FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, March 31, 2016
3:30 PM
Fargo City Commission Room
Fargo City Hall
200 3rd Street North

1. Call to order
2. Approve minutes from previous meeting Item 2. Action
3. Approve order of agenda Action
4. Finance
   a. Updated project cost estimate
5. Other Business
6. Next Meeting – April 14, 2016
7. Adjournment

cc: Local Media

FLOOD DIVERSION BOARD OF AUTHORITY
MARCH 10, 2016—3:30 PM

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, March 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; West Fargo City Commissioner Mike Thorstad; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Melissa Sobolik; Cass County Joint Water Resource District Manager Rodger Olson; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald VanAmburg, Buffalo-Red River Watershed District. Fargo City Commissioner Mike Williams was absent.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Bruce Grubb; Clay County Administrator Brian Berg; Cass County Engineer Jason Benson; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Mark Nisbet, Chamber of Commerce Business Leaders Taskforce; and Martin Nicholson, CH2M Hill.

2. MINUTES APPROVED

MOTION, passed
Mr. Mahoney moved and Mrs. Scherling seconded to approve the minutes from the February 25, 2016, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed
Mr. Campbell moved and Mrs. Scherling seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Martin Nicholson provided an update on activities over the last month including work on in-town levees; completion of demolition work on the Park East Apartments and beginning demolition work on the Howard Johnson Hotel; assistance with responses to public comments for the Minnesota Draft EIS (MN DEIS); submittal of North Dakota and Minnesota dam safety and construction permits; and support to the Corps of Engineers with the 404 permit application.

Mr. Nicholson reviewed the 2016 key activities schedule. He said an updated cost estimate and financial plan will be presented to the board in next month. He also discussed the JPA approval process, and preparation of the Request for Qualifications (RFQ) and Request for Proposals (RFP) as part of the procurement strategy for the Public Private Partnership (P3).

Keith Berndt, April Walker and Nathan Boerboom attended a P3 conference in Dallas, Texas this week. Mr. Berndt said one of the topics discussed was the importance of upfront work with P3 projects. Ms. Walker said there appears to be significant interest from developers about the diversion project.

5. ADMINISTRATIVE/LEGAL UPDATE

Attorney John Shockley said the financial plan should be released to the board in April, and work continues on the draft amendment to the Limited Joint Powers Agreement with a few more substantive comments to be incorporated into the document.

6. TECHNICAL UPDATE

Recommended Contracting Actions Summary

Mr. Nicholson reviewed the following contracted actions with the board:

Task Orders

- Beaver Creek Archaeology, Inc. Task Order No. 1 Amendment 1 (Phase 1 Cultural Resources Investigations)—add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, at no cost;
- URS Corporation Task Order No. 1 Amendment 4 (Phase 1 Cultural Resources Investigations)—add scope and budget for ongoing project management, additional fieldwork and on-call services, and add requirements for monthly invoicing and status reporting in the amount of $147,000;
- HMG Task Order No. 1 Amendment 7 (Project Management)—add funding for project management and public involvement assistance, add requirements for monthly schedule updates, add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, in the amount of $398,000;
- HMG Task Order No. 6 Amendment 8 (Land Management)—add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, at no cost;
- HMG Task Order No. 7 Amendment 5 (Recreation and Use Master Plan and Design)—add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, at no cost;
- HMG Task Order No. 10 Amendment 7 (Utilities Design and Identification of Outlet to I-94 North, I-94 to Staging Area South; and Red River Levees Project Area)—add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, at no cost;
- HMG Task Order No. 11 Amendment 4 (Design for Reach 6 and CR-20 Bridge)—reallocate existing funding, add requirements for monthly invoicing and status reporting, and extend period of performance to June 30, 2016, at no cost;
- HMG Task Order No. 14 Amendment 4 (Transportation and Local Drainage Master Plans South)—reallocate existing funding, add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, at no cost;
- HMG Task Order No. 15 Amendment 3 (Draft Operations Plan)—add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, at no cost;
- HMG Task Order No. 16 Amendment 3 (Permit Submittal Preparation)—add scope and budget to develop and prepare FEMA Conditional Letter of Map Revision (CLOMR), North Dakota and Minnesota Dam permit applications, add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, in the amount of $100,000;
- HMG Task Order No. 18 Amendment 1 (Design of CR-16/CR-17 Bridge)—add scope and budget for design modification of Drain 47 outlet structure, add road and channel design updates, add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, in the amount of $253,485;
- HMG Task Order No. 19 Amendment 1 (P3 Document Preparation Support)—add requirements for monthly invoicing and status reporting, and extend period of performance to December 31, 2016, at no cost.

MOTION, passed

Mr. Mahoney moved and Ms. Otto seconded to approve the appropriation of funds for the task orders as outlined, and recommend approval of the appropriation of funds by the Dakota Metro Flood Board for the Diversion Authority. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATE

Committee report

Mr. Olson said the Public Outreach Committee met on March 9th. He and other officials were in Bismarck the past few days attending the North Dakota Water Topics Overview Committee and State Water Commission meeting. Mr. Vanyo said earlier today he provided an update on the diversion project to an Emergency Management class at NDSU.

Business Leaders Task Force

Mark Nisbet said chamber members appreciated the attendance at a presentation by the MN DNR during the monthly "Eggs and Issues" meeting held earlier this week. He said business leaders will continue to stay involved in public outreach activities associated with the diversion project.

8. LAND MANAGEMENT UPDATE

Committee report

Mr. Mahoney said the Land Management Committee met on March 9th and approved one property acquisition with the BNSF Railroad for an undeveloped riverside parcel.

CCJWRD update

Mark Brodshaug referred to the handout regarding land acquisitions completed through March 10, 2016, which includes completed acquisitions, budget figures, and completed negotiations. He said critical in-town property negotiations are underway with Mid-America Steel and Case Plaza, and the Corps of Engineers has approved updated appraisals for these acquisitions; demolition activities are substantially complete at Park East Apartments and are just beginning at the Howard Johnson Hotel and former Shakey's Pizza property; 15 homes are currently under construction in Oxbow; and pre-property acquisition efforts have begun for diversion inlet area lands.

9. FINANCE UPDATE

Committee report

Mike Montplaisir, Cass County Auditor, said the Finance Committee met on March 9th. The committee reviewed the monthly financial report, vouchers, one property acquisition and task orders.

Task Orders

For consideration today are three task orders totaling approximately $9.5 million with CH2M Hill, Ernst & Young Infrastructure Advisors, LLC, and Ashurst LLP. John Shockley said CH2M Hill will continue to provide program management services as well as support with P3 procurement; Ernst & Young will work on the financial analysis for the P3, and assist with RFQ and RFP development; and Ashurst LLP will assist the legal aspects of the P3 procurement process. Mr. Vanyo said the task orders will help expedite the work needed to prepare the Project Partnership Agreement (PPA) and assist with P3 process.

MOTION, passed

Mr. Mahoney moved and Mrs. Scherling seconded to approve the appropriation of funds for the following task orders and recommend approval of the appropriation of funds by the Dakota Metro Flood Board for the Diversion Authority: On roll call vote, the motion carried unanimously.

- **CH2M Hill Task Order No. 6 for $6,300,000**
- **Ernst & Young Infrastructure Advisors, LLC Statement of Work No. 2 for $1,177,000**
- **Ashurst LLP Work Order No. 3 for $1,979,133.70**

Voucher approval

The bills for the month are with CCJWRD for costs associated with in-town levees, access issues, Diversion Project Assessment Committee (DPAC) work, OHB levee, and Oxbow Country Club golf course construction; Fredrikson & Byron, P.A. for government relations services; Dorsey & Whitney LLP for legal services; Warner & Company for liability insurance policy; Army Corps of Engineers for

cost share funding; North Dakota Water Users Association for membership dues; BNSF Railroad for water main crossing permit, temporary occupancy permit, and storm sewer crossing permit processing fees; and Ohnstad Twichell for P3 bond counsel.

MOTION, passed

Mr. Mahoney moved and Ms. Sobolik seconded to approve the vouchers in the amount of $2,293,525.40 for February, 2016. On roll call vote, the motion carried unanimously.

10. NEXT MEETING DATE

The next meeting will be held on *Thursday, March 31, 2016 at 3:30 PM.*

11. ADJOURNMENT

MOTION, passed

On motion by Ms. Sobolik, seconded by Mrs. Scherling, and all voting in favor, the meeting was adjourned at 4:24 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant