

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – March 27, 2025

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on March 27, 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 and Shelly Carlson, Mayor, City of Moorhead

Member(s) absent: Kevin Campbell, Clay County Commissioner and Denise Kolpack, Fargo City 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 FEBRUARY 6, 2025, MEETING

MOTION PASSED

Mr. Breitling moved to approve the minutes from the February 6, 2025, meeting and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE MINUTES FROM THE FEBRUARY 27, 2025, MEETING

MOTION PASSED

Ms. Borgen moved to approve the minutes from the February 27, 2025, meeting and Mayor Carlson seconded the motion. On a voice vote, the motion carried.

4. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mayor Dardis moved to approve the order of the agenda as presented and Mr. Piepkorn seconded the motion. On a voice vote, the motion carried.

5. APPROVE THE CONSENT AGENDA

MOTION PASSED

Mr. Ebinger moved to approve the consent agenda and Mayor Carlson seconded the motion. On a roll call vote, the motion carried

6. EXECUTIVE DIRECTOR UPDATE

Mr. Benson reported that the first milestone payment has been made to the Red River Valley Alliance for \$14.4 million.

Mr. Benson reported that there will be a community meeting in Horace on April 15, to discuss County Roads 16 and 17 and upcoming closures. The sheriff's department, emergency management and fire personnel will also be in attendance.

Mr. Benson also reported that there has been a lot of positive support for funding on HB2024 that potentially would provide for the completion of the City of Moorhead in-town projects as well as projects in Wolverton, Comstock and Georgetown.

7. GENERAL COUNSEL UPDATE

a. Technical Dispute Review Board Update

Mr. Shockley provided an update reporting that Mr. Chris Kane, JD, PE, has been appointed to the TDRB. Mr. Shockley indicated that Mr. Kane is an attorney and may have more of a comfort level operating within the open meeting parameters.

8. PROJECT UPDATES

a. USACE Project Update

Mr. Bakkegard 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: 2025: Complete operating machinery corrections; commissioning and training.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 98% complete. Revised construction completion date is 6 August 2025. Schedule for remaining work: 2025: Complete operating machinery corrections; commissioning and training.

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 74% complete. Construction completion date is 29 April 2026. Tainter gate #3 welding and concrete placements for approach apron and dam walls continues.

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.

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 50% complete. Contract completion date is 24 September 2025.

Reach SE-1B: Awarded 27 February and is 31% complete. Contract completion date is 13 March 2026.

Reach SE-2B: Awarded 11 March and is 37% complete. 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: Awarded 2 January 2025. Contract completion date is 11 September 2026.

SE-5: Contract was awarded on 30 January 2025 to BCSS, LLC of Tempe, AZ for \$10,097,097.
Forest Mitigation #2: Contract awarded 24 February 2025 to DJM Ecological Services for \$1.23M.

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 Excavation
- BNSF Hillsboro
- Maple River Aqueduct
- BNSF KO
- CR-16/17 Crossing
- Red River Structure

30 to 60-Day Outlook

- Channel Reach 14
- SE-3

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period February 1 to February 28, 2025. He reported that there was one recordable incident as a result of a slip/fall and there were no other incidents to report.

d. P3 Monthly Update

Mr. Bakkegard an update highlighting the P3 utility area:

The only remaining utility relocation designs, the 3 Construction Document Submittals (CDS) from WAPA were received in February.

Design summary by Utility submittals:

- All 61 required Preliminary Design Reports (PDRs) and 79 Final Design Reports (FDRs) are approved.
- 96% of Construction Document (CD) submittals, 80 of 83 total for utility relocations, have been approved.
- 98.7% (220 of 223) of the total anticipated utility design submittals (PDR, FDR & CD) have been approved.
- 80 sets of RFC Documents have been approved for 102 Utility Buildable Units (BUs). This is 97% of the 105 utility BUs in RRVA's scope of work. The last 3 are for WAPA CDS which are currently in review.
- 112 Inspection and Test Plans (ITPs) have been approved for Utility activities.
- 51 shop drawing submittals for Developer managed Utility relocations are approved.

Overall, 31 of 108 identified utility conflicts (29%) have all work including HDD void grouting and removal of abandoned facilities completed, 16 relocations and 15 removals only BUs.

To date, 34 of the 44 total HDD installations have the voids grouted on both the entry and exit sides. Relocations for 54 of the 61 utilities to be constructed under the channel are tied-in or cut over.

Adjustments for only 2 of the 14 overhead electric transmission lines crossing the channel ROW are complete; Otter Tail Power (OT1) 115 kV line to remain in place and the Xcel Energy (XE3) 230 kV line south of 32nd Ave W.

Please reach out to Mr. Barthel if you have any questions regarding the report.

e. February 2025 Drone Video

A video highlighting the progress that has been achieved since February 2025 was viewed.

9. COMMUNICATIONS TEAM UPDATE

Ms. Willson provided the following communications update:

Media Relations:

- February construction update
- ND vs. MN land permits

Events:

- Collateral materials for D.C. visit

Materials:

- Faces of the Diversion: Brandy Leon
- The Diversion Current: Women in Construction Week

10. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Mr. Dodds provided the following property acquisition status report:

- 98.4% completion in the Construction Footprint
- 58.4% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 58.4% of the parcels in the Upstream Mitigation Area have been acquired
- 77.6% 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 6 parcels / 6 owners in the UMA and Sheyenne River Benching portion of the Project
- Completing appraisal reports for Christine area flowage easements and Horace Mobility Improvements
- Continuing the process of disposing of Excess Lands
 - 39 parcels / 681.26 acres have been approved as Excess Lands
 - 8 parcels / 262.36 acres are moving through the Policy
 - 31 parcels / 418.90 acres have been sold or pending closing
- Initiated staking the farmable areas adjacent to active construction sites along the SEAI
- Issued vacate notices for occupied Minnesota properties

11. FINANCE UPDATE

a. Sales Tax Update 2024 Collections

Mayor Dardis reported that the March bills payable totaled \$1,344,567, and the current grand total net position is \$330,992,481. Mayor Dardis also reported that the sales tax receipts for 2024 received from Cass County totaled \$23,304,345, and the 2024 total received from the City of Fargo totaled \$69,824,744, bringing the total receipts to a little over \$93,000,000.

b. H&H Modeling for FEMA Certification Presentation

a., i. Budget Change Request 019/2025 Cash Budget Amendment

This Budget Change Request (BCR) facilitates two transactions to support HMG Task Order 102 Amendment 9.

1. Reallocate \$2 million of existing program budget reserved under the “Certification” Work Breakdown Structure (WBS) to the Engineering and Design Fees WBS. This amount will be apportioned between years 2025 & 2026.

2. Increase the 2025 cash budget \$1 million from \$424,055,689 to \$425,055,689 to support the added scope under HMG Task Order 102 Amendment 9.

a., ii. Houston Moore Group, Inc. – \$2,174,989

Task Order 102, Amendment 9 – H&H, Mitigation and Permitting Support – balance the 2024 budget with actual spent and adjust remaining budget for 2025 and 2026. Budgets in 2025 and beyond have increased due to the accelerated schedule to the FEMA Physical Map Revision, additional permit compliance monitoring and cemetery mitigation support.

MOTION PASSED

Mayor Carlson moved to approve items 11a., i & ii., as presented, amended and approved at the finance committee meeting, and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

12. OTHER BUSINESS

Mr. Grindberg shared a thank you note from Mayor Carlson.

13. NEXT MEETING

The next meeting will be on April 24, 2025.

14. ADJOURNMENT

The meeting adjourned at 4:05 PM.