

**METRO FLOOD DIVERSION AUTHORITY  
JANUARY 18, 2018—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Metro Flood Diversion Authority was held Thursday, January 18, 2018, at 3:30 PM in the Fargo City Commission Room with the following members present: Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland via conference call; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Tony Grindberg; Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling via conference call; Cass County Commissioner Rick Steen; Cass County Commissioner Arland Rasmussen; Cass County Joint Water Resource District Manager Roger Olson; and West Fargo City Commissioner Mike Thorstad. Tom Dawson, Chair of the Chamber Business Leaders Task Force, was also present.

**2. NOMINATION OF VICE CHAIR**

*MOTION, passed*

**Mr. Steen moved and Mr. Mahoney seconded to nominate Mary Scherling, Cass County Commissioner, as Vice Chair of the Metro Flood Diversion Authority. Motion carried.**

**3. DESIGNATION OF SECRETARY**

*MOTION, passed*

**Mr. Campbell moved and Mr. Hendrickson seconded to designate Heather Worden as the Secretary of the Metro Flood Diversion Authority. Motion carried.**

**4. MINUTES APPROVED**

*MOTION, passed*

**Mr. Grindberg moved and Mr. Mahoney seconded to approve the minutes from the December 21, 2017, meeting as presented. Motion carried.**

**5. AGENDA ORDER**

*MOTION, passed*

**Mr. Campbell moved and Mr. Steen seconded to approve the order of the agenda. Motion carried.**

**6. MANAGEMENT UPDATE**

John Glatzmaier from CH2M provided an update on activities over the last month which include providing support to the board as it prepares to respond to findings outlined in the Governors' Task Force report, which was released today. The priorities for next month include starting the flowage easement valuation study, coordinating outreach efforts related to any changes implemented as a result of the report, and coordination efforts with the MN DNR to resolve the southern embankment alignment.

Mr. Glatzmaier provided brief a financial update on the overall program status and said \$415 million has been expended to date. He said \$83 million has been expended out of the \$240 million FY2017 budget.

Mr. Glatzmaier provided a construction update on continued work on in-town levees, and Oxbow home demolition and relocation projects. A suspension of work to cease was issued as of December 31, 2017, on OHB levee construction but one home demolition was allowed to continue past the date because of safety issues.

**7. CORPS OF ENGINEERS UPDATE**

Terry Williams, Corps of Engineers Project Manager, was present. She said Corps of Engineers staff have met internally to develop a path forward in anticipation of changes to the southern alignment as a result of the Governors' Task Force report and after the Diversion Authority makes a decision. Once the alignment is determined, the Corps will be in a good position to resume work on the project.

**8. ADMINISTRATIVE/LEGAL UPDATE**Adopt Meeting Schedule for 2018

Pursuant to Section 5.11, subsection (b) of the Joint Powers Agreement, at the first meeting in January, the board needs to adopt a meeting schedule for the upcoming year.

***MOTION, passed***

**Mr. Paulsen moved and Mr. Hendrickson seconded to adopt the meeting schedule for the Metro Flood Diversion Authority for 2018. Motion carried.**

**9. PUBLIC OUTREACH UPDATE**Committee report

The Public Outreach Committee did not meet this month. Mr. Olson said public outreach efforts were put on hold until after the Governors' Task Force report was released. He said once the board determines what changes will be implemented as a result of the report, the committee will meet to discuss public outreach efforts.

Business Leaders Task Force

Mr. Dawson said the diversion project remains a high priority of the task force. He said Mayor Mahoney and Mayor Williams will present a project update at the Chamber Eggs & Issues event next month.

**10. LAND MANAGEMENT**

The Land Management Committee did not meet this month. Mrs. Scherling said land acquisition activities are on hold as a result of the injunction. Eric Dodds from AE2S said the board approved an agreement last month for Phase 1 of the flowage easement study to begin work on easement valuations.

**11. FINANCE UPDATE**Committee report

The Finance Committee met on January 17<sup>th</sup>. Mr. Grindberg briefly discussed the financial report and said the net cash position is \$66.7 million.

Voucher approval

The bills for the month are with Erik R. Johnson & Associates, Ltd. for legal services and Ohnstad Twichell, P.C. for legal services.

***MOTION, passed***

**Mr. Grindberg moved and Mr. Mahoney seconded to approve the vouchers received through January 12, 2018, in the amount of \$50,905.03. On roll call vote, the motion carried unanimously.**

Recommended Contracting Actions

Mr. Cowen discussed the following contracting actions, which were approved by the Finance Committee and Technical Team:

- Industrial Builders, Inc. (Change Order 20 – 2<sup>nd</sup> Street North, South of Pump Station)—add 35 calendar days to the final completion date to allow for additional contractor coordination and testing reports at no cost.

***MOTION, passed***

**Mr. Grindberg moved and Mr. Steen seconded to approve the change order as outlined. On roll call vote, the motion carried unanimously.**

**12. GOVERNORS' TASK FORCE REPORT**

The final report from the Fargo-Moorhead Area Flood Diversion Task Force created by North Dakota Governor Doug Burgum and Minnesota Governor Mark Dayton was released today. Mr. Mahoney thanked everyone involved for their work on the task force.

**13. NEXT MEETING DATE**

The next meeting will be held on Thursday, February 22, 2018.

**14. EXECUTIVE SESSION**

North Dakota state law allows the Board to meet in private session to consult legal counsel to discuss ongoing litigation and contract negotiations.

***MOTION, passed***

**Mr. Piepkorn moved and Mr. Grindberg seconded that the Metro Flood Diversion Authority meet in Executive Session pursuant to N.D.C.C. § 44-04-19.1, subsections 2 and 9, to consult with its Attorneys regarding the ongoing litigation in the matters of Richland/Wilkin JPA and MNDNR v. the United States Army Corps of Engineers and Fargo Moorhead Flood Diversion Authority as Intervenor, Civil File No. 0:13-cv-02262-JRT-LIB and the contested case hearing before the Minnesota Office of Administrative Hearings regarding the MNDNR permit for Metro Flood Diversion Authority. Motion carried.**

Diversion Authority Board members, key administrative staff, and Attorney John Shockley moved to the River Room at 3:58 PM.

The Executive Session ended at 5:03 PM and the meeting was re-opened to the public.

**15. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Piepkorn, seconded by Mr. Thorstad, and all voting in favor, the meeting was adjourned at 5:06 PM.**