METRO FLOOD DIVERSION AUTHORITY
NOVEMBER 10, 2016—3:30 PM

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, November 10, 2016, at 3:30 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; Fargo City Commissioner Tony Grindberg; Moorhead City Mayor Del Rae Williams; 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. Tom Dawson, Chairman, Business Leaders Task Force was also present.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the minutes from the October 27, 2016, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Mr. Weyland seconded to approve the order of the agenda with the addition of acknowledgements after the order of agenda. Motion carried.

4. ACKNOWLEDGEMENTS

Mr. Vanyo and Mr. Mahoney acknowledged Cass County Commissioner Ken Pawluk and Moorhead City Councilwoman Nancy Otto for their service on the board as both will be retiring from their respective commissions in the next month. They also thanked Tom Dawson and the Business Leaders Task Force for their efforts to get the message out about the flood sales tax extension vote.

5. MANAGEMENT UPDATE

Program management consultant (PMC) report

Randy Richardson from CH2M provided an update on activities over the last month including approval of the flood sales tax extension by Fargo and Cass County voters; continued outreach with the MN DNR; contact with the four short-listed Public Private Partnership (P3) proposers; continued development of the Request for Proposals (RFP) for the P3 contract; development of a draft 2017 annual budget; Phase 1 land acquisition and opportunistic land acquisitions; and support of the Army Corps of Engineers design efforts on the southern embankment inlet structure. He said priority areas for the next month are to encourage adoption of a working group with the MN DNR; prepare for 2017 legislative activities; continue development of the P3 RFP documents; finish in-town construction for the season; advertise the Oxbow home demolition package; and continue Phase 1 land acquisitions.

Ty Smith from CH2M provided an update on in-town levee work, El Zagal Phase 2 levee construction, and Mickelson levee extension construction.

6. ADMINISTRATIVE/LEGAL UPDATE

Attorney John Shockley said the finance and legal team are working on the current finance plan and will provide an update to the board next month. He said work continues on the technical requirements for the P3 RFP's.

7. TECHNICAL UPDATE

Recommended Contracting Actions Summary

Randy Richardson reviewed the following Task Order Amendments and Authority Work Directive:

Task Order Amendments

- HMG Task Order 7 Amendment 6 (Recreation and Use Master Plan and Design)—add design services for Oxbow Park relocation, add services for preparation of National Park Service conversion submittal, and extend period of performance for Subtask C to March 31, 2017, in the amount of $128,703.
- HMG Task Order 9 Amendment 16 (Hydrology and Hydraulic Modeling)—add scope and budget for additional Subtask K Phase 8 Model update in the amount of $119,426.
- HMG Task Order 13 Amendment 14 (Levee Design and Design Support)—closeout budget adjustment for in-town levees Phase 2 design in the amount of $60,000.
- HMG Task Order 16 Amendment 5 (Permit Submittal Preparation)—add scope and budget to prepare 2nd Street FEMA Conditional Letter of Map Revision (CLOMR) submittal and additional support for overall FM Diversion Project CLOMR and staging area mitigation plan, and extend period of performance to December 31, 2017, in the amount of $116,000.
- HMG Task Order 19 Amendment 2 (P3 Document Preparation Support)—add scope and budget for additional P3 RFP technical support services and review in the amount of $125,000.

MOTION, passed

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

Authority Work Directive

- HMG AWD-00061 REV-1 (Geotechnical Investigation)—geotechnical investigation services needed for the P3 RFP process to take soil borings at Cass County Highway 14 and 38th Street West bridge crossing sites before the right-of-entry expires on November 25, 2016, at a cost not to exceed $64,000.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the appropriation of funds for the outlined Authority Work Directive. On roll call vote, the motion carried unanimously.

Ty Smith from CH2M reviewed the following Change Orders and Settlement Claim:

Construction Change Orders

- Industrial Builders, Inc. Change Order 11 (2nd Street North Pump Station)—final project cost adjustment and decorative fence removal for a deduction in the amount of $36,492.02.
- Reiner Contracting, Inc. Change Order 4 (El Zagal Flood Risk Management Phase 2)—additional stop sign and milestone adjustment for final seeding in the amount of $420.50.
- Industrial Builders, Inc. Change Order 3 (Mickelson Levee Extension)—final cost adjustment, asphalt millings, and final completion seeding adjustment in the amount of $7,891.50.
- Industrial Builders, Inc. Change Order 14 (2nd Street North – South of Pump Station)—street light modifications, City of Fargo Library landscaping, epoxy paint for streets, differing site conditions material disposal, 3rd Street lighting modifications, 1st Avenue plaza bench modifications, topsoil import, and temporary straw mulch in the amount of $75,816.44.
- Industrial Builders, Inc. Change Order 4 (2nd Street North – North of Pump Station)—8” plaza concrete, pull boxes, temporary straw mulch, and milestone changes in the amount of $8,650.

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

Contractor Settlement Claim
Reiner Contracting, Inc. Settlement of Claim (El Zagal Flood Risk Management Phase 2)—authorize Co-Executive Directors to finalize decision on contractor claim and approve subsequent change order in the amount of $14,181.14. The contractor submitted a claim for compensation totaling $28,362.77. The Technical Advisory Group (TAG) reviewed the claim and recommend the Authority pay half the amount totaling $14,181.14. If the board approves the claim, this would be awarded to Reiner Contracting, Inc. in a subsequent change order.

MOTION, passed
Mr. Pawluk moved and Ms. Otto seconded to approve the settlement claim with Reiner Contracting, Inc. in an amount not to exceed $14,181.14. On roll call vote, the motion carried unanimously.

8. PUBLIC OUTREACH UPDATE

Committee report
The Public Outreach Committee met on November 9th. Rocky Schneider from AE2S provided an update on activities, which include public education on the flood sales tax extension vote; presentations given to different community organizations and boards; distribution of pull-up educational maps in different locations to allow public interaction; and planning for the 2017 legislative session. The website saw a significant increase in user traffic last month due to the vote on sales tax measures, MN DNR information and P3 short list activity.

Business Leaders Task Force
Tom Dawson said the task force is pleased with the ad campaign on the two ballot measures to extend the flood sales tax in Fargo and Cass County, and the election results with voters approving both measures.

9. LAND MANAGEMENT

The Land Management Committee met on November 9th. Mrs. Scherling said the committee discussed recent property acquisitions and a draft mitigation plan summary.

Mr. Vanyo asked about contracting for home demolition work in Oxbow. Mr. Brodshaug said he anticipates there will be a combination of demolition and home re-use with the contractor. Some of the houses may be moved and re-used. The contract will include sufficient time to allow buyers to schedule moving of the homes.

10. FINANCE UPDATE

Resolution on Contracting Actions
The Finance Committee met on November 9th. Mr. Grindberg said one of the topics discussed was a resolution outlining the procedure to be used for construction contracts, professional services and change orders.

John Shockley said the resolution does not apply to contracts handled by the individual partner entities or associated with the P3 procurement. He referred to Section 5 of the resolution regarding the procedure for Diversion Authority approval of changes and amendments to existing contracts. He said in certain situations when public safety dictates action to be taken in order to stabilize work sites or mitigate costs, the Co-Executive Directors may authorize change orders prior to them being submitted to the Diversion Authority. He said prior to authorizing work to be done, the Co-Executive Directors would contact the Finance Chair and Diversion Authority Chair. The Finance Committee recommends approval of the proposed resolution.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the "Resolution Confirming the Procedure for Approval of Construction Contracts; Contracts for Engineering, Architectural, and Other Professional Services; and Change Orders and Amendments". On roll call vote, the motion carried unanimously.

Voucher approval

The bills for the month are with CCJWRD for costs associated with the Metro Flood Diversion, in-town levees, OHB levee, and Oxbow Country Club project; Ohnstad Twichell, P.C. for P3 bond counsel; and Springsted, Inc. for financial feasibility analysis services.

MOTION, passed

Mr. Pawluk moved and Ms. Otto seconded to approve the vouchers in the amount of $7,246,198.09 for October, 2016. On roll call vote, the motion carried unanimously.

Contract Amendments

Michael Redlinger, Assistant Fargo City Administrator and Co-Executive Director, said the Finance Committee approved contract amendments with CH2M and Ernst & Young Infrastructure Advisors to extend the period of performance from November 25, 2016, to December 16, 2016.

MOTION, passed

Mr. Mahoney moved and Mrs. Scherling seconded to approve contract amendments with CH2M and Ernst & Young Infrastructure Advisors to extend the period of performance through December 16, 2016. On roll call vote, the motion carried unanimously.

11. NEXT MEETING DATE

The next meeting will be held on Thursday, December 1, 2016.

12. ADJOURNMENT

MOTION, passed

On motion by Mr. Pawluk, seconded by Ms. Otto, and all voting in favor, the meeting was adjourned at 4:52 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant