

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on May 27, 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; David Ebinger, Clay County Commissioner; Kevin Campbell, Clay County Commissioner; Mary Scherling, Cass County Commissioner; Rick Steen, Cass County Commissioner; John Strand, Fargo City Commissioner; Larry Seljevold, Moorhead City Council and Rodger Olson, Cass County Joint Water Resource District.

Member absent: Dave Piepkorn, Fargo City Commissioner.

**1. CALL TO ORDER**

Mayor Carlson called the meeting to order at 3:31 PM. Roll call was taken, and a quorum was present.

**2. APPROVE MINUTES FROM APRIL 2021 MEETING**

**MOTION PASSED**

**Mr. Steen moved to approve the April 2021 minutes as presented and Mr. Hendrickson seconded the motion. On a voice vote, the motion carried.**

**3. APPROVE ORDER OF AGENDA**

**MOTION PASSED**

**Mr. Steen 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**

**Mr. Steen moved to approve the consent agenda and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.**

**5. GENERAL COUNSEL UPDATE**

Mr. Shockley provided a summary and explanation outlining the purpose and need for the following resolutions:

**a. Resolution Approving Master Indenture of Trust**

**MOTION PASSED**

**Mr. Steen moved and Mr. Olson seconded the motion to approve the Resolution as summarized by Mr. Shockley. On a roll call vote, the motion carried.**

- b. Resolution Consenting to CCJWRD Issuance of Temporary Refunding Improvement Bonds**  
**MOTION PASSED**  
Mr. Hendrickson moved and Mr. Steen seconded the motion to approve the Resolution as summarized by Mr. Shockley. On a roll call vote, the motion carried.
- c. Resolution Approving WIFIA Loan Agreement and WIFIA Loan Bond Supplemental Indenture**  
**MOTION PASSED**  
Mr. Campbell moved and Mrs. Scherling seconded the motion to approve the Resolution as summarized by Mr. Shockley. On a roll call vote, the motion carried.
- d. Fiscal Agent Fee Approval**  
**MOTION PASSED**  
Mr. Steen moved and Mrs. Scherling seconded the motion to approve the Resolution as summarized by Mr. Shockley. On a roll call vote, the motion carried with Dr. Mahoney abstaining from voting.
- e. Resolution Granting Variance for Cass County FEMA Properties**  
**MOTION PASSED**  
Dr. Mahoney moved and Mr. Hendrickson seconded the motion to approve the Resolution as summarized by Mr. Shockley. On a roll call vote, the motion carried.

## **6. 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 35% 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. Public Open House held on 26 May.

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

Contract was awarded to Tunheim Construction, LLC on 1 April 2021 for \$2.2M; Required completion date NLT 30 June 2023. Construction started week of 10 May.

## 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 35% design review is scheduled to begin mid-Aug 2021.

## 8 Drain 27 Wetland Mitigation Project Design

The final design review began 10 May 2021 and final plans and specs are due 30 July 2021. Award of a construction contract is anticipated in 2nd quarter FY2022.

## 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 final design review begins on 20 June 2021.

## 7. PUBLIC OUTREACH UPDATE

Ms. Darling shared the new landing page and indicated that the old page will remain as is. The new page will contain more information on the Project, continue to be updated as the Project develops and it will contain more visuals.

The top portion of the page will be for breaking news updates and additional Project information that needs to be relayed in a timely manner.

## 8. LAND MANAGEMENT UPDATE

Mrs. Scherling provided the following Land Management update:

- Acquisitions
  - Continue working on acquiring property for:
    - Drain 27 Wetland Restoration Project
    - Red River Control Structure
    - Environmental Monitoring Easements
    - Southern Embankment Reach 2A (SE-2A)
    - Upstream Structures
  - Acquired property interests on over 650 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
  - 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)
  - Developed a special webpage and educational video to explain the process to property owners
- Mitigation Program Development/Refinement (following Settlement Agreement)

## 9. FINANCE UPDATE

Mr. Steen reported that the majority of the items covered at the Finance Committee meeting were included in the consent agenda and Mr. Shockley's presentation; he then turned it over to Mr. Paulsen to explain TO 32 Amendment 0 USACE I-29 Grade Raise.

Significant dialogue transpired regarding the Task Order and it was strongly recommended that there be more education/updates on these types of financial transactions.

**MOTION PASSED**

**Dr. Mahoney made a motion to move forward with approving \$155,000 for the first year and revisiting the Task Order again at the June meeting and Mrs. Scherling seconded the motion. On a roll call vote, the motion carried with Mayor Dardis voting against the motion.**

**10. OTHER BUSINESS**

There was no other business.

**11. NEXT MEETING**

The next meeting will be June 24, 2021.

**12. EXECUTIVE SESSION**

**MOTION PASSED**

**Mr. Steen moved to go into Executive Session and Dr. Mahoney seconded the motion. On a voice vote, the motion carried. The Board, John Shockley, general counsel, Martin Nicholson, consultant and Joel Paulsen, executive director retreated to the River Room at 4:43 PM.**

**13. ADJOURNMENT**

**The Board, John Shockley, Martin Nicholson and Joel Paulsen returned to the City Commission Chambers at 5:48 PM. Mrs. Scherling moved to adjourn the meeting and Mr. Ebinger seconded the motion. The meeting adjourned at 5:49 PM.**