

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – August 28, 2025

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on August 28, 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; Tony Grindberg, Cass County Commissioner; Rick Steen, Cass County Joint Water Resource District; Kevin Campbell, Clay County Commissioner; Denise Kolpack, Fargo City Commissioner and Duane Breitling, Cass County Commissioner.

Member(s) absent: Shelly Carlson, Mayor, City of Moorhead; Dave Piepkorn, Fargo City Commissioner; Lisa Borgen, Moorhead City Council and Jim Kapitan, Cass 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 JULY 24, 2025, MEETING

MOTION PASSED

Mr. Hendrickson moved to approve the minutes from the July 24, 2025, meeting and Ms. Kolpack seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mayor Dardis 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

Mr. Breitling requested that item 4. e., be removed from the consent agenda and placed on the regular agenda under item 9. a., and include it as item 9. b.. Mayor Mahoney moved to approve the consent agenda as amended and Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.

5. EXECUTIVE DIRECTOR UPDATE

a. MFDA Board Retreat and Project Tour

Mr. Benson reported that the board will be having a retreat on September 16. The tentative agenda is to arrive at the Cass County Chambers between 11:30 and noon for lunch and begin the retreat at noon, wrapping up by 3 PM, and load the bus by 3:15 for a Project tour. The plan is to return to Cass County by 5:30 PM.

b. Red River Structure Event

Mr. Benson reported that the event was well attended by board and community members and elected officials at the state and federal levels.

c. USACE Senior Leadership Meeting

Mr. Benson reported that he met with Mr. Ryan Fisher, Principal Deputy Assistant Secretary of the Army, Colonel Matthew Chase, St. Paul District Commander, Karl Jansen, USACE and Terry Williams, USACE. The meeting was productive and there was successful dialogue and commentary.

6. GENERAL COUNSEL UPDATE

a. MFDA Resolution Regarding Public Comments

Mr. Shockley provided an overview and summary of the resolution requiring time for public comment(s) at public board meetings as required by the North Dakota Legislature. The resolution will be in effect at the September 25, 2025, meeting.

MOTION PASSED

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

b. Technical Dispute Review Board Update

Mr. Shockley reported that there are no matters to hear at this time. The TDRB will meet quarterly, and the next procedural meeting will be held in September in Fargo and will include a tour of the P3 portion of the Project.

c. Settlement Agreement Update

Mr. Shockley reported that the leadership team continues to meet bi-weekly, to address any pending or current issues. Mr. Shockley also noted that most of the payments to the developer have been advanced.

7. PROJECT UPDATES

a. USACE Project Update

Mr. Barthel 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 28 Oct 2025. Training held 19 June. Final inspections upcoming. Turnover to Sponsors for OMRRR anticipated in November 2025.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 98% complete. Completion date is 28 November 2025. Final inspections and training upcoming. Turnover to Sponsors for OMRRR anticipated in December 2025.

3 Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 82% complete. Construction completion date is 30 April 2026. East and west dam wall and embankment construction ongoing.

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: 55% complete. Levee construction ongoing. Contract completion date is 17 October 2025. Reach SE-1B: 41% complete. Anticipate opening CR16/17 in early October 2025. Contract completion date is 13 March 2026.

Reach SE-2B: 52% complete. Embankment construction ongoing. CR16 crossing final paving in late September (no closure to traffic). Contract completion date is 23 August 2026.

Forest Mitigation #1: Contractor is planting. Contract completion date is 31 Dec 2028.

Reach SE-4: 11% complete. Embankment construction continues. Contract completion date is 30 September 2026.

7 FY2025 Contract Awards - Construction

SE-3: 6% complete. Embankment construction continues. Contract completion date is 11 September 2026.

SE-5: 1% complete. Wolverton Creek crossing must be complete by 15 Nov 2025. Contract completion date is 8 September 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. Barthel provided an update of the construction map that shows current work in progress, 30 and 60 day projected progress:

New Features Under Construction

- Drain 21C Inlet

30 to 60 Day Outlook

- I-29, BNSF Hillsboro, CR-22, BNSF Prosper, I-94, 38th St W, 32nd Ave W
- Authority Administration Building
- Red River Structure

Misc. Highlights

- BNSF
- Channel Excavation
- SE-1B
- SE-2B
- SE-4

c. Project Safety Update

Mr. Barthel provided the safety update for the period July 1 to July 31, 2025. He reported that there was one recordable incident and two minor incidents requiring first aid. These included a gasoline splash in an employee's face requiring medical treatment and a mishap with a circular saw that required stitches. Overall, it was a good month and there were no other incidents to report.

d. P3 Monthly Update

Mr. Barthel highlighted the upcoming milestone payments in the August P3 monthly update. He indicated that \$129,000,000, in milestone payments will be paid to the developer this year.

July 3rd marked execution of the settlement agreement Statement of Principles (SoP) between the Developer and the Authority. The SoP allows the Developer to submit and request advance payment invoices for relative Pay Units provided the works for the specific Interim Completion Element(s) be substantially complete with 120 days of each advance payment request. The table has been updated to

reflect payments made to the Developer under this agreement. Section 22 of the SoP also allows for payments to the Developer regarding settling outstanding claims. Additional Milestone Payments (AMP) for the BNSF shoofly installations at the Hillsboro, Prosper and KO locations were made in March 2025.

The payment tables can be viewed in their entirety on the website at www.fmdiversion.gov. Please reach out to Mr. Barthel if you have any questions regarding the report.

e. Monthly Drone Video

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

8. COMMUNICATIONS TEAM UPDATE

Ms. Wieser Willson provided the following communications update:

Outreach Products

Media Relations:

- July construction update
- RRS Reroute
- **Newsletter:**
- Faces of the Diversion: Tim King
- The Diversion Current: Red River Structure

Outreach:

- Water Districts Meeting
- MnDOT Tour

9. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Mr. Fisher provided the following property acquisition status report:

- 98.4% completion in the Construction Footprint
- 62.2% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 62.2% of the parcels in the Upstream Mitigation Area have been acquired
- 79.1% 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 6 parcels / 3 owners in the UMA
- Completed the first eminent domain trial in Cass County
- Continuing the process of disposing of Excess Lands
 - 46 parcels / 760.41 acres have been approved as Excess Lands
 - 8 parcels / 95.00 acres are moving through the Policy
 - 38 parcels / 665.41 acres have been sold or pending closing
 - Continuing efforts to dispose of the abandoned rail corridor in Horace, ND
 - Completed first auction of Excess Lands on July 22
- Circulated final PRAM to state agencies and USACE
- Conducted a crop insurance meeting with producer focus group

b. Horace Elevator/Public Auction Discussion

Mr. Breitling reported that the Land Management Committee met and voted to move forward with recommending to the board that the bid that was received on the Horace Elevator be rejected due to it being dramatically less than the reserve price. He also noted that Mr. Fisher will be meeting with a commercial realtor(s) to list the elevator for sale.

Mr. Jack Dwyer addressed the board and shared his views regarding the sale of the elevator, indicating that he won the bid at the auction. He also addressed the letter that he submitted outlining his plans for the property which would include economic development for the City of Horace. He allowed the board to ask questions, and no questions were directed to Mr. Dwyer.

MOTION PASSED

Mr. Breitling moved to approve the original motion that was recommended by the Land Management Committee, approving five of the six auction bids that were received, and to reject the bid that was received for the Horace Elevator. Mr. Steen seconded the motion and on a roll call vote, the motion carried.

MOTION PASSED

Mayor Dardis moved to list the Horace Elevator for sale with a commercial realtor as recommended and approved by the Land Management Committee. Ms. Kolpack seconded the motion and on a roll call vote, the motion carried.

10. FINANCE UPDATE

Mayor Dardis reported that the finance committee met and approved the bills payable through August 20, 2025, in the amount of \$1,877,247. The net cash position is \$320,239,474, and \$129,033,079 in milestone payments are anticipated to be paid this year. He also reported that the MOUs, agreements and contracting actions that were presented were approved.

MOTION PASSED

Mayor Dardis moved to approve the finance report and Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.

11. OTHER BUSINESS

There was no other business to discuss.

12. PUBLIC COMMENT

There were no public comments.

13. NEXT MEETING

The next meeting will be on September 25, 2025.

14. ADJOURNMENT

The meeting adjourned at 4:10 PM.