

Metro Flood Diversion Authority Finance Committee Meeting Minutes

4:00 PM – April 24, 2024

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Finance Committee was held on April 24, 2024. 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; Rick Steen, Cass County Joint Water Resource District; Shelly Carlson, Mayor, City of Moorhead; Mike Redlinger, Administrator, City of Fargo; Tony Grindberg, Cass County Commissioner; Dave Piepkorn, Fargo City Commissioner; Mike Rietz, City of Moorhead Assistant City Manager and Brandy Madrigga, Cass County Finance Director.

Member(s) absent: Lori Johnson, Clay County Auditor/Treasurer and Chad Peterson, Cass County Commissioner.

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 MARCH 2024 MEETING

MOTION PASSED

Mr. Steen moved to approve the minutes from the March 2024 meeting and Mr. Grindberg seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF THE AGENDA

MOTION PASSED

Mayor Mahoney moved to approve the order of the agenda as presented and Mr. Grindberg seconded the motion. On a voice vote, the motion carried.

4. APPROVAL OF BILLS

Ms. Thompson reported that the bills payable through April 17, 2024, total \$7,166,699, and are payable to the usual vendors, with CCJWRD being the largest at \$6,309,645.

MOTION PASSED

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

5. FINANCIAL REPORT

Ms. Thompson reported that the total assets as of March 31, 2024, are \$245,238,063; liabilities total \$176,136, and the current net position is \$245,061,927.

MOTION PASSED

Mr. Grindberg moved to approve the financial report as presented and Mr. Steen seconded the motion. On a voice vote, the motion carried.

6. CASH BUDGET REPORT

Mr. Barthel reported that the budget is tracking well. The sales tax revenues from the City of Fargo and Cass County are slightly underreported due to the lag in reporting. The operations budget is also tracking on budget, and it is anticipated that the \$1,650,000 budget will be met.

7. DA BOARD APPROVAL CONTRACTING ACTIONS

There were no contracting actions to report.

8. MOUs and AGREEMENTS

Mr. Shockley provided an overview and summary of the following MOUs and agreements:

a. Novel Energy Solutions L.L.C., Novel Blilie Solar, LLC, and MN Wolter CSG, LLC & MFDA Release Agreement

The attached release letter is between Novel Energy Solutions L.L.C., Novel Blilie Solar, LLC, and MN Wolter CSG, LLC (“Releasor”) and the Metro Flood Diversion Authority and its member entities specifically including the City of Moorhead and the Moorhead Clay County Joint Powers Authority (“Releasee”). The Releasor is a solar developer who wishes to construct a solar photovoltaic system on the Blilie property. The Releasee wishes to introduce additional flood water of the same Blilie property as part of the operation of the Fargo-Moorhead Metropolitan Flood Risk Management Project (“Project”). By approving the release letter, the Releasor releases, discharges and holds the Releasee harmless from any and all claims, liabilities, damages, causes of action, known or unknown, which Releasor may have against Releasee arising out of or relating to the operation of the Project. In exchange for the release of Claims, Releasee will provide Releasor with the necessary documentation to construct the solar photovoltaic system. This is a \$0 agreement.

b. MACS Demo Contractors, CCJWRD & MFDA Stockpile Access and Removal Agreement

The Authority has accumulated a stockpile of material that is of limited value to the Authority. CCJWRD is the legal owner of the property upon which the stockpile material is located on. The purpose of this agreement is to grant access to the contractors approved as part of the Master Agreement for Construction Services for demo contracts under WP-38C to utilize the stockpile of material at properties identified within the agreement.

c. City of Oxbow & MFDA MOU - OHB Levee

This MOU describes the roles and responsibilities of the City of Oxbow and the Authority for the completion of the OHB levee project. The Authority will work with USACE to complete design and construction of the levee, with reviews completed by the City of Oxbow. The Authority will reimburse the City of Oxbow for such reviews. Following completion, the Authority will be responsible for maintenance of the levee, with the City of Oxbow responsible for operations and maintenance of other project areas completed inside the levee.

d. Minnesota Power, a division of Allete, Inc. & MFDA MURA - SEAI & UMA

The purpose of this Agreement is to ensure a coordinated, time-efficient, and cost-effective process for completing the Utility Relocation Project, for coordinating operations and maintenance activities after completion of the Utility Relocation Project, and for the development of individual Task Orders issued in conjunction with, and subject to, the terms and conditions of the Agreement.

MOTION PASSED

Mayor Mahoney moved to approve all the MOUs and agreements together and Mayor Carlson seconded the motion. On a roll call vote, the motion carried.

9. OTHER BUSINESS

a. Land Acquisition Directives (LADs)

Mr. Barthel provided an overview on the following Land Acquisition Directives (LADs):

i. LAD-00002-R2

WP-42 In Town Levees - OIN 9213 – Property Acquisition Budget = \$40,000.

ii. LAD-MN-001-R08

Forest Mitigation - OIN 7215 – Property Acquisition Budget = \$300,000.

iii. LAD-MN-001-Rev07

Upstream Mitigation Area City of Wolverton, MN - OINs 8792, 8793, 8795, 8796, 8797, 8798, 8799 and 8802 = \$2,681,500.

MOTION PASSED

Mayor Carlson moved to approve all the Land Acquisition Directives (LADs) as presented and Ms. Thompson seconded the motion. On a roll call vote, the motion carried.

b. Legal and Consultant Compensation in 2023

Mr. Barthel provided a handout of the 2023 Legal & Consultant Costs paid by the MFDA. Mr. Barthel indicated that the compensation is consistent with the program budget. Total legal compensation paid in 2023 was \$3,822,549 and \$29,628,424 was paid to consultants.

10. NEXT MEETING

The next meeting will be May 22, 2024.

11. ADJOURNMENT

The meeting adjourned at 4:42 PM.