

Metro Flood Diversion Authority Board of Authority Meeting Minutes

1:00 PM – October 24, 2024

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on October 24, 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; Chuck Hendrickson, Moorhead City Council; 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; Rick Steen, Cass County Joint Water Resource District; Dave Piepkorn, Fargo City Commissioner and Denise Kolpack, Fargo City Commissioner.

Member(s) absent: Chad Peterson, Cass County Commissioner.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 1:00 PM. Roll call was taken, and a quorum was present.

2. APPROVE THE MINUTES FROM THE SEPTEMBER 26, 2024, MEETING

MOTION PASSED

Ms. Kolpack moved to approve the minutes from the September 26, 2024, meeting and Mayor Dardis seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mr. Ebinger moved to approve the order of the agenda and Mr. Seljevold seconded the motion. On a voice vote, the motion carried.

4. APPROVE THE CONSENT AGENDA

MOTION PASSED

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

5. CO-EXECUTIVE DIRECTOR'S UPDATE

a. Compensation Study Update

Mr. Redlinger reported that MRA will be conducting the MFDA compensation study. The study will include comparing the DA to ten peer organizations of likeness; it is anticipated to be completed by year-end or in early January.

Mr. Redlinger also reported that he will be bringing a recommendation to the board recommending approval of a membership to MRA to utilize their services in a co-op type of arrangement. The cost is \$750 annually.

6. GENERAL COUNSEL UPDATE

Mr. Shockley did not have an update.

7. LAND MANAGEMENT UPDATE

Ms. Smith provided an overview and refresher on the Rural Impact Mitigation Program (RIMP), its intent and eligibility requirements.

Overview

- One goal of the RIMP is to ensure that construction of the FM Area Diversion will not harm the economic vitality of the local farm and rural business community.
- The RIMP is for situations where a suitable replacement farmstead is not available for the displaced farm business to relocate.
- Eligible farmsteads receive a forgivable loan to assist with covering the "gap" between the cost of rebuilding a comparable farmstead and the depreciated value of the existing farmstead.

Eligibility

- The farmstead or rural business must be displaced by the comprehensive project.
- A suitable replacement farmstead or business is not available for the displaced farmstead or rural business as determined by the acquiring agency.
- The property owner must operate a farmstead or business from the displacement site.
- The replacement site must be constructed on a site in the vicinity of the comprehensive project, generally considered within the counties of Cass, Richland, Barnes or Traill counties in North Dakota and Clay, Wilkin, Becker or Norman counties in Minnesota.

8. FINANCE UPDATE

Mayor Dardis reported that the October bills payable total \$8,638,140, and the current total net position is \$294,785,312. Mayor Dardis also reported that the cash budget has increased \$2,000,000, due to the outstanding pending project payments. There will be an updated report on sales tax collections at the November meeting.

9. 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: 2024-2025: Complete operating machinery corrections; 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: 2024-2025: Complete operating machinery corrections; 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 held 29 August. Preparation of O&M documents and turnover is ongoing.

4 Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 67% complete. Construction completion date is 19 March 2026. 400,000 cy of embankment material continues to be hauled across the Red River for use in east embankment. Tainter gate #2 is being assembled on site and construction of dam walls ongoing.

5 Drain 27 Wetland Mitigation Project Plantings - Construction

Native plantings 5-year contract awarded 17 May 2023. 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. Dedication ceremony held on site Wednesday, 25 September 2024 – see group photo on page 2.

7 Southern Embankment – Reach SE-2A - Construction

Construction is 70% complete. Contractor mobilization to complete work is ongoing. Scheduled completion date is 13 October 2024.

8 FY2024 Contract Awards:

OHB Ring Levee: Awarded 22 February and is 12% complete. Inspection trench, earthwork and storm sewer activities ongoing. Contract completion date is 31 August 2025.

Reach SE-1B: Awarded 27 February and is 23% complete. Stripping, hauling, road subgrade and box culvert work continues. Contract completion date is 13 March 2026.

Reach SE-2B: Awarded 11 March and is 20% complete. Stripping, inspection trench, embankment placement, and weir construction ongoing. Contract completion date is 30 October 2025.

Forest Mitigation: Contractor is preparing lands for additional planting next season.

Reach SE-4: Contract awarded 28 May 2024 to PWS, Inc., Brooklyn Park, MN. Contract completion date is 3 June 2026.

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

- Drain 50 Inlet
- Southern Embankment Reach 4

30 to 60-Day Outlook

- CR-4/31 (Open to Traffic / Functional)
- Drain 30 Inlet (Functional)
- Reach 1 & 2 (Functional)
- CR-32 (Open to Traffic / Functional)

Misc. Highlights

- Channel Reaches 1, 2, & 3 (portions undergoing permanent seeding; tree plantings getting underway; maintenance road graveling underway)
- Bridge deck placements
 - I-29 southbound
 - County Road 10
 - 38th St. W.
- I-94 (setting bridge girders)

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period September 1, 2024, to September 30, 2024, and reported that it was a good month with only three minor recordable events needing advanced first aid.

d. P3 Monthly Update

Mr. Barthel provided a brief update reporting that an opinion has not yet been received from the ND Attorney General advising if the DRB meetings are considered open meetings and there has been continued dialogue and negotiations with the developer on change order issues. Please reach out to Mr. Barthel if you have any questions regarding the report.

10. MFDA EXECUTIVE DIRECTOR FINALIST INTERVIEWS

a. 1:30 PM Jason Benson

b. 2:30 PM Daniel Sundberg

c. 3:30 PM Dennis Lambert

Candidate interviews can be viewed in their entirety at [download.fargond.gov/0/2024.10.24 - metro_flood_diversion_authority.mp4](https://download.fargond.gov/0/2024.10.24_-_metro_flood_diversion_authority.mp4)

d. 4:30 PM Omniview Report and Impression Sheets

A summary of each candidate’s expertise, job and culture fit, was presented by Omniview; Mr. Redlinger shared the “verbatim” impression sheets that were completed by visitors at the meet and greet.

e. 5:00 PM Discussion and Selection of the Executive Director

Mayor Mahoney nominated Jason Benson for the position of executive director and Mr. Campbell seconded the motion.

MOTION PASSED

Mayor Mahoney nominated Jason Benson for the executive director position and Mr. Campbell seconded the motion. On a roll call vote, the motion carried, unanimously.

11. *Closed executive session pursuant to N.D.C.C. § 40-04-19.1, subdivision 9, to provide negotiating instructions to the Co-Deputy Executive Directors and General Counsel regarding the terms and conditions of an employment agreement with the finalist to whom the board has determined to make an offer of employment for the position of Executive Director.*

MOTION PASSED

Mr. Grindberg moved to go into executive session and Mr. Campbell seconded the motion. On a voice vote, the motion carried.

The board went into executive session at 5:18 PM.

The board returned from executive session at 5:58 PM.

12. OTHER BUSINESS

There was no other business to discuss.

13. NEXT MEETING

The next meeting will be on November 21, 2024.

14. ADJOURNMENT

Mr. Ebinger moved to adjourn, and Mr. Hendrickson seconded the motion. The meeting adjourned at 5:59 PM.