

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – November 21, 2024
City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on November 21, 2024. The following members were present: 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 Chad Peterson, Cass County Commissioner.

Member(s) absent: Shelly Carlson, Mayor, City of Moorhead and Denise Kolpack, Fargo City Commissioner.

1. CALL TO ORDER

Mr. Grindberg called the meeting to order at 3:30 PM. Roll call was taken, and a quorum was present.

2. APPROVE THE MINUTES FROM THE OCTOBER 2024 MEETING

MOTION PASSED

Mr. Steen moved to approve the minutes from the October 24, 2024, meeting and Mr. Hendrickson seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mr. Steen moved to amend the order of the agenda, removing item 4.c., ii, from the Consent Agenda and placing it on the December agenda. Mr. Hendrickson seconded the motion and on a voice vote, the motion carried.

4. APPROVE THE CONSENT AGENDA

MOTION PASSED

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

5. CO-EXECUTIVE DIRECTOR'S UPDATE

a. Executive Director Employment Agreement

Mr. Shockley provided an overview of the final executive director's employment agreement and noted that it has been agreed to and signed by Mr. Benson.

MOTION PASSED

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

6. GENERAL COUNSEL UPDATE

Mr. Shockley did not have an update.

7. 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: 2024-2025: 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 100% 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 70% complete. Construction completion date is 19 March 2026. Tainter gate #2 continues to be assembled on site and construction of dam walls and placement of riprap 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. Encroachments continue to be an issue.

6 Drayton Dam Mitigation Project Design - Construction

Construction is complete. Turnover to MFDA for O&M occurred on 28 Nov 2023. OMRRR manual will be finalized once MFDA provides comments.

7 Southern Embankment – Reach SE-2A - Construction

Construction is 75% complete but continues to be behind schedule. Scheduled completion date of 13 October 2024 was not met.

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 30% complete. CR 16 to be opened for winter. Contract completion date is 30 October 2025.

Forest Mitigation #1: Contractor is preparing lands for additional planting next season. Reach SE-4: 130th realignment and north embankment work ongoing. Contract completion date is 3 June 2026.

9 FY25 Contract Awards:

SE-3: Bid opening currently scheduled for 19 November. Contract award: January 2025.

SE-5: Bid opening currently scheduled for 3 December. Contract award: January 2025.

Forest Mitigation #2: Advertise in December. Award in February 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:

30- to 60-Day Outlook

- Channel Reach 1 & 2
- Drain 30 Inlet

- CR-32 Crossing
- SE-2B

Misc. Highlights

- CR-4/31 Crossing
- I-29 & I-94 Crossings
- BNSF KO Crossing
- CR-6 Crossing
- Channel Excavation
- Winter Weather

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period October 1, 2024, to October 31, 2024, and reported that it was a good month with only minor incidents. Mr. Bakkegard also reported that an audit is being conducted on the safety program.

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. Mr. Barthel also reported that the total paid to RRVA to date is \$5,108,801, and it is anticipated that \$235,110,410 will be paid to them in 2025. Please reach out to Mr. Barthel if you have any questions regarding the report.

e. Drone Footage Video

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

8. COMMUNICATIONS TEAM UPDATE

Ms. Willson provided the following communications update:

Outreach Products

Faces of the Diversion:

- April Walker, RRVA local affairs manager
- Ken Helvey, SRF Consulting land agent

Media Relations:

- September and October Construction Update releases and interview coordination
- Executive director announcements

Event Facilitation:

- MnDOT Districts 2 and 4
- West Fargo Exchange Club
- MetroCOG MPO Conference
- MN DOT Graduate Engineer Development Committee
- Horace High School Environmental Science classes

9. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 97.7% completion in the Construction Footprint
- 55.5% completion in the UMA Footprint
- 93.2% of the parcels in the Southern Embankment have been acquired
- 55.5% of the parcels in the Upstream Mitigation Area have been acquired
- 77.0% of the Environmental Easements have been signed
- 100.0% completed: Stormwater Diversion Channel; Oxbow-Hickson-Bakke levee; in-town levees and the Drayton Dam mitigation

Key Activities:

- Continue negotiating settlement agreements for existing eminent domain actions
- In the last month, successfully closed on 4 parcels / 4 owners in the UMA
- Continuing the process of disposing of Excess Lands
- 30 parcels / 333.18 acres have been approved as Excess Lands
- 8 parcels / 196.71 acres are moving through the Policy
- 22 parcels / 136.47 acres have been sold or pending closing
- Starting to receive appraisal reports for Christine area flowage easements
- Continued work on farmland leases for 2025
- Reminder: The vacate dates for occupied Minnesota properties
- Deadline in Clay County = April 1st, 2025
- Deadline in Wilkin County = June 1st, 2025

10. FINANCE UPDATE

Mayor Dardis reported that the November bills payable total \$8,277,666, and the current grand total net position is \$302,630,687. Mayor Dardis also reported that \$17,113,000 has been received in revenues this month and the sales tax revenues will continue to be monitored.

a. Sales Tax Update

Mr. Shockley provided an overview of the sales tax sunset dates and the new sales taxes that were voted on and approved at the June election.

b. MFDA 2023 & 2024 Contract Summary

Mr. Barthel reported that the contract summary has been reviewed and the 2023-2024 open contracts will be closed out as soon as they can be.

11. OTHER BUSINESS

a. Resolution of Support for MN Funding Request

Mr. Campbell reported on the proposed resolution of support that Clay County and the City of Moorhead will take to Minnesota legislators in hopes of securing \$60.4 million in funding for the Moorhead in-town and Clay County flood projects.

MOTION PASSED

Mayor Mahoney moved to approve the resolution in support of the Minnesota entity's funding request and Mr. Peterson seconded the motion. On a roll call vote, the motion carried.

b. ND AGRICULTURAL WEATHER NETWORK PRESENTATION

Mr. Daryl Ritchison, director of NDAWN and state climatologist, gave a presentation on the NDAWN capabilities and described how they complement and support the project.

12. NEXT MEETING

The next meeting will be on December 19, 2024.

13. ADJOURNMENT

The meeting adjourned at 4:00 PM.