METRO FLOOD DIVERSION AUTHORITY
APRIL 27, 2017—3:30 PM

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, April 27, 2017, at 3:30 PM in the Fargo City Commission Room with the following members present: Fargo City Mayor Tim Mahoney; Cass County Commissioner Mary Scherling; Cass County Commissioner Chad M. Peterson; Cass County Commission representative Darrell Vanyo; Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; 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. Fargo City Commissioner Dave Piepkorn and Fargo City Commissioner Tony Grindberg were absent.

2. MINUTES APPROVED

MOTION, passed

Mr. Weyland moved and Mr. Vanyo seconded to approve the minutes from the March 23, 2017, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

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

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Randy Richardson from CH2M provided an update on activities over the last month, which include the ground breaking ceremony on April 17th for the inlet control structure; Oxbow levee construction as the injunction has been lifted; approval by the North Dakota legislature to provide $66.5 million in funding; continued engagement with the Minnesota DNR through the formal working group; and continued land acquisitions with a focus on Phase 1 and Phase 2 properties. Priority areas for the next month include support to secure federal funding; award bids for the next two rounds of Oxbow home removals; and monitor ongoing litigation and provide support for legal responses.

Robert Cowen provided a brief financial update on the overall program status and said $335 million has been expended to date.

Ty Smith from CH2M provided a construction update on continued work at the 4th Street North pump station generator building, which is almost complete, and the Oxbow home demolition and relocation project. He said upcoming projects include the Oxbow City Park relocation, final two phases of Oxbow home demolition and relocations, and Oxbow levee construction.

5. ADMINISTRATIVE/LEGAL UPDATE

Executive Director Recruitment update

Michael Redlinger, Assistant Fargo City Administrator and Co-Executive Director, provided a brief update on the Executive Director recruitment process. CPS HR Consulting created an ideal candidate profile and marketing brochure, which was sent to 5,000 individuals around the country. Recruitment ads were also placed on several engineering and construction websites. He said the first screening date to review resumes is scheduled for May 19th.

Houston-Moore Group (HMG) Master Services Agreement

Mr. Shockley said last month the board approved an extension to the current Master Services Agreement (MSA) with Houston-Moore Group (HMG) to continue negotiations on a new agreement, which have now been completed. This agreement replaces the existing one approved in 2011. He outlined a few of the changes which include compensation based on hours worked, a requirement for HMG to purchase its own professional liability insurance, and indemnification requirements for the Diversion Authority and State of North Dakota. The Finance Committee approved the MSA as presented.

MOTION, passed

Mr. Olson moved and Mr. Weyland seconded to approve the Master Services Agreement with Houston-Moore Group, LLC. On roll call vote, the motion carried unanimously.

Meeting Frequency

There has been discussion about the possibility for board members to call in for special meetings that may be needed to act on bid awards that are time sensitive. The meetings would be noticed similar to regular board meetings. Mr. Peterson said the intent would be to use this option only if there were only one or two items for consideration. Board members did not have an issue with this concept.

6. PUBLIC OUTREACH UPDATE

Committee report

The Public Outreach Committee met on April 26th. Mr. Olson publicly thanked the Business Leaders Task Force for their efforts during the legislative session. Rocky Schneider from AE2S said staff and board members traveled to St. Paul and met with Minnesota congressional delegates. He said short informational videos are in the process of being made with staff and board members as part of public outreach efforts, and he showed one which featured Terry Williams from the Corps of Engineers.

Business Leaders Task Force

Mark Nisbet from the Chamber of Commerce Business Leaders Task Force said members continue to support the project and are proud of the progress being made by the Diversion Authority.

7. LAND MANAGEMENT

The Land Management Committee met on April 26th. Mrs. Scherling said the committee reviewed the farmland management report; discussed changes to the draft mitigation plan as a result of the Ag Policy Subcommittee meeting held earlier this month; and discussed the outreach plan for impacted property owners.

Eric Dodds from AE2S said letters will soon be sent to around 1,000 property owners impacted by the project. Maps will be included with the letter and one-on-one meetings will be offered to residents.

Property Acquisition Status Report

Mrs. Scherling said a map showing the status of property acquisitions will be shared with board members on a monthly basis. Mr. Dodds said the map shows all the properties needed for the project and provides the status on each one.

8. FINANCE UPDATE

Committee report

The Finance Committee met on April 26th. Michael Montplaisir, Cass County Auditor, said the Diversion Authority has $75 million in cash on hand and is in good financial position for 2017.

Mr. Montplaisir said the Finance Committee approved adjustments to the 2017 cash budget, and he asked the board to consider approval of the following:

- $7,774,500 deduction from the Diversion Channel and Associated Infrastructure line item for utility relocations that will be included in the P3 contract;
- Reallocation of $1,130,000 out of the $7,774,500 deduction to the Southern Embankment and Associated Infrastructure line item for the unbudgeted payment to the Corps of Engineers with the remaining $6,644,500 reallocated to the Contingency line item.

MOTION, passed
Mr. Vanyo moved and Mrs. Scherling seconded to approve the outlined budget adjustments for 2017. On roll call vote, the motion carried unanimously.

Voucher approval
The bills for the month are with Dorsey & Whitney LLP for legal services; Ohnstad Twichell, P.C. for legal services; Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, in-town levees, Diversion Project Assessment District, OHB levee, and Oxbow Country Club golf course construction; Civil Design, Inc. for professional engineering fees; and Clay County for property taxes on diversion-owned land.

MOTION, passed
Mr. Weyland moved and Mrs. Scherling seconded to approve the vouchers received through April 19, 2017, in the amount of $3,015,946.63. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions
Ty Smith discussed a change order, which was approved by the Finance Committee:

- Landwehr Construction, Inc. (Change Order 02 – Park East Apartments demolition)—unused unit rate budget to reconcile the final contract price for a deduction in the amount of $7,500.00.

MOTION, passed
Mr. Peterson moved and Mrs. Scherling seconded to approve the outlined change order. On roll call vote, the motion carried unanimously.

Recommended Contract Awards
Mr. Smith said a construction contract with Earthwork Services, Inc. for the Oxbow City Park relocation was tabled for further review of the scope requirements. He discussed two construction contracts, which were approved by the Finance Committee:

- Hoffman & McNamara Co. (WP 42G – General Landscape and Plantings)—landscaping and plantings along the completed in-town flood walls in the amount of $519,954.74.
- American Enterprises, Inc. (P3 RFP support)—test pit excavation at two different sites in the amount of $29,000.

MOTION, passed
Mr. Paulsen moved and Mr. Hendrickson seconded to approve the appropriation of funds for the outlined contract awards. On roll call vote, the motion carried unanimously.

9. NEXT MEETING DATE

The next meeting will be held on Thursday, May 25, 2017.

10. ADJOURNMENT

MOTION, passed

On motion by Mr. Peterson, seconded by Mrs. Scherling, and all voting in favor, the meeting was adjourned at 4:19 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant