

# Metro Flood Diversion Authority Board of Authority Meeting Minutes

**3:30 PM – June 26, 2025**

**City of Fargo Commission Chambers**

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on June 26, 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; Duane Breitling, Cass County Commissioner; Tony Grindberg, Cass County Commissioner; Rick Steen, Cass County Joint Water Resource District; Dave Piepkorn, Fargo City Commissioner; Kevin Campbell, Clay County Commissioner; Jim Kapitan, Cass County Commissioner and Denise Kolpack, Fargo City Commissioner.

Member(s) absent: Shelly Carlson, Mayor, City of Moorhead and Lisa Borgen, Moorhead City Council.

**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 MAY 22, 2025, MEETING**

**MOTION PASSED**

Mr. Campbell moved to approve the minutes from the May 22, 2025, meeting and Mr. Breitling seconded the motion. On a voice vote, the motion carried.

**3. APPROVE THE ORDER OF THE AGENDA**

**MOTION PASSED**

Ms. Kolpack moved to approve the order of the agenda as presented and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.

**4. APPROVE THE CONSENT AGENDA**

**MOTION PASSED**

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

**5. EXECUTIVE DIRECTOR UPDATE**

**a. Minnesota Funding Update**

Mr. Benson introduced Justin Fisher, the new lands and compliance director.

Mr. Benson reported that the State of Minnesota passed a \$720 million bonding bill in a special session. \$9 million has been earmarked, state-wide, for flood control projects and Mr. Benson indicated that it is unknown if any of the funds will be designated for diversion-related projects. He also noted that it is the MNDNR who determines the recipients of the funds.

**b. September Board Retreat**

Mr. Benson announced that a board retreat will be held on September 16, from 1-5 PM. The primary goal of the retreat is to make any final touches or modifications to the Governance Policy.

**c. MFDA 2024 Audit Letter**

Mr. Benson reported that the audit letter was received from Eide Bailly, and the overall results were very positive. There were no issues or corrective actions that needed attention, which speaks well to our financial management.

**6. GENERAL COUNSEL UPDATE**

**a. Resolution requesting Cass County Acquire Rights-of-Way**

Mr. Shockley provided an overview and summary of the resolution requesting Cass County to acquire road rights-of-way for the SWDCAI 38<sup>th</sup> Street W.

**MOTION PASSED**

**Mayor Mahoney moved to approve the resolution as presented and Mr. Breitling seconded the motion. On a roll call vote, the motion carried.**

**b. Technical Dispute Review Board Update**

Mr. Shockley reported that all the TDRB members have been appointed, and each of them have signed the agreement. No meetings have been held to date and they are working on drafting operating procedures. Mr. Howard Swanson, former City of Grand Forks City Attorney, has been retained as independent council for the TDRB for the sole purpose of assisting them with open meeting compliance.

**7. 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. Completion date is moving to Sept or Oct 2025. Training held 19 June. Final inspections upcoming. Turnover to Sponsors for OMRRR anticipated in October 2025.

**2 Wild Rice River Structure (WRRS) – Construction**

Structure includes 2-40 ft. wide Tainter gates. Construction is 98% complete. Completion date is moving to Sept or Oct 2025. Operating machinery corrections, final inspections and training upcoming. Turnover to Sponsors for OMRRR anticipated in October 2025.

**3 Red River Structure (RRS) - Construction**

Structure includes 3-50 ft. wide Tainter gates. Construction is 81% complete. Construction completion date is 29 April 2026. East and west dam wall and approach apron construction continues and prep for gate machinery install is ongoing. Red River re-route tentatively scheduled for 23 July 2025.

**4 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.

**5 Drain 27 Wetland Mitigation Project Plantings – Construction**

Native plantings 5-year contract for wetland establishment. Completion date is 1 December 2027. Contractor replanting areas disturbed by adjacent producers.

**6 FY2024 Contract Awards – Construction**

OHB Ring Levee: 50% complete. Contractor digging inspection trench. Contract completion date is 24 September 2025.

Reach SE-1B: 36% complete. CR16/17 intersection closed to allow completion of road work and tie in of embankment to the Diversion Inlet Structure. Contract completion date is 13 March 2026.

Reach SE-2B: 45% complete. Contractor completed install of 45th St box culverts. Contract completion date is 23 August 2026. Forest Mitigation #1: Contractor is planting. Contract completion date is 31 Dec 2028.

Reach SE-4: 9% complete. Contractor has completed 180th Ave. road work. Contract completion date is 3 June 2026.

#### **7 FY2025 Contract Awards – Construction**

SE-3: 2% complete. Contractor digging inspection trench. Contract completion date is 11 September 2026.

SE-5: Contractor is clearing and grubbing. Wolverton Creek crossing must be complete by 15 Nov 2025.

Contract completion date is 8 August 2026.

Forest Mitigation #2: Contractor is planting. Contract completion date is 31 Dec 2029.

#### **8 I-29 Raise – Operations and Maintenance (OMRRR)**

Turnover to MFDA occurred on 20 December and preparation of O&M documents is ongoing. 9 Drayton Dam Mitigation Project Design - Operations and Maintenance (OMRRR) Turnover to MFDA for O&M occurred on 28 Nov 2023. OMRRR manual coordination continues.

#### **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:

##### **New Features Under Construction**

- Authority Administration Building

##### **30 to 60-Day Outlook**

- I-29 NB, CR-22, CR-10
- BNSF Hillsboro
- Drain 21C Inlet
- SE-2B
- Red River Structure

##### **Misc. Highlights**

- Channel Excavation
- SE-4

#### **c. Project Safety Update**

Mr. Bakkegard provided the safety update for the period May 1 to May 31, 2025. He reported that there were a couple of minor recordable accidents requiring first aid and there were no other incidents to report.

#### **d. P3 Monthly Update**

Mr. Bakkegard highlighted the safety section in the June P3 monthly update.

#### **CONSTRUCTION AND O&M**

##### **Construction**

The summary for Safety for the Month of May is as follows:

5/2/2025 ASN - Maple River Aqueduct, employee tripped and fell when he stepped on a piece of pipe while carrying a pack of water. The employee landed in his right hand and felt discomfort.

5/5/2025 ASN - 37th St SE East of Diversion Channel, employee was driving a UTV when he struck a type 4 sign for end of roadway. Damage to passenger front tire of the UTV and road sign; no injuries were reported.

5/8/2025 ASN - Reach 13, employee noticed damage to the tailgate of the work pickup during the pre-trip inspection. This was reported to the safety department.

5/9/2025 ASN - 38th St W Crossing - employee missed the ramp on the south side of 38th St W bridge's deck causing damage to the right-side running board & mounting bracket of the truck.

5/12/2025 ASN - Raymond North, employee operating a loader run over a buried piece of rebar which flew up and hit the windshield causing damage. No injuries were reported.

5/12/2025 ASN - Office, employee was reaching in their work truck when a wind gust caught their door, causing the door to make contact with the vehicle parked next to it.

5/12/2025 ASN - Sheyenne River Aqueduct - altercation between 2 employees in employee parking lot escalated to physical violence. Initiating employee was terminated for violating the workplace and violence policy.

5/16/2025 ASN - Structures All Hand Safety Meeting.

5/19/2025 Kraemer North America - BNSF K.O. Crossing, Kraemer's crew was in the process of removing the catwalk at Pier 7. Two employees rigged up the catwalk and did not signal the operator to tighten the rigging. They then proceeded to cut the nine wires that secured the catwalk at the overhang brackets. One employee walked out on the catwalk to attach the tagline. The catwalk cantilever caused the catwalk to tip which caused the employee to lose footing, he fell but thankfully was wear fall protection. He was sent to a medical facility to ensure his back wasn't injured.

5/23/2025 ASN - Sheyenne River Aqueduct, employee was dismantling the boom on the rental crane, while removing the pins, one section suddenly dropped and landed on dunnage, however, it also landed on the employee's right foot trapping it. At the time of the incident the employee was not wearing steel toe safety boots. The employee was taken to a medical center where it was reported that he fractured his right toe.

5/28/2025 ASN - 38th St W Field Office, employee was washing a tractor using a pressure washer when the windshield suddenly cracked.

5/30/2025 ASN - 51st St S and Amber Valley Pkwy S intersection, ASN truck was traveling West on Amber Valley Parkway when a silver Toyota Corolla ran a stop sign heading South on 51st St S causing the truck to hit the passenger's side of the vehicle. No injuries to either party. Airbags did not deploy in either vehicle. Emergency services were called for precautionary measures as well as filing a police report of the incident."

5/30/2025 ASN - 38th St W Field Office, a local woman was driving next to the 38th St Crossing when she was struggling with her chest tightening. ASN personnel called an ambulance to come for her.

5/30/2025 ASN - Reach 01, Damage to light vehicle taillight.

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

#### **e. May 2025 Drone Video**

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

### **8. COMMUNICATIONS TEAM UPDATE**

Ms. Willson provided the following communications update:

#### **Outreach Products**

##### **Media Relations:**

- May construction update
- Cemetery mitigation
- RRVA detours and controlled burns

##### **Newsletter:**

- Faces of the Diversion: Steve Wahler
- The Diversion Current: Bridges/Transportation

### **9. LAND MANAGEMENT UPDATE**

#### **a. Property Acquisition Status Report**

Mr. Dodds provided the following property acquisition status report:

- 98.4% completion in the Construction Footprint
- 61.1% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 61.1% of the parcels in the Upstream Mitigation Area have been acquired
- 78.1% 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 12 parcels / 2 owners in the UMA
- Completing appraisal reports for Christine area flowage easements and Horace Mobility Improvements
- Continuing the process of disposing of Excess Lands
  - 43 parcels / 739.92 acres have been approved as Excess Lands
    - 11 parcels / 344.20 acres are moving through the Policy
    - 32 parcels / 395.72 acres have been sold or pending closing
  - Continuing efforts to dispose of the abandoned Rail Corridor in Horace, ND
- Completed Plats of Diversion Channel lands in Five (5) of the Seven (7) Townships, working to finalize plats for the remaining two (2) Townships.
- Preparing for eminent domain trials, starting in August 2025.

**10. FINANCE UPDATE****a. City of Fargo Project NR-25-D-STC LS #41, #42 & #58**

Mr. Bakkegard provided an overview and summary of the above-referenced City of Fargo project.

**MOTION PASSED**

**Mayor Mahoney moved to approve the project as presented and Mr. Breitling seconded the motion. On a roll call vote, the motion carried.**

**b. Sales Tax Update 2024 Collections**

Mayor Dardis reported that the contracting actions presented were approved. Mr. Bakkegard gave an overview of the City of Fargo project to rehabilitate lift stations and the significant cost savings in changing the scope from \$13 million to \$4.3 million. The June bills payable totaled \$5,776,765, and the current grand total net position is \$340,246,982. The sales tax collections for the month have been robust.

**11. OTHER BUSINESS**

There was no other business to discuss.

**12. PUBLIC COMMENT**

There were no public comments.

**13. 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 to provide negotiations direction regarding such claims relating to the Project Agreement for the Storm Water Diversion Channel and Associated Infrastructure.*

**MOTION PASSED**

**Mr. Steen moved to go into executive session and there was not a second to the motion. On a roll call vote, the motion carried.**

The board retreated to the Red River Room at 3:57 PM.

The executive session concluded at 4:58 PM and a quorum of the board returned to the City Commission Chambers.

**14. NEXT MEETING**

The next meeting will be on July 24, 2025.

**15. ADJOURNMENT**

Mr. Campbell moved to adjourn, and Mr. Ebinger seconded the motion. The meeting adjourned at 4:59 PM.