

# Metro Flood Diversion Authority Board of Authority Meeting Minutes

**3:30 PM – June 27, 2024**

**City of Fargo Commission Chambers**

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on June 27, 2024. The following members were present: Shelly Carlson, Mayor, City of Moorhead; 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; 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: John Strand, Fargo City Commissioner.

**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 MAY 23, 2024, MEETING**

**MOTION PASSED**

Mrs. Scherling moved to approve the minutes from the May 23, 2024, meeting and Mr. Peterson seconded the motion. On a voice vote, the motion carried.

**3. APPROVE ORDER OF THE AGENDA**

**MOTION PASSED**

Mayor Mahoney moved to amend the agenda, moving items 9. a., b., and c., to item 5. Mr. Ebinger seconded the motion and on a voice vote, the motion carried.

**4. APPROVE CONSENT AGENDA**

**MOTION PASSED**

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

**5. LAND MANAGEMENT UPDATE**

**a. Property Acquisition Status Report**

Ms. Smith provided the following property acquisition status report:

- 96.3% completion in the Construction Footprint
- 49.6% completion in the UMA Footprint
- 90.3% of the parcels in the Southern Embankment have been acquired
- 49.6% of the parcels in the Upstream Mitigation Area have been acquired
- 75.0% of the Environmental Easements have been signed
- 100.0% 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.
- The final two Diversion Channel parcels have closed and been acquired.
- In the last month, successfully closed 3 parcels / 2 landowner groups associated with SE-2B, which finalized acquisitions for SE-2B.
- In the last month, successfully closed 4 parcels / 2 owners in the UMA.
- Starting the release of temporary construction easements for SE-1.
- The USACE bid and awarded a forest mitigation contract. Due to a subsequent bid protest, a stop work order was required and issued. USACE and the MFDA staff discussed the resultant lack of weed control on associated parcels and determined that the most expeditious remedy was to handle it under the MFDA's existing mowing and weed control contract.

**b. OINs 9191Y1 and 9741Y EXCESS LAND RECOMMENDATIONS**

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

**OIN 9191Y1:** 66.9 acres (surveyed), this parcel will be subject to a 3.43-acre TCE. The USACE has required that the TCE shall remain in place through December 31, 2029; however, MFDA anticipates they may be completed and the TCE may be released prior to that date. It is assumed that the TCE for I-29 will be released prior to the sale of this excess land. OIN 9191Y1 is immediately east of I29, south of the Wild Rice River, and north of the Southern Embankment Reach 3 (SE-3) portion of the Comprehensive Project.

**OIN 9741Y:** is located on 38th St W on the west side of the Diversion Channel Area associated with the Comprehensive Project. This parcel (the full parent parcel) is impacted by the Diversion Channel portion of the Comprehensive Project. The prior owner chose to retain the unimpacted land north of the Diversion Channel but sold the small southerly remnant (9741Y) to the Authority. This remnant piece is outside of the Diversion Channel work limits and is not needed for the construction or operation of the Comprehensive Project.

**MOTION PASSED**

**Mr. Grindberg moved to declare OINs 9191Y1 and 9741Y as excess land and to proceed with the disposal of these parcels per the Excess Land Policy. Mrs. Scherling seconded the motion and on a roll call vote, the motion carried.**

**c. OIN 7234B EXCESS LAND UPDATE - DISCUSSION ONLY**

**OIN 7234B:** this parcel is a stretch of abandoned railroad property between Center Avenue and Park Drive in Horace, ND. This parcel was previously owned and maintained by BNSF. The parcel is located east of the Diversion Channel within Horace and is not impacted by construction of the Comprehensive Project. This rail corridor was purchased from BNSF to alleviate the need to raise the rail line that crosses the Diversion Channel. Instead, it was decided that the entire corridor be taken out of operation.

There was discussion regarding this parcel at the CCJWRD and Land Management meetings, suggesting that this parcel may be an exception to the Excess Land Policy. The recommendation at the Land Management meeting was for staff to draft an exception and bring it to the Board in July or August for approval. Approval would allow us to go directly to public sale via auction or a commercial realtor.

## 6. CO-EXECUTIVE DIRECTORS UPDATE

### a. MFDA Human Resources Transition Plan Update

Mr. Wilson provided an update on the MFDA transition plan to the Cass County employee manual. Part of the transition plan is to establish a step and grade compensation matrix for the MFDA staff; this would be accomplished by submitting an RFP and selecting a professional resource for assistance.

#### **MOTION PASSED**

**Mr. Peterson moved to authorize the co-executive directors to conduct an RFP process to create a compensation matrix for the MFDA. In addition, the Board of Authority approves the transition plan for the MFDA organization and staff, as presented. Mrs. Scherling seconded the motion and on a roll call vote, the motion carried.**

### 2024 COLAs

One MFDA employee has received their COLA for 2024; the following motion is to ensure that the five remaining employees will also receive COLAs on their anniversary dates. In 2025, the COLAs and performance increases will be managed via the compensation matrix.

#### **MOTION PASSED**

**Mr. Peterson moved to provide the 3.2% COLA to the employees on their anniversary dates in 2024 and in 2025 employees will follow the Cass County employee manual process. Mr. Ebinger seconded the motion and on a roll call vote, the motion carried.**

### b. Executive Director Next Steps

Mr. Redlinger provided the following executive director position description update for approval:

#### **Roles and responsibilities:**

- Strategically lead, problem-solve and coordinate and the efforts of a diverse group of employees, contractors, consultants, and partner agencies to complete construction of the Fargo Moorhead Flood Diversion Project.
- Upon construction completion successfully transition to an efficient and reliable operations and maintenance phase, ensuring all permitting and compliance requirements are met in a systematic, orderly, and well-planned manner.
- Development of Annual Budget and monitoring of Budget performance throughout the year.
- Educate, inform, and be responsive to policy direction provided by a 13 member-appointed Board of Directors.
- Ensure compliance with the Joint Powers Authority (JPA) creating the Metro Flood Diversion Authority and the Project Agreement directing the construction and operation of the Diversion Channel by the P3 Contractor.

#### **Core Competencies:**

- A skilled communicator who is accessible, responsive to and receptive to input from employees, board members and a wide range of stakeholders.
- A demonstratable work history of developing employee talent.
- A strategic-thinker able to develop and execute a long-term vision to transition various consultant-delivered services to more efficient employee-delivered services.

#### **Experience:**

- Extensive leadership and public administration experience.
- Project management experience with a strong track record coordinating financial, legal and engineering components.
- Extensive experience working with contracted engineering consultant services. The ideal candidate will have experience ending complex contracted consulting services at the conclusion of a project.
- The successful candidate will have a demonstrated mastery of their field and a work history of increasingly complex and demanding projects.

**Minimum Qualifications:**

- 10-15 years local public sector or related leadership experience.
- Preferred Master of Public Administration

**MOTION PASSED**

**Mayor Mahoney moved for the co-executive directors to initiate a compensation RFP to establish a solid salary matrix for the executive director position. Additionally, they will come back to the BOA on July 25 for any final feedback or comments. The position will then be advertised in August and September with the intent to conduct interviews this fall. Mr. Ebinger seconded the motion and on a roll call vote, the motion carried.**

**7. GENERAL COUNSEL UPDATE**

**a. Resolution Amending the Appointment of Members to the Diversion Board and Land Management Committees of the MFDA**

Mr. Shockley provided an overview and summary outlining the above-referenced resolution:

**MOTION PASSED**

**Mr. Grindberg moved to approve the resolution as presented and Mrs. Scherling seconded the motion. On a roll call vote, with Mr. Piepkorn voting ‘nay’, the motion passed.**

**8. 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. 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; 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 57% complete. Construction completion date is 19 March 2026. Placing concrete and fabrication of gates 2 and 3 continues. Tainter gate #1 delivery is complete and assembly on site is ongoing.

**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 mobilizing but weather has hindered commencing work. Scheduled completion date is 13 October 2024.

**8 FY2024 Contract Awards:**

OHB Ring Levee: Awarded 22 February. Contract completion date is 31 August 2025.

Reach SE-1B: Awarded 27 February. Contract completion date is 13 March 2026.

Reach SE-2B: Awarded 11 March. 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.

**9 Southern Embankment Design: Remaining Reaches:**

SE-3: Final review starts 10 June 2024 ..... Contract award: January 2025

SE-5: 95% review starts 10 July 2024 ..... Contract award: January 2025

**10 Supplemental Environmental Assessment – Diversion Channel**

Issued to disclose updated designs and impacts. FONSI signed and the final SEA was posted 6 May

**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**

- SE-2B

**30- to 60-Day Outlook**

- Lower Rush River Inlet
- Channel Reach 10
- Channel Reach 11
- Drain 21C Inlet
- Drain 50 Inlet
- SE-4

**Misc. Highlights**

- Channel Excavation
- Permanent Seeding
- BNSF Hillsboro
- I-94

**c. Project Safety Update**

Mr. Bakkegard provided the safety update for the period May 1, 2024, to May 31, 2024, and reported that it was a good month with only two minor incidents.

**d. Drone Footage Video**

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

**9. COMMUNICATIONS UPDATE**

Ms. Willson provided the following Communications update:

**Outreach Products**

**Award:** 1st place at NFPW national contest for "MFDA Funding & Financing 101" video

**Faces of the Diversion:** Capt. Kyle Volk released in June

**Construction Update Videos:** Current Event videos on SE-2B and the stormwater diversion channel

**Media Relations:**

May Construction Update release

ASN: I-94 detours

**10. FINANCE UPDATE**

**Finance Report**

Mayor Dardis reported that the bills payable through June 18, 2024, totaled \$3,757,532, and the net position is \$268,302,987. Mayor Dardis also reported that the 2023 audit was completed by Eide Bailly and the MFDA received a clean report.

**11. OTHER BUSINESS**

There was no other business to discuss.

**12. NEXT MEETING**

The next meeting will be July 25, 2024.

**13. ADJOURNMENT**

Mr. Peterson moved to adjourn, and Mr. Ebinger seconded the motion. The meeting adjourned at 4:33 PM.