METRO FLOOD DIVERSION AUTHORITY
OCTOBER 27, 2016—3:30 PM

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, October 27, 2016, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Chad M. Peterson; Cass County Commissioner Rick Steen; Cass County Commissioner Arland Rasmussen; 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 Mark Brodshaug; and West Fargo City Commissioner Mike Thorstad. Fargo City Commissioner Tony Grindberg and Moorhead City Mayor Del Rae Williams were absent. Mark Nisbet from the Business Leaders Task Force was also present.

2. MINUTES APPROVED

MOTION, passed

Mr. Olson and Mr. Weyland seconded to approve the minutes from the October 13, 2016, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to approve the order of the agenda. Motion carried.

4. TECHNICAL UPDATE

Recommended Contracting Actions Summary

Ty Smith reviewed the following change order:

Construction Change Orders

- ICS, Inc. Change Order 7 (4th Street Pump Station)—add brackets for sanitary overflow piping, add flared end with grate, add sluice gate actuator covers and hand wheel nuts, update lot grading plan, add 306 days to each original contract date for demolition, generator building, substantial completion and final completion for box culvert deficiency resolution, and add three days to contract milestones for asbestos wrapped pipe and pump house foundation removal work in the amount of $7,689.91.

MOTION, passed

Mr. Piepkorn moved and Ms. Otto seconded to approve the appropriation of funds for the outlined Change Order. On roll call vote, the motion carried unanimously.

5. 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. Piepkorn moved and Ms. Otto seconded that the Metro Flood Diversion Authority meet in executive session pursuant to N.D.C.C. § 44-04-19 for the purpose of attorney client consultation and update regarding matters 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. On roll call vote, the motion carried unanimously.

Diversion Authority board members, key administrative and engineering staff, and Attorney John Shockley moved to the River Room at 3:35 PM. Also present via conference call was Attorney Robert Cattanach from Dorsey & Whitney, LLP.

The executive session ended at 4:07 PM, and the meeting was re-opened to the public.

MOTION, passed
Ms. Otto moved and Mr. Campbell seconded that the Metro Flood Diversion Authority hereby directs its attorneys, Dorsey & Whitney, LLP, to request a contested case hearing with the Minnesota DNR regarding its decision to deny the Dam Safety and Public Waters Work Permit Application and directs its co-executive directors to request the establishment of a work group with the Minnesota DNR regarding project permitting issues. On roll call vote, the motion carried unanimously.

6. NEXT MEETING DATE

The next meeting will be held on Thursday, November 10, 2016.

7. ADJOURNMENT

MOTION, passed
On motion by Mr. Campbell, seconded by Mr. Weyland, and all voting in favor, the meeting was adjourned at 4:09 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant