

Metro Flood Study Work Group Meeting
Wednesday, May 26, 2010
3:30 p.m.
Fargo City Commission Room

A meeting of the Metro Flood Study Work Group was held at 3:30 p.m. on Wednesday, May 26, 2010 in the Fargo City Commission Room.

Work Group Members present: Fargo City Commissioners Tim Mahoney and Brad Wimmer, Moorhead Council Members Brenda Elmer, Nancy Otto and Diane Wray-Williams, Cass County Commissioners Scott Wagner and Darrell Vanyo, Clay County Commissioners Kevin Campbell and Grant Weyland, Cass County Water Resource District Manager Tom Fischer.

Work Group Members absent: Moorhead Council Member Dan Hunt and Buffalo-Red River Watershed District Manager Gerald VanAmburg.

Staff Members present: Fargo City Administrator Pat Zavoral, Fargo City Engineer Mark Bittner, Fargo Senior Engineer April Walker, Moorhead City Manager Mike Redlinger, Moorhead City Engineer Bob Zimmerman, Cass County Administrator Bonnie Johnson, Cass County Engineer Keith Berndt, Clay County Administrator Vijay Sethi.

Others present: U.S. Army Corps of Engineers Project Manager Aaron Snyder, Fargo City Attorney Erik Johnson, Southeast Cass Water Resource District Attorney Sean Fredricks, Moorhead City Attorney Brian Neugebauer, West Fargo Mayor Rich Mattern, Dilworth Mayor Chad Olson, Red River Basin Commission Executive Director Lance Yohe.

Commissioner Mahoney opened the meeting.

Approval of the May 13, 2010 Minutes

Brad Wimmer moved the minutes from the May 13, 2010 Metro Flood Study Work Group meeting be approved adding Grant Weyland to the Work Group Members present for the May 13, 2010 meeting. Grant Weyland seconded the motion. All members voted aye, and the motion was declared carried.

Status Report

Aaron Snyder distributed a Preliminary Update from the Corps of Engineers. He said the Corps has updated numbers since the last meeting which does include information on the MN 40k and 45k. He said the handout provided includes two tables; the first table shows the performance of the diversion channels or their effectiveness compared to the workgroup goal. He said the MN 45k is the diversion needed to meet the group's goal of .2%. Table two, he said, goes through the costs and benefits of any of these projects. Net benefits of the MN 40k, he said, were the largest of any plans considered,

therefore, the MN 40k would be identified as the NED plan. He said the other change from last time is the expected annual damages went up to \$195 million.

Pat Zavoral stated some of the issues with the ND 40k are that an additional six to eight weeks of study time would be necessary; however that doesn't preclude the Corps from looking at that option later on in the process. Mr. Snyder said if the Corps was to look at the ND 40k it would delay the Corps by at least six to eight weeks and would guarantee that the December deadline would not be met.

Mr. Snyder said a 50/50 split has been mentioned before during the design phase, which could be done upon the group's request. He said the big thing is that during the design phase whether it is a 75/25 or 50/50 split it would not change the requirements or amount of the funding needed and all dollars contributed would be rolled into the construction phase. He said it would all be money that would be contributed to the project anyway it would just be giving the Corps a few more dollars in the first year than would be if the 50/50 split was agreed upon.

Pat Zavoral said administrative staff and engineers met from all entities and talked about a 50/50 split. He said he is going to rely a little bit on Senator Tom Fischer's suggestion that if the group goes to a 50/50 split, which would mean \$15 million from the feds and \$15 million locally, Minnesota could then be convinced to come up with ten percent for their share which would be the 90/10 split that has been discussed in the past. He said Senator Fischer has suggested that early on in the Legislative session he will request a change to the language in the current bill to allow for some of the \$75 million in state flood funding to be put toward the design phase of the project. He said that would then mean that \$6.7 million would be needed locally and \$6.7 million would come from the state.

In response to a question from Kevin Campbell on time-frame for funds, Mr. Snyder said the funds will be needed once the appropriation agreement with Congress is signed, which in theory would be in October.

Bob Zimmerman said the City of Moorhead will ask the DNR for any funding that is needed, however, when looking at the elements listed, the only one that could potentially be eligible for Minnesota bond funding would be the outlet structure. He said the City of Moorhead will do what they can to get the funding.

Brad Wimmer moved the Metro Flood Study Work Group agree to a 50/50 split. Second by Darrell Vanyo. All members present voted aye and the motion was declared carried.

Joint Powers Agreement

Erik Johnson said at the last meeting the legal team was asked to move forward with the development of a joint powers agreement. He said the lawyers met to discuss an agreement and will be bringing the preliminary recommendations to the group in the next couple of weeks.

Brian Neugebauer said the legal team will also need to speak with the Corps legal staff about the agreement.

Cost Share Discussion

Mark Bittner said what the Engineering Department has done to date is look at what the structure costs would be for the overall project, since that will be the City's local cost share, even though those costs are in the Corps estimate. Total cost, he said, is about \$90 million, which includes engineering. He said Engineering is waiting for a report from HDR, which has the scheduling report, to determine when the dollars need to be spent. It appears, he said, it will be about \$5 million for the design phase in the first year.

In response to a question regarding how the Corps envisions the scheduling of the design work to go along with construction, Mr. Snyder stated the project will be broke down into phases. He said what will happen is that the Corps will set aside eight or ten items that the Corps breaks into phases and will design one year and construct the following year. At the same time the diversion is being constructed, he said, the Corps will be working on the next eight to ten design items. He said every year for at least the first four to five years the Corps will be designing one year, constructing the next. He said this would be the most efficient way to do a project this size.

Downstream Impacts

Lance Yohe said he has met with the technical people and engineering firms from the two cities and two counties, and there were three items of discussion. The first being a process question and how this might all unfold, second is the meeting with the Corps on June 16th with all the downstream stake holders and lastly, he said, is a dialogue with Manitoba on their diversion sometime in July. He said the recommendation is to continue to use the group that met, which included April Walker, Mark Bittner, Aaron Snyder, Bob Zimmerman, a couple others and engineering firms to interact with the public and filter information back and forth between the downstream and upstream groups.

Darrell Vanyo moved the group continue to endorse the ND 35k diversion channel knowing that the flood stage level for a 500-year flood event is forty feet. Second by Nancy Otto. All members present voted aye and the motion was declared carried.

Next Meeting Date

The Committee agreed to meet on Thursday, June 10th at 3:30 p.m.

The meeting was adjourned at 4:36 p.m.