

A virtual meeting of the Metro Flood Diversion Authority Board of Authority was held on April 22, 2021. The following members were present: Shelly Carlson, Mayor, City of Moorhead; Dr. Tim Mahoney, Mayor, City of Fargo; Bernie Dardis, Mayor, City of West 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; Rick Steen, Cass County Commissioner and Rodger Olson, Cass County Joint Water Resource District.

Member 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 MARCH 25, 2021 MEETING

MOTION PASSED

Mayor Dardis moved to approve the March 2021 minutes as presented and Mr. Steen seconded the motion. Motion carried.

3. APPROVE ORDER OF AGENDA

MOTION PASSED

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

4. CONSENT AGENDA APPROVAL

MOTION PASSED

Dr. Mahoney moved to approve the consent agenda and Mr. Hendrickson seconded the motion. On a roll call vote, the motion carried.

5. EXECUTIVE DIRECTOR REPORT

Mr. Paulsen provided the following update regarding the DA April activities:

Communications

- Press Conference on April 9, 2021 re. I-29 Grade Raise award

Legislative updates

- State funding passed HB 1431 Bonding Bill
- Federal funding coordination

P3 updates

- Technical proposal reviews are complete. Mr. Shockley will provide an update on schedule and confidentiality later in the meeting
- Financial proposals are due April 23, 2021
- Anticipation of award in May 2021 (actual date TBD)

On-going coordination

- Utility/Township/Municipality MOUs and Agreements
- Multiple policies and plans per settlement agreement
- Permit coordination

6. GENERAL COUNSEL UPDATE

Mr. Shockley provided an update on the P3 stating that the technical proposals all have been received and the reviews completed. The financial proposals are due on April 23.

There may be a special Board of Authority meeting on May 13; more information will be forthcoming.

7. USACE PROJECT UPDATE

Ms. Williams provided the following project update:

1 Diversion Inlet Structure Construction

Structure includes 3-50 ft. wide Tainter gates. Work resumed in late-February. Construction is 48% complete with a required completion date of 7 June 2023. Anticipated remaining schedule:

2020: Foundations/site work, control structure, dam walls.

2021: Complete dam walls, concrete piers, stilling basin and walls. Continue gate fabrication.

2022: Install bridge deck, gates, and operating machinery.

2023: Paint gates, seed.

2024: Turf established.

2 Wild Rice River Structure Construction

Structure includes 2-40 ft. wide Tainter gates. Work resumed in late-February. Construction is 25% complete with a required completion date of 20 October 2023. Anticipated schedule:

2020: Foundations/site work, control structure, dam embankment.

2021: Approach walls and apron, stilling basin and walls, preloads. Continue gate fabrication.

2022: Control building, dam embankment.

2023: Complete excavation, dam embankment, gate installation, seed.

2024: Turf established.

3 I-29 Raise Construction

Contract awarded to Industrial Builders, Inc. on 8 April 2021 for \$67M; Notice to Proceed was issued on 16 April 2021. Required completion date NLT 1 January 2024.

4 Southern Embankment – Reach SE-1 (Western Tieback) Construction

Contract was awarded to Tunheim Construction, LLC on 1 April 2021 for \$2.2M; Notice to Proceed was issued on 7 April 2021. Required completion date NLT 30 June 2023.

5 Red River Structure Design

Structure includes 3-50 ft. wide Tainter gates. The design of this critical-path feature remains on schedule. The 95% review is scheduled to begin 10 May 2021. Final plans and specs are scheduled to be completed in late-August 2021.

6 Southern Embankment – Reach SE-1B Design

35% review scheduled to begin in early-June 21.

7 Southern Embankment – Reach SE-2A and 2B Design

The 95% design review is scheduled to begin mid-June 2021. Final plans and specifications are scheduled for November 2021. Reach SE-2B design began mid-March 2021.

8 Drain 27 Wetland Mitigation Project Design

The final design review is scheduled to begin 10 May 2021 and final plans and specs are due 30 July 2021. Award of a construction contract was scheduled for September 2021 but will be delayed due to land acquisition.

9 Drayton Dam Mitigation Project Design

The design has re-commenced with the goal of having final plans and specs in August 2021. This mitigation project includes replacing the existing dam to incorporate fish passage. The 95% review begins on 20 June 2021.

8. PUBLIC OUTREACH COMMITTEE UPDATE

Drone Footage

Ms. Darling shared the photos from the I-29 road raise award press conference. A short video reel of the press conference and drone videos showing the I-29 progress were also viewed.

Naming

Logo option #2, FM AREA DIVERSION, was the winner of the logo naming. Mr. Olson made a recommendation to approve the new logo that was selected by the Public Outreach Committee.

MOTION PASSED

Dr. Mahoney moved to approve the new logo and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.

9. LAND MANAGEMENT COMMITTEE UPDATE

Mr. Dodds provided the following report regarding the progress in land management.

• Acquisitions

- Continue working on acquiring property for:
 - Drain 27 Wetland Restoration Project
 - Red River Control Structure

- Environmental Monitoring Easements
- Upstream Structures
- Acquired property interests on over 600 parcels (including those acquired via last resort eminent domain, and including split parcels)
 - Completed acquisitions for: Diversion Channel, Southern Embankment Reach 1, I-29 Road Raise, Wild Rice River Control Structure, and Diversion Inlet Structure
- **Appraisal Work**
 - Starting appraisals on SE-2A
 - Appraisals being completed for Upstream Structures (farmsteads, rural residential, etc.)
- **Flowage Easement Valuation Study**
 - Phase 2 includes over 500 parcels with tillable land in the Upstream Mitigation Area (UMA)
 - Developing a video to explain the process to property owners

CCJWRD

Mr. Olson reported that a few offers were made at their meeting today and that more will be forthcoming.

MCCJPA

Mr. Campbell reported that the Drayton Dam worksheet was approved at their last meeting along with three appraisals and one counteroffer in the Red River Control Structure area. Three properties are still in negotiations.

10. FINANCE COMMITTEE UPDATE

Mayor Dardis indicated that the following actions were approved at the Finance Committee meeting and asked the Board of Authority for their approval.

- New Contract for Structure Mitigation – WP-50E Schmidt & Sons \$98,295.00
- In-Town Levees (4th Street Pump Station and 2nd Street So. Floodwall) – WP-42A1A3 – Change Order #11 (Adjustment to contract for settlement approved last month by the Board) ICS, Inc. \$284,991.94
- Task Order 1, Amendment 18 – Additional Budget, increase the insurance subtask D, Professional Liability Insurance March 13, 2021 to March 13, 2020 HMG \$269,384.88

MOTION PASSED

Dr. Mahoney moved to approve the three contracting actions and Mr. Steen seconded the motion. On a roll call vote, the motion carried.

11. OTHER BUSINESS

Luceco Contract Next Phases

Mr. Paulsen reported on the next phase of the Luceco process.

Subcontractor to Jacobs

- Board previously approved full budget and scope of work as a no cost amendment to the Jacobs contract
- Board requested a progress update and approval to move to next phases of work
- Luceco provided an Envision program update at the March 2021 Board meeting.

Phases of Work

- Phase 1 – Initial Program Exploration and Feasibility – COMPLETE
- Phase 2 – P3 RFP Integration and Program Baseline – Initiated
- Phases 3 and 4 – Measurement, Tracking, Monitoring and Evaluating Project Performance; Certification; and Funding Support – Request for Phase Approval

Next Steps for the Envision Program

- Continue with ongoing tracking and reporting as part of the Quality Management Process
- Support Federal funding opportunities • Continue to support local workforce development strategies
- Ongoing coordination and meetings with P3 Team

Request to the MFDA Board of Authority

- Approval of Luceco to continue with next phases of work and next steps as outlined above.

Mr. Olson commented that he likes the Luceco program and supports it 100%. Mrs. Scherling asked what the costs are to date. Mr. Barthel indicated that the costs paid to date are \$140,000 for Phases I and II. Phase III will cost an additional \$140,000. Mr. Paulsen stated that the DA will move forward with initiating the Phase III process.

Mr. Shockley reminded the group that if you are a board member who is observing and not a member of the respective committee or the Board of Authority that is meeting, you should not participate in the discussion. Doing so could violate the open records laws by creating a meeting of the Diversion Authority Board.

12. NEXT MEETING

The next meeting will be May 27, 2021.

13. ADJOURNMENT

The meeting adjourned at 4:27 PM.