbell moved to approve the order of the agenda as amended, removing item 9. g., and Mr. Strand seconded the motion. On a voice vote, the motion carried.

CONSENT AGENDA

MOTION PASSED

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

4. EXECUTIVE DIRECTOR REPORT

Mr. Paulsen did not have anything new to report.

5. GENERAL COUNSEL UPDATE

Mr. Shockley did not have anything new to report.

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 punch list 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

- Main Channel Excavation – continuing in Channel Reaches 4 & 5
- BNSF KO Crossing – Shoofly track installation under-way
- CR-32 Crossings – Bridge girder installation under-way
- Maple River Aqueduct – Foundation work continues
- CR-10 & 38th St W Crossings – Bridge abutments and piers are underway
- BNSF Prosper & I-29 NB Crossings – Bridge pile installation is underway

30 to 60 Day Outlook – Weather Permitting

- New Work Features
 - o Rush River Inlet
 - o Lower Rush River Inlet
- Continued Work
 - o Main Channel Excavation – Reaches 4 thru 9
 - o Maple River Aqueduct - Flume/Conduit Structure
 - o Drain 14C Inlet
 - o Transportation Crossings
 - CR-4/31
 - I-29
 - CR-32
 - CR-22
 - BNSF Prosper
 - CR-20
 - CR-10
 - 38th St W

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period January 1, 2024, to January 31, 2024, and reported that it was a good month with one small vehicle accident and a couple of incidents requiring first aid, neither resulting in any lost time.

d. Drone Footage Video

A drone video highlighting the progress that has been achieved since January 2024 was viewed.

8. COMMUNICATIONS UPDATE

Ms. Willson provided the following Communications update:

New Content

Faces: Adam Shani

Short-Form Videos: County Road 32 update, Drain 14C update, Fast Fact: P3 equipment, "We Asked, Katey Answered," stormwater diversion channel update

Thought Leadership: NCA report analysis

Media Relations

Prairie Pulse: Kris Bakkegard interview

2023 Media Metrics

Reach: 190.9 million

Viewership: 608.35 million

Ad-Value Equivalent: \$1.77 million

9. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 94.4% completion in the Construction Footprint
- 52.8% completion in the UMA Footprint
- 85.5% of the parcels in the Southern Embankment have been acquired
- 52.8% of the parcels in the Upstream Mitigation Area have been acquired
- 73.8% 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 7 parcels / 3 landowner groups
- ~20 parcels / 6 landowner groups are pending closing in February
- 2 parcels / 2 landowner groups signed purchase agreements
- Sent introductory letters to 37 landowner groups (56 parcels) in/around the City of Christine regarding a notice of intent to acquire flowage easements
- Continuing farmland leases for 2024

b. OIN 837 Excess Land Recommendation

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy.

OIN 837 is located along the east side of Cass County Hwy 17 between 49th Street SE and 50th Street SE. The parcel is in the UMA. This former residential property has had all structures removed from the property as part of the project.

MOTION PASSED

Mayor Mahoney moved to approve the sale of OIN 837 as excess land and Mrs. Scherling seconded the motion. On a roll call vote, the motion carried.

c. OIN 839 Excess Land Recommendation

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy.

OIN 839 is located in the NW corner of the intersection of Cass County Hwy 17 and 50th Street SE. The parcel is in the UMA. This former residential property has had all structures removed from the property as part of the project.

MOTION PASSED

Mr. Olson moved to approve the sale of OIN 839 as excess land and Mr. Piepkorn seconded the motion. On a roll call vote, the motion carried.

d. OIN 2185 Excess Land Recommendation

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy. *This former residential property has had all structures removed from the property as part of the project.*

OIN 2185 is located off of 50th St SE in the Upstream Mitigation Area associated with the project. This former residential property has had all structures removed from the property as part of the project.

MOTION PASSED

Mrs. Scherling moved to approve the sale of OIN 2185 as excess land and Mr. Piepkorn seconded the motion. On a roll call vote, the motion carried.

e. OIN 5055Y Excess Land Recommendation

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy.

OIN 5055Y is located immediately adjacent to and north of the Southern Embankment Reach 1 (SE-1) component of the Comprehensive Project. The parcel is just east of 169th Ave SE, but is not accessible directly from 169th Ave SE.

MOTION PASSED

Mr. Olson moved to approve the sale of OIN 5055Y as excess land and Mayor Mahoney seconded the motion. On a roll call vote, the motion carried.

f. OINs 726Y2 and 730Y2 Excess Land Recommendation

Ms. Smith introduced the above-referenced OINs and asked for approval to sell the parcels based on the Excess Lands Policy.

OINs 726Y2 and 730Y2 are located adjacent to the Diversion Channel, just north of 52nd Ave W in Cass County, North Dakota.

MOTION PASSED

Mr. Peterson moved to approve the sale of OINs 726Y2 and 730Y2 as excess land to CCJWRD and per Section 1.2 of the Excess Lands Policy, approve CCJWRD selling, trading, and/or exchanging these parcels with SECWRD. Mayor Dardis seconded the motion and on a roll call vote, the motion carried.

10. FINANCE UPDATE

Finance Report

Mayor Dardis reported that the bills payable totaled \$2,181,362, and the current net position is \$209,118,322. Mayor Dardis also reported that the Eagle Valley Evangelical Free Church and CapX agreements were approved as well as the City of Fargo project budget increase of \$1,200,000, and the Land Acquisition Directives (LADs) that were presented.

a. City of Fargo Project No. NR-24-A1 STS LS #27

Mr. Bakkegard provided the following project overview:

This project was identified as being necessary during the overall project's Plan B development and is anticipated to be constructed during the 2024 and 2025 construction seasons. The scope of this project includes the reconstruction of the existing storm sewer lift station, which has insufficient pumping capacity, and an extension of the adjacent levee through the new lift station location. This scope is unchanged from what was contemplated during the development of Plan B in 2018.

Bids have recently been received for this project. The City received one bid on the project that is 24% over the Engineer's Estimate. A thorough review of the bid has been completed and it has been determined that it is mainly three bid items that can be attributed to the increase in the project cost. These three bid items are for the (1) lift station structure and pumps, (2) 78" RCP storm sewer pipe, and (3) temporary pumping. We have reviewed the prices received versus the engineer's estimate, as well as discussed, the prices with the apparent low bidder, and have determined that these prices are fair due to multiple reasons. The primary reason being the site constraints. This project is located in a fully developed neighborhood that provides significant challenges to the contractor to be able to complete this work in an efficient and safe manner. The Engineer's Estimate accounted for these challenges, but they ended up being a greater factor than what was anticipated, which is resulting in more time, and therefore money being spent by the contractor to complete this work.

MOTION PASSED

Mayor Dardis moved to approve the 2024 Development Plan Summary for an increased total project budget of \$1,200,000, and a new total project budget of \$9,835,000. Mr. Piepkorn seconded the motion and on a roll call vote, the motion carried.

11. OTHER BUSINESS

There was no additional business to discuss.

12. CLOSED EXECUTIVE SESSION

Closed executive session pursuant to N.D.C.C. § 44-04-19.1 (2) and (9) for Attorney Consultation regarding negotiations update for an amendment to the Project Agreement for the Storm Water Diversion Channel and Associated Infrastructure.

MOTION PASSED

Mayor Mahoney moved to go into executive session and Mr. Peterson seconded the motion. On a roll call vote, the motion carried, and members retreated to the Red River Room at 4:07 PM.

13. NEXT MEETING

The next meeting will be March 28, 2024.

14. ADJOURNMENT

A quorum returned to the Chambers at 5:16 PM and the meeting was adjourned.