METRO FLOOD DIVERSION AUTHORITY
OCTOBER 5, 2016—5:03 PM

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Wednesday, October 5, 2016, at 5:03 PM in the Fargo City Commission Room with the following members present: Cass County Commission representative Darrell Vanyo; Cass County Commissioner Mary Scherling; Cass County Commissioner Ken Pawluk; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Moorhead City Council Member Nancy Otto; Moorhead City Council Member Chuck Hendrickson; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Cass County Joint Water Resource District Manager Rodger Olson; and West Fargo City Commissioner Mike Thorstad. Moorhead City Mayor DelRae Williams and Fargo City Commissioner Tony Grindberg were absent.

2. EXECUTIVE SESSION

Attorney John Shockley said under North Dakota state law the board is allowed to meet in private session to consult with legal counsel.

MOTION, passed

Mr. Olson moved and Mr. Weyland seconded that the Metro Flood Diversion Authority meet in executive session pursuant to North Dakota Century Code 44-04-19. for the purpose of attorney client consultation and update regarding matters arising out of or related to the on-going litigation matter of the Richland/Wilkin County Joint Powers Authority v. Army Corps of Engineers and the City of Oxbow as intervenors and to receive legal advice regarding potential claims arising out of or related to the Minnesota DNR's decision to deny the Dam Safety and Public Waters Work Permit Application submitted by the Metro Flood Diversion Authority. Motion carried.

Diversion Authority board members, key administrative and engineering staff, Attorney John Shockley and Attorney Erik Johnson moved to the River Room at 5:06 PM. Also present via conference call was Fargo City Commissioner Tony Grindberg; and Attorneys Robert Cattanach and Mike Drysdale from Dorsey & Whitney LLP.

The executive session ended at 6:30 PM and the meeting was re-opened to the public.

3. PUBLIC COMMENT – MINNESOTA DNR DENIAL OF PERMIT

Mrs. Otto provided the following statement to Minnesota Governor Mark Dayton and Minnesota Department of Natural Resources Commissioner Tom Landwehr:

"In Fargo-Moorhead, we are all one community. The overwhelming majority of Moorhead residents are employed in Fargo. Your decision places Moorhead, Minnesota residents' lives, Minnesota homes, Minnesota jobs, Minnesota businesses at risk. Your decision places our medical care at risk because we get our medical care in Fargo. Your decision may very well block a number of Minnesota students who go to school, go to college in Fargo. Your decisions affect our relatives that live in Fargo. We have fought many, many floods here. We don't want to evacuate our hospitals, our nursing homes ever again. We don't want to have to fill and haul and lay millions of sandbags ever again. Put your politics aside. We feel abandoned by you. Please reconsider your decision on behalf of Minnesota residents. You represent us. Reconsider it. Thank you."

4. NEXT MEETING DATE

The next meeting will be held on Thursday, October 13, 2016.

5. ADJOURNMENT

MOTION, passed

On motion by Mr. Campbell, seconded by Mr. Olson, and all voting in favor, the meeting was adjourned at 6:33 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant