

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – March 28, 2024

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on March 28, 2024. The following members were present: Shelly Carlson, Mayor, City of Moorhead; 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 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 FEBRUARY 2024 MEETING

MOTION PASSED

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

3. APPROVE ORDER OF THE AGENDA

MOTION PASSED

Mayor Dardis moved to approve the order of the agenda and Mayor Mahoney seconded the motion. On a voice vote, the motion carried.

CONSENT AGENDA

MOTION PASSED

Mr. Strand 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. Nicholson provided the following update:

Happenings

- ND DOT Conference presentation
- P3 Conference panel presentation
- FEMA meetings and tour
- Cass County Area Retired Teachers presentation

5. **GENERAL COUNSEL UPDATE**

Resolution Requesting Cass County Acquire Road Rights-of-Way (SWDCAI Phase 4)

Mr. Shockley provided an overview and summary regarding the necessity for the above-referenced resolution.

MOTION PASSED

Mayor Mahoney moved to approve the resolution as presented and Mr. Peterson 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 99% complete. Construction completion date will be revised pending outcome of modifications to the gate machinery design. 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 97% 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 99% complete. Final inspection held 3 January 2024; turf establishment to be extended to 26 July 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 51% complete. Construction completion date is 19 March 2026. Placing concrete for piers, fabricating gates. Tainter gate #1 delivery begins this month.

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 Contract Awards 2024: Reaches SE-1B and SE-2B, OHB Ring Levee – three contracts awarded totaling \$50M (does not including \$18M in options for Reach SE-2B)

9 Southern Embankment Design: Reaches SE-4, 3 and 5:

SE-4: BCOES review ended 27 February 2024 Contract award: May 2024

SE-3: 95% review starts 28 March 2024 Contract award: January 2025

SE-5: 95% review delayed until July 2024 Contract award: January 2025

10 Supplemental Environmental Assessment – Diversion Channel

Issued to disclose updated designs and impacts. Public comment period was 13 Feb–15 March 2024.

Comments were received from Natural Resource Agencies.



Federal FY2024 Contract Awards

Contract	Advertise	Bid Opening	Low Bid/Government Estimate	Number of Bidders	Contract Award	Awardee	Description
Reach SE-1B	12 Dec 23	25 Jan 24	\$13,208,257/ \$14,787,959	3	27 Feb	HSG Park JV2 LLC, Harvey ND	0.75 miles of embankment
Reach SE-2B	13 Dec 24	8 Feb 24	\$42,152,368/ \$64,703,202	7	11 Mar	RJ Zavoral, EGF	4.1 miles of embankment
OHB Phase 43B	14 Dec 24	30 Jan 24	\$12,808,924/ \$14,045,875	5	22 Feb	Hendrickson Transportation, Hamborg, IA	2.2 miles of levee
Forest Mitigation	25 Jan 24	20 Feb 24	\$3,996,724/ \$3,204,965	4	Pending	Tunica-Biloxi Services, Mansura, LA	160 acres planting + 92 acres of preservation
Reach SE-4	29 Mar 24	30 Apr 24	TBD	TBD	May 2024		5.7 miles of embankment

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

- Raymond Township South Drain Inlet

30 to 60 Day Outlook

- Channel Reaches 10 & 13
- CR-6 Crossing

Continued Work

- Main Channel Excavation – Reaches 4 thru 9
- Maple River Aqueduct - Flume/Conduit Structure
- Drain 14C Inlet
- Transportation Crossings
 - o CR-4/31
 - o I-29
 - o CR-32
 - o CR-22
 - o BNSF Prosper
 - o CR-20
 - o CR-10
 - o I-94
 - o 38th St W

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period February 1, 2024, to February 29, 2024, and reported that it was a good month with one recordable event and three minor vehicle/traffic incidents.

d. Drone Footage Video

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

7. COMMUNICATIONS UPDATE

Ms. Willson provided the following Communications update:

New Content

Faces: Tisha Aguilar

Short-Form Videos: County Road 22 update, Maple River Aqueduct update, Fast Fact: flooding costs, "We Asked, Vera Answered," 2009 flood recap

Public Relations: Monthly construction update

Media Relations

Women in Construction:

interviews with KVLV-TV

USACE Contracts: SE-1B, SE-2B and OHB

8. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 94.9% completion in the Construction Footprint
- 53.0% completion in the UMA Footprint
- 87.1% of the parcels in the Southern Embankment have been acquired
- 53.0% of the parcels in the Upstream Mitigation Area have been acquired
- 74.3% 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 15 parcels / 5 landowner groups (4 in MN and 11 in ND)
- ~9 parcels / 3 landowner groups are pending closing in March
- Obtained Right of Entry on 30 of the 56 Christine Easement parcels (54%)
- Scheduled Wolverton landowner meeting for April 2024
- Continuing farmland leases for 2024
- Released upgraded WebMap application for the Project

9. FINANCE UPDATE

Finance Report

Mayor Dardis reported that the bills payable totaled \$3,262,696, and the current net position is \$253,744,419. Mayor Dardis also reported that the JT Lawn Service and Minnkota Power Cooperative contracting actions were approved, and the bid award for WP 47B was awarded to Sellin Brothers, Inc.

10. OTHER BUSINESS

a. WP 47B Bid Award

Mr. Bakkegard provided an update on WP 47B. The Work Package was publicly advertised, and four bids were received at the bid opening on February 29, 2024.

The engineer's estimate for the project was \$2,896,859, and it is their recommendation to award the bid to Sellin Brothers, Inc., in the amount of \$1,749,847, the lowest responsive bidder.

MOTION PASSED

Mayor Dardis moved to award the bid to Sellin Brothers, Inc., in the amount of \$1,749,847, and Mr. Grindberg seconded the motion. On a roll call vote, the motion carried.

11. 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. Ebinger seconded the motion. On a voice vote, the motion carried, and members retreated to the Red River Room at 4:07 PM.

12. NEXT MEETING

The next meeting will be April 25, 2024.

13. ADJOURNMENT

A quorum returned to the Chambers at 5:13 PM. Mr. Peterson moved to adjourn, and Mayor Mahoney seconded the motion. The meeting adjourned at 5:14 PM.