

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – July 25, 2024

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on July 25, 2024. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; Chad Peterson, Cass County Commissioner; Chuck Hendrickson, Moorhead City Council; Dave Piepkorn, Fargo City Commissioner; David Ebinger, Clay County Commissioner; Denise Kolpack, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner; Mary Scherling, Cass County Commissioner; Tony Grindberg, Cass County Commissioner; Larry Seljevold, Moorhead City Council and Rodger Olson, Cass County Joint Water Resource District.

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

1. CALL TO ORDER

Mr. Grindberg called the meeting to order at 3:31 PM. Roll call was taken, and a quorum was present.

2. APPROVE MINUTES FROM THE JUNE 27, 2024, MEETING

MOTION PASSED

Mrs. Scherling moved to approve the minutes from the June 27, 2024, meeting and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF THE AGENDA

MOTION PASSED

Mayor Mahoney moved to approve the agenda as amended to include item 6. a., and Mr. Peterson seconded the motion. On a roll call vote, the motion carried.

4. APPROVE CONSENT AGENDA

MOTION PASSED

Mrs. Scherling moved to approve the Consent Agenda and Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.

5. CO-EXECUTIVE DIRECTORS UPDATE

a. Executive Director Search Process Update

i. Review & Approve MFDA Executive Director Position Description

Mr. Wilson provided an overview and summary of the “final” executive director position description that included input from the board and asked that it be approved as presented.

MOTION PASSED

Mr. Piepkorn moved to approve the executive director position description as presented and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

ii. Approve the Executive Director Search Process Schedule of Events

Mr. Wilson walked through the anticipated timeline for the recruitment of the executive director and indicated that if approved, it would be posted beginning on July 26, 2024, until September 6, 2024. The goal is to have the chosen candidate in place by December 1, 2024, and no later than January 15, 2025.

MOTION PASSED

Mayor Mahoney moved to approve the timeline as presented and Mrs. Scherling seconded the motion. On a roll call vote, the motion carried.

b. Approve an RPF Request for the MFDA Classification & Compensation Study

Mr. Redlinger provided an update on the MFDA position classification and compensation study and asked for approval to move forward with submitting the RFP.

MOTION PASSED

Mayor Mahoney moved to approve the submission of the RFP and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.

6. General Counsel Update

a. Resolution to Take Immediate Action to Prevent the Unauthorized Disclosure of Confidential and Privileged Records, Data, and Statements by the Former Executive Director

Mr. Shockley provided an overview and summary of the above-referenced resolution for approval:

MOTION PASSED

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

7. CONSTRUCTION PROJECT UPDATES

a. USACE Project Update

Mr. Bakkegard 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. 2025: Training and commissioning.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 98% 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; resolve punch list items. 2025: Training and commissioning.

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 inspection pending. 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 58% complete. Construction completion date is 19 March 2026. Install of east and west embankment preloads ongoing. Tainter gate #1 rotation on 18 July.

5 Drain 27 Wetland Mitigation Project Plantings - Construction

Native plantings 5-year contract awarded 17 May 2023. Remaining seeding is in progress. Completion date for wetland establishment 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 partially completed; remaining requires low water conditions.

7 Southern Embankment – Reach SE-2A - Construction

Construction is 69% complete. Contractor mobilization to complete work is pending. Scheduled completion date is 13 October 2024.

8 FY2024 Contract Awards:

OHB Ring Levee: Awarded 22 February. Inspection trench and earthwork activities ongoing. Contract completion date is 31 August 2025.

Reach SE-1B: Awarded 27 February. Stripping, hauling, road subgrade work ongoing. Contract completion date is 13 March 2026.

Reach SE-2B: Awarded 11 March. Stripping, inspection trench, embankment placement ongoing. Contract completion date is 30 October 2025.

Forest Mitigation: Bid protest is delaying contract work.

Reach SE-4: Contract awarded 28 May 2024 to PWS, Inc., Brooklyn Park, MN. Schedule of precon meeting pending.

9 Southern Embankment Design: Remaining Reaches:

SE-3: Final reviews underway Contract award: January 2025

SE-5: final reviews underway..... 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:

New Features Under Construction

- Lower Rush River Inlet
- Channel Reach 10

30- to 60-Day Outlook

- Channel Reach 11
- Channel Reach 12
- Drain 21C Inlet
- Drain 50 Inlet
- SE-4

Misc. Highlights

- Channel Excavation
- BNSF KO
- I-94

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period June 1, 2024, to June 30, 2024, and reported that it was a good month with one minor recordable incident and two minor incidents that required first aid.

d. Drone Footage Video

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

8. COMMUNICATIONS UPDATE

Ms. Willson provided the following Communications update:

Faces of the Diversion: Anthony Herman (drone project manager on ASN Constructors' survey team) released in July

Event Facilitation:

- Chamber Public Policy Committee Project Update
- Western States Water Council Tour

Construction Update Videos: Current Event videos on CR32 Crossing and Maple River Aqueduct

Media Relations:

- June Construction Update release

9. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 97.0% completion in the Construction Footprint
- 52.7% completion in the UMA Footprint
- 91.0% of the parcels in the Southern Embankment have been acquired
- 52.7% of the parcels in the Upstream Mitigation Area have been acquired
- 75.5% of the Environmental Easements have been signed
- 100.0% of the parcels in the Stormwater Diversion Channel have been acquired
- 100.0% 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
- In the last month, successfully closed 28 parcels / 3 owners
- 19 parcels in the UMA
- 3 parcels for I-29
- 3 parcels for SE-2B
- 3 parcels for OHB
- Completed the real estate certification for SE-2B
- Obtained final right-of-entry for surveying needs in Christine
- Retained appraisers for the Sheyenne River Benching Project and Christine flowage easements
- For Minnesota properties, vacate dates for owners of occupied structures
- Deadline in Clay County = April 1st, 2025
- Deadline in Wilkin County = June 1st, 2025

b. OINs 7249, 7247 AND 7248 EXCESS LAND RECOMMENDATIONS

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

OIN 7249: The Metro Flood Diversion Authority (MFDA) Co-Executive Directors recommended that OIN 7249 be declared as Excess Land on April 17th, 2024. The MFDA Land Management Committee, Cass County Joint Water Resources District (CCJWRD) Board, and MFDA Board approved the recommendation on April 24th and 25th, 2024. Since that approval, staff have been working to notify the appropriate parties as outlined in the Policy of the Disposition and Management of Comprehensive Project Lands (Policy). With no interest from the Member Entities or Prior Owner, we notified the Adjacent Owners, as noted in section 5.4 of the Policy. To date we have received an intent to purchase from all notified parties and we have prepared a map exhibit depicting our recommended approach for splitting and selling OIN 7249 to the Adjacent Owners.

c. OINs 7347 AND 7248: The Metro Flood Diversion Authority (MFDA) Co-Executive Directors recommended that OINs 7247 and 7248 be declared as Excess Land on April 17th, 2024. The MFDA Land Management Committee, Cass County Joint Water Resources District (CCJWRD) Board, and MFDA Board approved the recommendation on April 24th and 25th, 2024. Since that approval, staff have been working to notify the appropriate parties as outlined in the Policy of the Disposition and Management of Comprehensive Project Lands (Policy). With no interest from the Member Entities or Prior Owner, we notified the Adjacent Owners, as noted in section 5.4 of the Policy. To date we have received an intent to purchase from all notified parties. Additionally, we have received interest from one property owner to purchase all of 7248 and the entire 7247 corridor.

MOTION PASSED

Mrs. Scherling moved to approve the sale of OINs 7249, 7247 and 7248 per the Excess Land Policy and Mr. Peterson seconded the motion. On a roll call vote, the motion carried.

d. OINs 7234A AND 7234B VARIANCE TO THE EXCESS LAND POLICY

The MFDA Land Management Committee, at its June 28th meeting recommended development of a variance to the Policy of Disposition and Management of Comprehensive Project Lands (Policy) to use a public sale for disposal of specific parcels associated with the old elevator and abandoned railroad corridor in Horace, ND. This variance to the Policy means that the potential sale will bypass the sequential notification to the Member Entities, Prior Owners, and Adjacent Owners, and start with a public sale.

MOTION PASSED

Mayor Mahoney moved to approve the disposal of OINs 7234A and 7234B per the variance to the Excess Land Policy and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.

e. OIN 858 EXCESS LAND RECOMMENDATION

Excess land was purchased in the upstream mitigation area. The former owner desired a full-take buyout of the property. The former buildings on the parcel have been demoed and the site has been restored. Per the Policy, the Co-Executive Directors have declared these lands as Excess Land.

MOTION PASSED

Mayor Mahoney moved to approve OIN 858 (11.79 acres), subject to a flowage easement, to begin the process to dispose of the excess land per the policy on the Disposition and Management of Comprehensive Project Lands and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

10. FINANCE UPDATE

Finance Report

Mayor Dardis reported that the bills payable through July 17, 2024, totaled \$19,194,298, and the net position is \$286,499,354. Mayor Dardis also reported that both the MURA and task order for the CapX project were approved.

11. OTHER BUSINESS

Ms. Kolpack asked where any communication-related inquiries regarding the former executive director are to be directed. Mr. Shockley indicated that any inquiries from the media or the public should be referred to Ms. Willson.

12. NEXT MEETING

The next meeting will be August 22, 2024.

13. ADJOURNMENT

The meeting adjourned at 4:39 PM.