



Mayor and Council Communication

March 24, 2014

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SUBJECT: *Resolution to Approve Memorandum of Understanding between The Department of the Army and the City of Fargo, City of Moorhead, and Flood Diversion Board of Authority

RECOMMENDATION: The Mayor and City Council are asked to consider a resolution to approve a Memorandum of Understanding (MOU) between The Department of the Army (US Army Corps of Engineers) and the cities of Fargo, Moorhead, and the Flood Diversion Board of Authority and authorize the Mayor and City Manager to execute the MOU on behalf of the City of Moorhead.

BACKGROUND / KEY POINTS: A construction MOU is necessary between USACE and the local sponsors of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project to construct, and receive credit for, specific projects prior to Congressional authorization of the Diversion Project and execution of a formal Project Partnership Agreement (PPA) with USACE. The work proposed in the construction MOU includes:

- Construction of permanent in-town levees in the City of Fargo
- Construction of the Oxbow-Hickson-Bakke (OHB) levee in North Dakota

The City of Moorhead is referenced in the proposed construction MOU ***to permit in-kind credit to be considered at a later date for previously installed flood mitigation measures in Moorhead.*** No new projects are authorized or will be constructed in the City of Moorhead, that are not already planned for construction, by approving the construction MOU. However, all Diversion Project sponsors must approve the MOU for it to take effect.

The construction MOU permits specific projects in North Dakota to proceed to construction prior to Congressional authorization of the Diversion Project and execution of a PPA. Approval of the construction MOU does not prejudice the State of Minnesota's current Environmental Impact Statement process, nor does it create potential conflicts with DNR review of global project alternatives. The activities specified in the construction MOU have independent utility from the Diversion Project, but will have complementary functionality to the project when it is constructed and becomes operational.

FINANCIAL CONSIDERATIONS: There is no financial cost to the City of Moorhead to enter into the proposed construction MOU between USACE and the other local sponsors. The work program defined in the construction MOU will take place entirely within the State of North Dakota and will be financed by North Dakota entities. Federal funding is not available for construction of these projects.

VOTING REQUIREMENTS: Majority of Quorum

Disclaimer: Voting requirements may be subject to changes in the law, parliamentary procedural matters, or other unforeseen issues. The City Attorney provides opinion on questions of voting requirements in accordance with the Moorhead City Code, Minnesota State Statutes, and parliamentary procedure.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Michael J. Redlinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael J. Redlinger
City Manager

Department: Administration
Prepared by: Michael Redlinger, City Manager

Attachments: Draft Resolution
Proposed Construction MOU



Request for Council Action

AGENDA SECTION: Administration		ORIGINATING DEPARTMENT: City Manager	MEETING DATE: March 24, 2014
ITEM NO. 16.	ITEM DESCRIPTION: *Resolution to Approve Memorandum of Understanding between The Department of the Army and the City of Fargo, City of Moorhead, and Flood Diversion Board of Authority		PREPARED BY: Redlinger

DRAFT RESOLUTION

WHEREAS, a Construction Memorandum of Understanding (MOU) has been drafted to specify flood reduction projects which may commence in the State of North Dakota prior to Congressional authorization of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (Diversion Project); and

WHEREAS, the construction activities proposed will be constructed entirely within the State of North Dakota and will be financed by North Dakota sponsors of the Diversion Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council approves the Memorandum of Understanding between The Department of the Army and the City of Fargo, City of Moorhead, and Flood Diversion Board of Authority and further authorizes the Mayor and City Manager to execute the construction MOU on behalf of the City of Moorhead.

PASSED: March 24, 2014 by the City Council of the City of Moorhead.