FLOOD DIVERSION BOARD OF AUTHORITY
JUNE 23, 2016—3:30 PM

1. ORGANIZATIONAL MEETING

An organizational meeting of the Flood Diversion Board of Authority was called to order on Thursday, June 23, 2016, at 3:30 PM in the Fargo City Commission Room, Fargo, North Dakota.

2. IDENTIFICATION OF BOARD MEMBERS BY MEMBER ENTITIES

Board members and alternates were identified by member entities as follows:

Fargo City Mayor Tim Mahoney
Fargo City Commissioner Dave Piepkorn
Fargo City Commissioner-Elect Tony Grindberg
Fargo City Commissioner Tony Gehrig (Alternate)
Fargo City Commissioner-Elect John Strand (Alternate)

Moorhead City Mayor Del Rae Williams
Moorhead City Council Member Nancy Otto
Moorhead City Council Member Chuck Hendrickson
*Alternates to be determined

Cass County Commission representative Darrell Vanyo
Cass County Commissioner Mary Scherling
Cass County Commissioner Ken Pawluk
Cass County Commissioner Chad M. Peterson (Alternate)
Cass County Commissioner Rick Steen (Alternate)
Cass County Commissioner Arland Rasmussen (Alternate)

Clay County Commissioner Kevin Campbell
Clay County Commissioner Grant Weyland
Clay County Commissioner Frank Gross (Alternate)

Cass County Joint Water Resource District Manager Rodger Olson
Cass County Joint Water Resource District Manager Mark Brodshaug (Alternate)

West Fargo City Commissioner Mike Thorstad
*West Fargo City Mayor Rich Mattern (Alternate)
*needs to be confirmed by the West Fargo City Commission

Attorney John Shockley said an appointee has not been identified from the Upstream Group.

3. CONFIRMATION OF BOARD MEMBERS

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to confirm the board members of the Flood Diversion Board of Authority. Motion carried.

4. NOMINATION OF VICE CHAIR

MOTION, passed

Ms. Otto moved and Mr. Hendrickson seconded to nominate Del Rae Williams, Moorhead City Mayor, as Vice Chair of the Flood Diversion Board of Authority. Motion carried.

5. DESIGNATION OF SECRETARY

MOTION, passed

Mr. Pawluk moved and Mr. Mahoney seconded to designate Heather Worden as the Secretary of the Flood Diversion Board of Authority. Motion carried.

6. DESIGNATION OF OFFICIAL COUNTY NEWSPAPER

MOTION, passed

Ms. Otto moved and Mr. Piepkorn seconded to designate *The Forum* as the Official Newspaper of the Flood Diversion Board of Authority. Motion carried.

7. ADOPT PRIOR DIVERSION AUTHORITY ACTIONS AND OBLIGATIONS

MOTION, passed

Ms. Otto moved and Ms. Sobolik seconded that the Diversion Authority assume any and all prior remaining obligations and contracts created under the Limited Joint Powers Agreement and authorize the Chair and Deputy Executive Directors to perform those prior obligations and contracts. On roll call vote, the motion carried unanimously.

8. REGULAR MEETING TO ORDER

The regular meeting of the Flood Diversion Board of Authority was called to order on Thursday, June 23, 2016, at 3:36 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 Melissa Sobolik; Fargo City Commissioner Dave Piepkorn; 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 Frank Gross; Cass County Joint Water Resource District Manager Mark Brodshaug; and West Fargo City Commissioner Mike Thorstad.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Bruce Grubb; Clay County Administrator Brian Berg; Fargo City Director of Engineering Mark Bittner; Moorhead City Engineer Bob Zimmerman; Tom Dawson, Chairman, Chamber of Commerce Business Leaders Taskforce; Bruce Spiller, CH2M; and Randy Richardson, CH2M.

9. MINUTES APPROVED

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to approve the minutes from the June 9, 2016, meeting as presented. Motion carried.

10. AGENDA ORDER

MOTION, passed

Mr. Pawluk moved and Ms. Scherling seconded to approve the order of the agenda. Motion carried.

11. PROJECT PARTNERSHIP AGREEMENT (PPA) APPROVAL

Attorney John Shockley said given that the new Joint Powers Agreement is now in effect, the board may approve the Project Partnership Agreement (PPA). The agreement is between the Army Corps of Engineers and non-federal project sponsors and will initiate construction of the project.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve the Project Partnership Agreement (PPA). On roll call vote, the motion carried unanimously.

12. TECHNICAL UPDATE

Recommended Contract Actions Summary

Randy Richardson discussed the following Task Order Amendments, Change Orders, Services Agreement and Memorandum of Agreement:

Task Order Amendments

- Houston-Moore Group, LLC Task Order No. 1 Amendment 8 (Project Management)—increases 2016 insurance budget to cover actual cost and updates programmatic schedule activity ID for project management subtasks in the amount of $15,100;
- Houston-Moore Group, LLC Task Order No. 8 Amendment 13 (Work-in-Kind)—add budget to review and close out comments on the USACE diversion inlet design in the amount of $5,800;
- Houston-Moore Group, LLC Task Order No. 13 Amendment 13 (Levee Design)—close two design tasks and unencumber remaining budget, incorporate AWD-00057, add scope and budget for design subtasks for levees, add scope and budget for demolition of second residence near OHB levee, and extend period of performance to July 31, 2017 in the amount of $340,723;
- Houston-Moore Group, LLC Task Order No. 17 Amendment 4 (Services during Construction-Work Package 42)—incorporate AWD-00059 and add scope and budget for WP-42F.2 in the amount of $333,000.

Construction Change Orders

- Industrial Builders, Inc. WP-42F.1S Change Order 08—differing subsurface conditions and floating castings in the amount of $257,901.37;
- Landwehr Construction, Inc. WP-42C.1 Change Order 02—install additional length of helical pier in the amount of $79,632.00.

MOTION, passed
Ms. Scherling moved and Ms. Sobolik seconded to approve the appropriation of funds for the outlined Task Order Amendments and Change Orders. On roll call vote, the motion carried unanimously.

Third-Party Services Agreement

Aconex Services Agreement and Phase 2 Services Order—eight-year multi-party platform electronic data management system and services to manage and store program records in the amount of $1,322,146.

Mr. Richardson said staff were given a four-month trial period to use the software, which is an electronic data management system to store program records. The program will also help control the work flow approval of documents. There was discussion on the significant amount of the expense and whether the Finance Committee had seen the agreement. Mr. Pawluk asked who has reviewed this agreement. The technical and administrative advisory committees have reviewed the item, but not the Finance Committee.

MOTION, passed
Mr. Campbell moved and Mr. Mahoney seconded to refer the Aconex Services Agreement to the Finance Committee to be brought back to the Flood Diversion Board for consideration. Motion carried.

Memorandum of Agreement (MOA)

U.S. Army Corps of Engineers Memorandum of Agreement (Mitigation at Maple River Sites)—MOA for Reach 7/Maple River aqueduct portion of the proposed diversion channel.

MOTION, passed
Mr. Pawluk moved and Mr. Thorstad seconded to authorize the chair to sign a Memorandum of Agreement with the U.S. Army Corps of Engineers. On roll call vote, the motion carried unanimously.

13. BASELINE SCHEDULE PRESENTATION

Bruce Spiller briefly reviewed the baseline which will set a planned schedule and budget to execute an agreed scope of work. The baseline becomes the basis for performance reporting (actual versus planned) in three areas: budget, scope and schedule.

14. OTHER BUSINESS

Mr. Pawluk asked for clarification on the court action issued earlier this week. Mr. Shockley said the U.S. Court of Appeals affirmed the basis of the injunction on the OHB levee decision issued by the Minnesota District Court. Mr. Vanyo said the action maintains the injunction on the OHB levee construction.

Mr. Mahoney reported on meetings with the Office of Management & Budget and Army Corps of Engineers in Washington, D.C. last week that he attended along with Mr. Vanyo, Mr. Piepkorn, Ms. Otto and Mr. Grubb.

Ms. Scherling and Fargo City Commissioner Mike Williams attended the North Dakota State Water Topics Overview Committee meeting last week in Minot. Mr. Williams discussed the in-town levee work and Ms. Scherling provided an update on the Minnesota EIS.

Mr. Shockley said the Dakota Metro Flood Board will meet today for the last regularly scheduled meeting after the Diversion Board adjourns.

15. NEXT MEETING DATE

The next meeting will be held on Thursday, July 14, 2016, at 3:30 PM.

16. ADJOURNMENT

MOTION, passed
On motion by Ms. Scherling, seconded by Mr. Pawluk, and all voting in favor, the meeting was adjourned at 4:25 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant