

**METRO FLOOD DIVERSION AUTHORITY VIRTUAL MEETING**  
**November 19, 2020**  
**3:30 PM**

**1. CALL TO ORDER**

A virtual meeting of the Metro Flood Diversion Authority was held on November 19, 2020, at 3:30 pm with the following members present: Dr. Tim Mahoney, Mayor, City of Fargo; Johnathan Judd, Mayor, City of Moorhead; Bernie Dardis, Mayor City of West Fargo; Shelly Carlson, Moorhead City Council Member; Mary Scherling, Cass County Commissioner; Chad Peterson, Cass County Commissioner; Rick Steen, Cass County Commissioner; Chuck Hendrickson, Moorhead City Council Member; Dave Piepkorn, Fargo City Commissioner; Grant Weyland, Clay County Commissioner; Arlette Preston for John Strand Fargo City Commissioner; Rodger Olson, Cass County Joint Water Resource District Manager and Kevin Campbell, Clay County Commissioner.

No members were absent.

Others present: Joel Paulsen and Kris Bakkegard, FMDA; John Shockley, Ohnstad Twichell, PC; Sadie Moen, Rocky Schneider and Eric Dodds, AE2S; Martin Nicholson, Program Advisor Services; Peggy Harter and Paul Barthel, Jacobs.

Mayor Mahoney called the meeting to order at 3:30 pm. Roll call was taken and a quorum was present.

**2. APPROVAL OF MINUTES**

**MOTION PASSED**

**Mayor Dardis moved and Mayor Judd seconded to approve the minutes from October 2020. Motion carried.**

**3. APPROVAL ORDER OF AGENDA**

Mr. Paulsen recommended that the agenda be amended as follows:

- ***Item 9 sub-item iv be removed from the agenda; a formal contract amendment from Aconex/Oracle has not been received.***
- ***Item 9 sub-items, i, ii & iii be moved to the Consent Agenda section as they have no budget impact.***
- ***Items 5 and 10b be moved to the beginning of the agenda to allow Mr. Shockley time on the agenda.***

**MOTION PASSED**

**Mayor Judd moved and Mayor Dardis seconded to approve the order of the agenda as amended. On a roll call vote, the motion carried.**

**4. CONSENT AGENDA APPROVAL**

**MOTION PASSED**

**Mr. Weyland moved and Mr. Hendrickson seconded to approve the consent agenda as presented. On a roll call vote, the motion carried.**

**5. GENERAL COUNSEL UPDATE**

Mr. Shockley reviewed the NuStar amendment and resolution indicating that there is an adjustment to the original agreement to relocate the pipeline resulting in additional costs of \$59,000.

**MOTION passed**

**Mr. Hendrickson made a motion to approve the additional funds needed for the pipeline relocation and Mr. Peterson seconded the motion. On a roll call vote, the motion carried.**

**EXECUTIVE DIRECTOR PERFORMANCE REVIEW PROCESS**

Mr. Shockley will be sending an evaluation form to each Board member to provide input into the executive director's performance evaluation. The evaluation forms are forthcoming and no action is needed at this time.

**USDOT**

The USDOT approved a \$296,000,000 allocation of PABS. These funds could be utilized by the P3 developer as a financing vehicle. An additional \$36,000,000 will be allocated in January and we will be making an ask. If we receive the funds, this would put us at approximately \$330,000,000.

**WIFIA**

The final details of the term sheet are still being worked out and should be finalized soon.

**6. EXECUTIVE DIRECTOR UPDATE**

**Director of Communications**

Executive Director Paulsen introduced Jennifer Darling, the new director of communications.

**P3**

Draft #6 of the RFP has been sent out and we are on schedule for procurement. There still is one more round of the one-on-one meetings.

**ND State Water Commission Agreements**

\$44,000,000 will now be accessible upon the execution of the agreement with a 50% cost share in addition to the approximately \$80,000,000 that we have outstanding with the SWC.

**SETTLEMENT AGREEMENT**

Mr. Paulsen indicated that the agreement has been executed and thanked the Board for their hard work, support and insight.

## OSE

We received the permit for the channel construction so we will be able to move forward with construction once the P3 developer has been chosen.

## 7. USACE PROJECT UPDATE

Ms. Williams provided the following project update:

### 1. Diversion Inlet Structure Construction

Structure includes 3-50 ft. wide Tainter gates. The concrete approach and structure slabs downstream stepped slabs are complete. Placement of right dam walls continues and H-pile driving in stilling basin is scheduled to begin this month. Construction is 40% complete with a required completion date of 7 June 2023. Anticipated remaining schedule:

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

2021: Concrete piers/abutments, control building.

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. Concrete placement for the dam walls is underway and the first large control structure slab is scheduled for 24 Nov. Construction is 14% complete with a required completion date of 22 October 2023. Anticipated schedule:

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

2021: Dam walls, control building, dam embankment.

2022: Control building, dam embankment.

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

2024: Turf established.

### 3. Red River Structure Design

Structure includes 3-50 ft. wide Tainter gates. The design of this critical-path feature remains on schedule. The 65% review is complete and the 95% is scheduled to begin late-April 2021. Final plans and specs are scheduled to be completed in September 2021.

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

The final plans and specs were approved on 30 October 2020.

Construction contract award is scheduled for 2nd quarter FY21.

### 5. Southern Embankment – Reach SE-2A Design

Detailed design continues and the 65% design review by the DA is scheduled to begin late-January 2021. Final plans and specifications are scheduled for November 2021. Rock Island District is assisting with design for Reaches SE-2A, SE-2B and SE-4.

**6. I-29 Raise Design**

Being designed by Houston Moore Group (HMG) and constructed by the Corps. The final reviews are ongoing and final plans and specifications are scheduled to be available late November 2020. The Prequalification of Sources was posted on 28 Oct. Award of a construction contract is anticipated in 2<sup>nd</sup> quarter FY21.

**7. Drain 27 Wetland Mitigation Project Design**

The 65% design review is complete and the 95% is scheduled to begin early-March.

**8. PUBLIC OUTREACH**

Mr. Olson indicated that we continue to move forward and there have not been many questions regarding the CLOMR mailing.

**9. LAND MANAGEMENT**

Mrs. Scherling stated that five more parcels have been purchased since the last meeting and the that Drain 27 appraisals will be done soon. She shared her gratitude and appreciation to the CCJWRD for all of their work and Mr. Olson echoed her sentiment.

**10. FINANCE COMMITTEE**

Mayor Dardis indicated that the finance committee met yesterday and approved the Beaver Creek Archaeology MSA, CH2M Hill/Jacobs MSA and AON TO 4. Other approvals were the NuStar resolution reflecting an additional \$59,000 to the current agreement and the ND and MN land acquisition LADs. The State Water Commission Cost-Share agreement was approved as well and needs final approval from the Board.

**MOTION passed**

**Mayor Dardis moved to approve the State Water Commission Cost-Share agreement as presented and Mr. Steen seconded the motion. On a roll call vote, the motion passed.**

**EXECUTIVE DIRECTOR 2021 GOALS**

Executive Director Paulsen reviewed his goals and objectives for 2021. Following is a brief overview:

**Goal 1: Teamwork**

- Continue to foster and develop existing partnerships
  - USACE, States of ND and MN, Local Member Entities, etc.
- Identify and focus on new partnerships
- Develop highly functional DA leadership team
- Hire, develop and retain winning talent

#### Goal 2: Culture/Values

- Developing a culture that is fair, caring, consistent and “always doing the right thing.” •
  - Values in hiring winning talent
    - Knowledge
    - Tradition
    - Balance
    - Pragmatism
    - Values-Behaviors-Culture

#### Goal 3: Communications

- Continually enhance internal and external communication at all levels
- Philosophy of communication: proactive, transparent, timely and accurate
- Identify and Define six core messages that permeate all communication strategies
- Proactively build our “institutional memory” to key FMDA staff

#### Goal 4: Leadership

- Project Leadership
- Creating a learning environment for administration of large projects
- Leading the nation to revolutionize how flood control projects are implemented
- Team Leadership will create the following for our team: • Leadership vocabulary
  - Leadership playbook • Leadership culture

#### Goal 5: Fiscal Integrity

- By year end we will develop a comprehensive plan to wisely manage the nearly \$3B dollars of funds with defined processes in six areas: • Budget Functions • Financial Reporting • Internal Controls • Stakeholder Funding and Debt Management • Cash Disbursements • Insurance and Risk Management

#### **ADJOURNMENT**

The meeting adjourned at 4:25 pm.