

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## MINUTES FOR MANAGERS' SPECIAL MEETING

April 23, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting on Tuesday, April 23, 2019, at 7:00 PM in the Dilworth Community Center, to receive public comments regarding the Fargo Moorhead Diversion Authority's (FM DA) permit application for the FM Flood Risk Management Project (Permit No. 19-003). BRRWD Managers present were Jay A. Leitch, Mark T. Anderson, Catherine L. Affield, Peter V. Fjestad, Gerald L. Van Amburg, and Troy E. Larson. BRRWD staff attending included: Bruce E. Albright, Administrator, Kathleen K. Fenger, Assistant Administrator, Erik S. Jones, Engineer, and Julie Jerger, Senior Administrative Assistant, Houston Engineering, Inc. (HEI); Brent Edison, BRRWD Attorney, Vogel Law Firm; Kevin Campbell, Clay County Commissioner/FM DA; Jenny Mongeau and Frank Gross, Clay County Commissioners; Lyle Hovland, Wilkin County Commissioner; Mary Scherling, Cass County Commissioner/FM DA; Wayne Johnson and Lee Rogness, Otter Tail County Commissioners; Jonathan Judd, Moorhead Mayor/FM DA; Chuck Hendrickson, Moorhead Council Member/FM DA, and Robert Zimmerman, Engineer, City of Moorhead; John Shockley, Attorney, Ohnstad Twitchell PC/FM DA; David Morken, Chair, and Mark Askegaard, Director, MNDAK Upstream Coalition; Charlie Anderson, Engineer; Gregg Thielman, Engineer, Houston-Moore Group, LLC (HMG); Paul Barthel and Kim Daily, Jacobs Group, FM DA Project Management Consultants (PMC); and Eric Dodds and Rocky Schneider, Engineers, Advanced Engineer and Environmental Services (AE2S); Timothy Fox, Attorney.

All meeting documents and the meeting video can be viewed online at the BRRWD's website: <http://www.brrwd.org/project-post/fm-diversion-authority-permit-application>.

BRRWD President Leitch called the special meeting to order at 7:00 PM and announced that the proceedings were being professionally recorded by Video Arts Studio. The meeting video will be available on the BRRWD's Website for public viewing. Nearly 200 people were in attendance to hear public comments and discuss the FM DA's BRRWD permit application. The public had several options for submitting comments. They could sign up to make oral comments during the meeting, or using the forms provided, they could place written comments in the comment boxes. The Board will also accept mailed or emailed comments until 5:00 PM, Friday, May 10, 2019. After introducing the BRRWD Managers and Staff, Leitch turned the meeting over to BRRWD Administrator Bruce E. Albright, who gave a brief history of the BRRWD, the FM DA Diversion Project, and permit application process.

Following Albright's remarks, the floor was opened up for public comment. The FM DA and the Richland Wilkin Upstream Coalition were each given 60 minutes to present their comments regarding the proposed FM DA permit application and the BRRWD's contested case hearing request regarding the Minnesota Department of Natural Resources' (DNR) Diversion permit.

Mayor Jonathon Judd, City of Moorhead, thanked the BRRWD for holding the meeting to allow the public an opportunity to comment on the DA's permit application and discussed the importance of flood protection for the Cities of Fargo and Moorhead. He introduced Dr. Robert Zimmerman, Engineer, City of Moorhead, and his team of engineers, Greg Thielman, HMG; and Eric Dodds, AE2S, who gave a presentation titled, [\*FM Area Diversion Project Permit Application Review\*](#). (Link to PDF document/requires active internet browser)

Charlie Anderson, Engineer, gave a presentation regarding an alternative to the DA's Plan B, referred to as Plan "C" or Plan "Charlie", that would provide a more comprehensive "Basin" approach to flood protection

for Fargo-Moorhead by incorporating distributed storage and floodplain protection. [Charlie Anderson's Alternative Plan Presentation](#) (Link to PDF document/requires active internet browser)

Attorney Timothy Fox, Mark Askegaard, Director, MNDAK Upstream Coalition/landowner, Holy Cross Township, Clay County; and Lyle Hovland, Wilkin County Commissioner, also provided comments opposing the DA's permit application. The comments can be viewed in full on the video linked above. Albright noted that the Richland-Wilkin Joint Powers Authority (JPA) submitted a letter to the BRRWD offering to mediate the points of contention regarding the Diversion permit and contested case, which is available on the BRRWD's website, as noted above.

After the formal presentations were completed, several audience members requested time to address the Board.

- Speaking in support of permit approval: Jason Ehlert, President, North Dakota Building Trades Unions; Nathan Brandt, Mayor, Wyndemere, ND, and Trustee, North Dakota Building Trades Unions; Darrell Lende, President, Northwest Minnesota Building Construction Trades Union, CM; and Steven Holm, Ulen, MN, Clay County, resident.
- Speaking in opposition to permit approval: Don Nelson, Director, MNDAK Upstream Coalition; Curtis Bjertness, Manager, CW Valley Cooperative; Marcus Larson, Cass County Resident; and Marty Johnson, Horace, ND, resident.

President Leitch asked for any additional remarks; there being none, he thanked the audience for their attendance and participation. The Board will accept written comments regarding the Diversion permit application until Friday, May 10, 2019, at 5:00 PM.

**Next Meeting.** The next regular BRRWD meeting will be held on Monday, May 13, 2019, at 7:00 PM in the Barnesville office.

President Leitch adjourned the meeting at 9:37 PM.

Respectfully submitted,

John E. Hanson, Secretary