DIVERSION AUTHORITY BOARD MEETING
FARGO CITY COMMISSION CHAMBERS
FARGO, NORTH DAKOTA
THURSDAY, AUGUST 8, 2019
3:30 P.M.

1. Call to order

2. Approve minutes from previous meeting

3. Approve order of agenda

4. .Gov Domain Registration for Diversion Board of Authority

5. Executive Session

   The Metro Flood Diversion Authority Board will meet in Executive Session on August 8, 2019, at 4:00 PM as authorized by North Dakota Century Code § 44-04-19.1 (9) to discuss negotiating parameters for an employment agreement with Joel Paulsen as Executive Director

6. Appoint Joel Paulsen as Executive Director and authorize co-deputy executive directors and general counsel to finalize Employment Agreement with Joel Paulsen

7. Next Meeting – August 22, 2019

8. Adjournment

METRO FLOOD DIVERSION AUTHORITY
JULY 25, 2019—3:32 PM

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, July 25, 2019, at 3:32 PM in the Fargo City Commission Chambers with the following members present: Cass County Commissioner Mary Scherling; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Tony Grindberg; Fargo City Commissioner Dave Piepkorn; Moorhead City Mayor Johnathan Judd via conference call; Moorhead City Council Member Chuck Hendrickson; Cass County Joint Water Resource District Manager Dan Jacobson; and West Fargo City Commissioner Mike Thorstad. Tom Dawson, Chair of the Chamber Business Leaders Task Force, was also present.

2. INTRODUCTIONS AND WELCOME

Mrs. Scherling introduced officials from the Army Corps of Engineers present for today's meeting. Colonel Karl Jansen, Commander of the Corps of Engineers, St. Paul District; Kevin Wilson, Deputy District Engineer for Programs and Project Management, St. Paul District; and Terry Williams, Corps of Engineers Project Manager, St. Paul District.

Colonel Jansen provided information on his background with the Corps and said he has experience with flood fighting. He understands the long-term vitality that flood risk reduction projects can provide to communities and looks forward to working with the Diversion Authority.

3. MINUTES APPROVED

MOTION, passed

Mr. Steen moved and Mr. Weyland seconded to approve the minutes from the June 27, 2019, meeting as presented. Motion carried.

4. AGENDA ORDER

MOTION, passed

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

5. MANAGEMENT UPDATE

Kim Daily from Jacobs said the expenditures-to-date are $481,817,562 million, actual project cost-to-date is $468,903,319 and $28,084,540 has been paid-to-date from the FY2019 cash budget. She reviewed contract actions approved by the Co-Executive Directors and by the Cass County Joint Water Resource District. She provided an update on activities and accomplishments over the last month, which include work on the 2nd Street South flood mitigation project; approval of 58 appraisals primarily for the channel and for early/opportunistic acquisitions; preparation of appraisal work for the Red River control structure, western tieback levee, and various upstream properties; securing rights-of-entry to support I-29 road raise and southern embankment design; and support for the NDSU Ag Impacts study.

Short-term priorities include finalization of Task Order 6 for P3 procurement and implementation; support for the contested case hearing and Buffalo-Red River Watershed District permit challenge process; and appraisal completion of all channel properties. Long-term priorities over the next six months include reactivation of the P3 procurement pending approval of Task Order 6; confirm the remobilization schedule for P3 proposers; update program reporting of budget and schedule; finalize interim funding and financial strategy; and solidify upstream structure mitigation requirements in coordination with permitting agencies.

6. CORPS OF ENGINEERS UPDATE

Terry Williams, Project Manager from the Corps of Engineers, provided an update, which included dewatering of the Diversion inlet structure construction site due to recent rains; issuance of Request for Proposals (RFP) on July 22nd for the Wild Rice River structure; construction of a physical model of the Red River structure design; ongoing design to incorporate Plan B into the southern embankment; and cultural resources mitigation of two archaeological sites along the Diversion channel.

7. ADMINITRATIVE/LEGAL UPDATE

Resolution Authorizing Current Chair to Execute Documents

Attorney John Shockley said a resolution has been drafted to authorize Mary Scherling, Current Chair of the Metro Flood Diversion Authority Board, to execute documents approved by the board during prior Chair Del Rae William's term.

MOTION, passed

Mr. Grindberg moved and Mr. Campbell seconded to adopt the Resolution Authorizing the Current Chair to Execute Documents Approved by the Board during the Prior Chair's Term. On roll call vote, the motion carried unanimously.

8. PUBLIC OUTREACH UPDATE

Committee report

The Public Outreach Committee met on July 24th. Tammy Jo Taft from AE2S distributed project talking points to provide to the public. She showed video flyover of the Diversion inlet control structure and the most recent public outreach video with North Dakota State Representative Thomas Beadle.

Mr. Campbell said the committee discussed different ways to get the message out regarding the videos and other information available to the public.

Business Leaders Task Force

Mr. Dawson said the task force is available to provide presentations to different groups regarding the importance of this project. Mrs. Scherling thanked them for their support.

9. LAND MANAGEMENT

Committee report

The Land Management Committee did not meet this month as there were no action items to consider. Mrs. Scherling said work continues with land acquisitions and appraisals.

Property Acquisition Status Report

The Property Acquisition Status Report is updated monthly and shows the status of all parcels required for the project. The information is helpful to understand all the land purchases taking place and to monitor their progress.

10. FINANCE UPDATE

Committee report

The Finance Committee met on July 24th. Mr. Grindberg referred to the financial report and said the net cash position is $97 million.

MOTION, passed

Mr. Grindberg moved and Mr. Steen seconded to accept the financial report as presented. On roll call vote, the motion carried unanimously.

Voucher approval

The bills for the month are Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion right-of-entry and land acquisitions, Diversion Project Assessment District, OHB levee, and in-town levees; Dorsey & Whitney for legal services; and Ohnstad Twichell, P.C. for legal services.

MOTION, passed

Mr. Grindberg moved and Mr. Mahoney seconded to approve the vouchers received through July 19, 2019, in the amount of $2,956,109.38. On roll call vote, the motion carried unanimously.

11. EXECUTIVE DIRECTOR SEARCH

Robert Wilson, Cass County Administrator and Co-Executive Director, said interviews with three candidates for the Executive Director position were held on July 17th. He said Pam Derby from CPS HR Consulting reached out to candidates regarding salary and benefits to be considered during contract negotiations.

Mr. Shockley explained the process to hire an Executive Director. He said according to the Joint Powers Agreement, the engagement of an Executive Director requires at least one affirmation vote to be cast by a City of Fargo Board member, Cass County Board member, and Minnesota Board member.

MOTION, failed

Mr. Piepkorn moved and Mr. Steen seconded to enter into negotiations with Barret Lane as the preferred candidate for the Executive Director of the Metro Flood Diversion Authority. Discussion: Mr. Steen said the local candidate (Joel Paulsen) has more technical experience while Mr. Lane has more government and administrative experience, and both are excellent candidates. Mr. Mahoney agreed that both Mr. Lane and Mr. Paulsen are good candidates for the job. Mr. Peterson believes Mr. Lane is better suited to establish the office right away and two or three years from now, Mr. Paulsen would be better suited for the position. Mr. Grindberg did not participate in the interviews, but reviewed all of the information on each candidate. Mr. Grindberg feels that Mr. Paulsen knows the project and prefers him because he is local and would not have to be educated on the project. Mr. Judd said both candidates meet the job requirements; however, his choice is Mr. Paulsen because he knows the local dynamics of the project, has credibility and is able to build and maintain relationships within the community. Mr. Campbell is disappointed the board did not have some discussion prior to a vote being introduced. Mr. Campbell feels that Mr. Paulsen is the right person for the job and is the only candidate who said he would stay through completion of the project. Mr. Campbell said there is still much work to accomplish in Minnesota regarding funding and he believes Mr. Paulsen has the connections to get this done. Mrs. Scherling works on the project daily and she said an organizational structure is needed right away. She said Mr. Lane has successfully executed large-scale projects and believes the Diversion needs a leader with his type of experience. Mr. Piepkorn said the Executive Director needs to be able to "own the room" and the experience of Mr. Lane will allow him to do the job immediately. Mr. Hendrickson supports Mr. Paulsen because most of the project involves construction and needs an engineer, which is Mr. Paulsen's background. On roll call vote, the motion failed with Mr. Grindberg, Mr. Judd, Mr. Hendrickson, Mr. Campbell, Mr. Weyland and Mr. Jacobson voting "No"; and Mr. Piepkorn, Mr. Steen, Mrs. Scherling, Mr. Peterson, Mr. Mahoney, and Mr. Thorstad voting "Yes".

MOTION, passed
Mr. Mahoney moved and Mr. Hendrickson seconded to enter into negotiations with Joel Paulsen as the preferred candidate for the Executive Director of the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.

Mr. Shockley suggested the next step for the board is to meet on August 8th in executive session to discuss the terms of the employment agreement with Mr. Paulsen.

12. NEXT MEETING DATE

The next meeting is scheduled for Thursday, August 8th.

13. ADJOURNMENT

MOTION, passed
On motion by Mr. Grindberg, seconded by Mr. Peterson, and all voting in favor, the meeting was adjourned at 4:24 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant

DRAFT

August X, 2019

.Gov Domain Registration
c/o Verisign, Inc.
12061 Bluemont Way
Reston, Virginia 20190

Dear Domain Manager,

As Chairperson for the Fargo/Moorhead Diversion Board of Authority, I formally request that authority over the fmdiversion.gov second-level domain name be delegated to the FM Diversion Board of Authority.

The FM Diversion Board of Authority represents the following organizations:

Cass County Commission, Cass County North Dakota
Clay County Commission, Clay County Minnesota
Fargo City Commission, Fargo, North Dakota
Moorhead City Council, Moorhead Minnesota
Cass County Joint Water Resources District, Cass County, North Dakota

[Describe the nature of the relationship between the states and your organization. Include links to (or add as an appendix) authorizing legislation, applicable bylaws or charter, or other documentation that demonstrates being a bona fide interstate governmental organization.]

This domain name will be used for establishing email, DNS, SSL certificates and website resources. The use of this domain is consistent with organizational Internet policy. In addition, I will ensure the content of the requested domain name conforms to the .gov policy.

By requesting this domain name, I acknowledge that I will be responsible for payment of the annual $400 domain fee. I understand that if I wish to retire my domain, I must submit a written request to registrar@dotgov.gov. If a written request is not submitted, I understand that I will continue to be responsible for all accrued domain fees.

The following individuals will be listed as points of contact for fmdiversion.gov. It is understood that the contact information must remain valid and up to date, and that administrative, billing, and technical points of contact will be unique.

Administrative Point of Contact
First Name, Last Name
Title
Address
Phone Number
Email Address

Billing Point of Contact
First Name, Last Name
Title
Address
Phone Number
Email Address

Technical Point of Contact
First Name, Last Name
Title
Address
Phone Number
Email Address

Security Point of Contact Email Address

Sincerely,

Mary Scherling
Chair of the Board
FM Diversion Board of Authority