

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – January 23, 2025
City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on January 23, 2025. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; Chuck Hendrickson, Moorhead City Council; David Ebinger, Clay County Commissioner; Jim Kapitan, Cass County Commissioner; Duane Breitling, Cass County Commissioner; Tony Grindberg, Cass County Commissioner; Lisa Borgen, Moorhead City Council; Rick Steen, Cass County Joint Water Resource District; Dave Piepkorn, Fargo City Commissioner; Shelly Carlson, Mayor, City of Moorhead and Denise Kolpack, Fargo City Commissioner.

Member(s) absent: Kevin Campbell, Clay County Commissioner.

1. CALL TO ORDER

Mr. Grindberg called the meeting to order at 3:30 PM. Roll call was taken, and a quorum was present.

2. APPROVE THE MINUTES FROM THE DECEMBER 19, 2024, MEETING

MOTION PASSED

Ms. Kolpack moved to approve the minutes from the December 19, 2024, meeting and Mr. Piepkorn seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE MINUTES FROM THE JANUARY 9, 2025, ANNUAL MEETING

MOTION PASSED

Mr. Breitling moved to approve the minutes from the January 9, 2025, annual meeting and Mayor Dardis seconded the motion. On a roll call vote, the motion carried.

4. RECOGNITION PRESENTATION

Mr. Grindberg recognized Chad Peterson and Mary Scherling (virtually), for their twelve years of service to the board, presenting them with a framed collage. Mayor Carlson was presented a painting of Moorhead, acknowledging her past year as the board chair.

5. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mayor Mahoney moved approve the order of the agenda, amending it to remove item 9. c., and Ms. Kolpack seconded the motion. On a voice vote, the motion carried.

6. APPROVE THE CONSENT AGENDA

MOTION PASSED

Mr. Grindberg asked for a motion to approve the Consent Agenda, indicating that he would abstain from voting on item 6., c., iii. Mayor Mahoney moved to approve the Consent Agenda and Mr. Steen seconded the motion.

MOTION PASSED

Mayor Carlson amended the initial motion and moved to approve items 6 a., b., c., i., ii., iv., and v., and Mr. Grindberg accepted the amendment. On a roll call vote, the motion carried.

MOTION PASSED

Mr. Piepkorn moved to approve item 6., c., iii., and Mayor Carlson seconded the motion. On a roll call vote, with Mr. Grindberg abstaining, the motion carried.

7. STATE OF THE DIVERSION

Mr. Grindberg provided a State of the Diversion overview highlighting the following:

- 1) 68 components under construction
- 2) Construction Completion
- 3) Executive Director Onboarding
- 4) Five-Year Strategic Plan
- 5) Construction Commissioning and O&M Transition Plan
- 6) Long-Term Priorities

The presentation can be viewed in its entirety at www.fmdiversion.gov.

8. CO-EXECUTIVE DIRECTOR'S UPDATE

a. Approve MFDA Classification & Compensation Matrix

Mr. Redlinger provided the MFDA classification and compensation matrix that was developed by MRA and asked the board for approval to implement the matrix.

MOTION PASSED

Mayor Carlson moved to approve the classification and compensation matrix, and Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.

9. GENERAL COUNSEL UPDATE

a. Resolution Confirming the Appointment of Members to the Diversion Authority Board and Committees

MOTION PASSED

Mr. Breitling moved to confirm the appointment of members to the board and committees as presented and Mr. Steen seconded the motion. On a roll call vote, the motion carried.

b. Election of Vice Chair for the Diversion Authority Board

MOTION PASSED

Mayor Carlson moved to nominate Mr. Kevin Campbell as the vice chair of the board and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

d. Update on TDRB Meetings

Mr. Shockley provided an update on the TDRB after the recent opinion from the NDAG. MFDA counsel worked with the TDRB independent counsel to compile notices, agendas and minutes from past meetings. These can be found on the MFDA website.

Currently, there are no meetings of the TDRB or the FDRB scheduled.

10. PROJECT UPDATES

a. USACE Project Update

Ms. Williams provided the following USACE update:

1 Diversion Inlet Structure (DIS) – Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 99% complete. Construction completion date will be revised pending outcome of modifications to the gate machinery design. Schedule for remaining work: 2024-2025: Complete operating machinery corrections; training and commissioning.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 98% complete. Construction completion date will be revised pending outcome of modifications to the gate machinery design. Schedule for remaining work: 2024-2025: Complete operating machinery corrections; training and commissioning.

3 I-29 Raise – Construction

Includes approximately 4 miles of interstate raise between County Roads 16 and 18. Construction is 100% complete. Partial turnover to MFDA occurred on 20 December and preparation of O&M documents is ongoing.

4 Red River Structure (RRS) – Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 71% complete. Construction completion date is 29 April 2026. Tainter gate #3 delivery and bay 3 winter enclosure construction ongoing. Concrete placements in January for approach apron and dam walls.

5 Drain 27 Wetland Mitigation Project Plantings - Construction

Native plantings 5-year contract awarded 17 May 2023. Completion date for wetland establishment is 1 December 2027. Encroachments continue to be an issue.

6 Drayton Dam Mitigation Project Design – Construction

Construction is complete. Turnover to MFDA for O&M occurred on 28 Nov 2023. OMRRR manual will be finalized once MFDA provides comments.

7 Southern Embankment – Reach SE-2A - Construction

Construction is 76% complete but continues to be behind schedule. Scheduled completion date of 13 October 2024 was not met. Revised schedule and completion date pending.

8 FY2024 Contract Awards:

OHB Ring Levee: Awarded 22 February and is 12% complete. Inspection trench, earthwork and storm sewer activities ongoing. Contract completion date is 24 September 2025.

Reach SE-1B: Awarded 27 February and is 29% complete. Stripping, hauling, road subgrade and box culvert work continues. Contract completion date is 13 March 2026.

Reach SE-2B: Awarded 11 March and is 37% complete. CR 16 is open for winter. Contract completion date is 23 August 2026.

Forest Mitigation #1: Contractor is preparing lands for additional planting next season.

Reach SE-4: Awarded 28 May and is 5% complete. Contract completion date is 3 June 2026.

9 FY25 Contract Awards:

SE-3: Contract was awarded to HSG Park JV 2, LLC on 2 January 2025 for \$18.7 million plus an additional \$3.6 million in option work to close remaining gaps in southern embankment.

SE-5: Bid opening held 18 December. Contract award: January 2025

Forest Mitigation #2: Advertised 18 December 2024. Proposals due 22 January. Award in February.

b. SWDCAI Project Update

Mr. Bakkegard provided an update of the construction map that shows current work in progress, 30 and 60 day projected progress:

Misc. Highlights

- Channel Reach 1
- Channel Excavation
- 52nd Ave W Crossing
- CR-14 Crossing

30 to 60-Day Outlook

- BNSF Prosper
- Maple River Aqueduct
- Red River Structure

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period December 1, 2024, to December 31, 2024. He reported that there was one recordable incidence as a result of a slip/fall that required treatment. There were no other incidents to report.

d. P3 Monthly Update

Mr. Barthel provided an update on the progress in the environmental area. Native grasses are being re-seeded per the 404 permit requirements and the mitigation of wetlands is currently underway. The cultural monitoring history preservation efforts continue to preserve the history of the tribes as well as any artifacts. With the limited excavation that has been allowed, there have been no major finds to date. Please reach out to Mr. Barthel if you have any questions regarding the report.

e. January 2025 Drone Video

A video highlighting the progress that has been achieved since December 2024 was viewed.

11. COMMUNICATIONS TEAM UPDATE

Ms. Willson provided the following communications update:

Outreach Products

Media Relations:

- Year-in-review release with video and infographic received good coverage
- Release on board chairperson change also received local coverage

Event Facilitation:

- State of the Cities
- Red River Basin Commission conference

Materials:

- Faces of the Diversion: D.J. Gunville
- The Diversion Current: winter construction

12. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Ms. Smith provided the following property acquisition status report:

- 98.4% completion in the Construction Footprint
- 57.8% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 57.8% of the parcels in the Upstream Mitigation Area have been acquired
- 77.3% of the Environmental Easements have been signed
- 100.0% completed: Stormwater Diversion Channel; Oxbow-Hickson-Bakke levee; in-town levees and the Drayton Dam mitigation

Key Activities:

- Continued negotiating settlement agreements for existing eminent domain actions
- In the last month, successfully closed on 2 parcels / 2 owners in the UMA
- Completing appraisal reports for Christine area flowage easements and Sheyenne River Benching Project
- Continuing the process of disposing of Excess Lands
 - 39 parcels / 682.83 acres have been approved as Excess Lands

- 17 parcels / 546.36 acres are moving through the Policy
- 22 parcels / 136.47 acres have been sold or pending closing
- Continued work on farmland leases for 2025
- Reminder: The vacate dates for occupied Minnesota properties
 - Deadline in Clay County = April 1st, 2025
 - Deadline in Wilkin County = June 1st, 2025

13. FINANCE UPDATE

a. 2025 Final Cash Budget

Mayor Dardis reported that the January bills payable totaled \$4,670,034, and the current grand total net position is \$304,861,402. Mayor Dardis also reported that all the contracting actions presented were approved and the 2025 cash budget was approved in the amount of \$424,055,689.

MOTION PASSED

Mayor Dardis made a motion to approve the 2025 cash budget of \$424,055,689 and Mayor Carlson seconded the motion. On a roll call vote, the motion carried.

b. MN Funding Legislative Update

Mayor Carlson reported that there has been a significant amount of preparation prior to the Minnesota legislative session. The City of Moorhead met with Senator Kupec, and Representatives Joy and Keeler regarding the \$16,000,000 request for the City of Moorhead in-town work (lift stations). Any remaining funds left would be utilized for county work. Clay County Commissioners Mongeau and Krabbenhoft are currently in St. Paul lobbying for the request.

c. Sales Tax Update 2024 Collections

Mr. Shockley reported that the 2024 sales tax collections are approximately \$63,000,000, which is up about 3.48% from last year. He also noted that collections are reported a month or two behind so the total may change slightly.

14. CLOSED EXECUTIVE SESSION

Closed executive session pursuant to N.D.C.C. § 44-04-19.2 and N.D.C.C. § 44-04-19.1 (2) and (9) for attorney consultation with General Counsel regarding an update of the status of the on-going compensation event claims and for negotiations update/direction regarding a potential amendment to the Project Agreement for the Storm Water Diversion Channel and Associated Infrastructure to resolve said compensation event claims.

MOTION PASSED

Mayor Mahoney moved to go into executive session and Mr. Breitling seconded the motion. On a voice vote, the motion carried.

The board retreated to the Red River Room at 4:22 PM.

The board returned to the Commission Chambers at 4:58 PM.

15. OTHER BUSINESS

There was no other business to discuss.

16. NEXT MEETING

The next meeting will be on February 27, 2025.

17. ADJOURNMENT

Ms. Kolpack moved to adjourn, and Mr. Breitling seconded the motion. The meeting adjourned at 5:00 PM.