

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – September 25, 2025
City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on September 25, 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; Shelly Carlson, Mayor, City of Moorhead; Dave Piepkorn, Fargo City Commissioner and Jim Kapitan, Cass County Commissioner.

Member(s) absent: Lisa Borgen, Moorhead City Council and Duane Breitling, 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 AUGUST 2025, MEETING

MOTION PASSED

Mayor Dardis moved to approve the minutes from the August 2025, meeting and Mr. Kapitan 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 Mayor Carlson seconded the motion. On a voice vote, the motion carried.

4. APPROVE THE CONSENT AGENDA

MOTION PASSED

Mr. Hendrickson moved to approve the consent agenda as presented and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

5. EXECUTIVE DIRECTOR UPDATE

a. Compliance Specialist Position Update

Mr. Benson reported that the compliance specialist position will close on September 29. Interviews will be held in mid-October with an anticipated start date of the end of October or early November.

b. Project Tours

Mr. Benson reported that tours were hosted this month with the Red River Basin Commission, the MFDA Board of Authority and the Minnesota House Capital Investment Committee. Congresswoman Julie Fedorchak also toured the project during a separate visit.

6. GENERAL COUNSEL UPDATE

a. Resolution to Assume Planning, Design & Construction of the Sheyenne River Mitigation Project

Mr. Shockley provided an overview and summary of the Sheyenne River Mitigation Project and the benefits realized by the Diversion Authority assuming leadership and management of the Project. He also noted that this will be the final environmental mitigation project.

MOTION PASSED

Mayor Carlson moved to approve the Resolution as presented and Mr. Hendrickson seconded the motion. On a roll call vote, the motion carried.

b. Technical Dispute Review Board Update

Mr. Shockley reported that the TDRB held their first in-person quarterly meeting on September 23, at the MFDA office. The next meeting will be held virtually on December 3, and the first 2026 meeting is anticipated to be in March or April. It has been requested that the meetings be held virtually to limit expenses.

c. Settlement Agreement Implementation 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 the final settlement agreement will go to lenders relatively soon.

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 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 99% 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 88% complete. Construction completion date is 30 April 2026. East dam wall and embankment construction ongoing. Cofferdam construction ongoing which will allow dam embankment construction in Red River channel.

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 replanted areas disturbed by adjacent producers.

6 FY2024 Contract Awards - Construction

OHB Ring Levee: 86% complete. Levee construction ongoing and is 60% complete. Contract completion date is 17 October 2025. Reach SE-1B: 49% complete. Anticipate opening CR16/17 in early October 2025. Contract completion date is 13 March 2026. Reach SE-2B: 65% complete. Embankment construction and TRM installation 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: 18% complete. Embankment and road raise construction continues. Contract completion date is 30 September 2026.

7 FY2025 Contract Awards – Construction

SE-3: 20% complete. Embankment construction and utility install ongoing. Contract completion date is 11 September 2026. SE-5: 22% 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. Bakkegard provided an update of the construction map that shows the current work in progress, and the 30 and 60 day projected progress:

Progress Map Updates

- I-29 NB
- I-94 WB

30 to 60 Day Outlook

- I-29 & I-94
- BNSF Hillsboro, CR-81, CR-22, BNSF Prosper, 38th
- St W, 32nd Ave W, CR-14, CR-16/17
- SE-1B
- SE-4
- Misc. Highlights
- BNSF
- Sheyenne Aqueduct

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period August 1 to August 31, 2025. He reported that there were two minor recordable incidents with no significant injury. Overall, it was a good month and there were no other incidents to report.

d. P3 Monthly Update

Mr. Bakkegard highlighted the upcoming advanced payments to the developer in the September P3 monthly update.

Payments to RRVA 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 below 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.

The following includes all payments to RRVA through August 2025:

Diversion Channel Reach 2	\$13,018,175	Paid 8/6/2025
Legal Drain 29	\$1,373,906	Paid 8/6/2025
CR 32 Crossing	\$6,662,245	Paid 8/22/2025
Combined CR 4 and CR 31 Crossing	\$7,211,621	Paid 8/22/2025
Drain Inlet associated with Legal Drain 30	\$2,554,405	Paid 8/6/2025
Diversion Channel Reach 1	\$29,781,551	Paid 8/6/2025

CR 20 Crossing	\$5,187,908	Paid 8/22/2025
CR 10 Crossing	\$5,267,792	Paid 8/22/2025
38th Street W Crossing and improvements	\$5,205,660	Paid 8/22/2025
CR 22 Crossing	\$4,789,423	In Review Due 9/23/2025
Sub-Total \$81,052,686		

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 in August 2025 was viewed.

8. COMMUNICATIONS TEAM UPDATE

Ms. Wieser Willson provided the following communications update:

Newsletter:

- Faces of the Diversion: Jeremy Fenske
- The Diversion Current: Aqueducts

Outreach:

- MnDOT conference
- RRBC tour
- FEMA tour
- Bonding Bus

Media Relations:

- August construction update
- Road closures & bridge/lane openings

National Recognition:

- Construction flyover video
- Website editing/management
- MFDA LinkedIn
- External communications (Lands)
- YIR infographic
- Specialty articles (environment)
- Year-end release
- News release series
- Editorial
- Specialty articles (ag)

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
- 62.5% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 62.5% 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
 - Completed the first eminent domain trial in early August
 - Negotiated many settlements since completing the first trial

- 7 pending settlement offers with property owners
- In the last month, successfully closed 3 parcels / 2 owners in the UMA and along the Sheyenne River Benching area
- Continuing the process of disposing of Excess Lands
 - 46 parcels / 760.41 acres have been approved as Excess Lands
 - 6 parcels / 30.29 acres are moving through the Policy
 - 40 parcels / 730.12 acres have been sold or pending closing
 - Continuing efforts to dispose of the abandoned Rail Corridor in Horace, ND
- Circulated final PRAM to state agencies and USACE

10. FINANCE UPDATE

Mayor Dardis reported that the Finance Committee approved the bills payable through September 16, 2025, in the amount of \$353,113, and the net cash position is \$292,318,725. Mayor Dardis reported that an analysis of sales tax collections reflects receipts received from Cass County are down -1.4% and receipts from the City are down -3.1%.

The *DRAFT* 2026 cash budget is \$931,239,143, which includes anticipated milestone payments to the developer of \$730,039,775. Mayor Dardis noted that all the Legacy funds have been received from the State of North Dakota and the Budget Change Request to add an additional \$53,000,000, was approved as was the HMG Task Order for \$1,500,000.

MOTION PASSED

Mayor Dardis moved to approve the finance report Mr. Kapitan seconded the motion. On a roll call vote, the motion carried.

a. Budget Change Request 022

Mr. Barthel provided the rational for the Budget Change Request to add an additional \$53,000,000, to the Program Budget. Funds will be transferred from the USACE budget in a PPA amendment to the MFDA Program Budget and allocated under Work Package 41, Future Stream Mitigations, to fund the Sheyenne River Mitigation Project (SRMP). The Program budget will increase from \$2.892 billion to \$2.945 billion.

MOTION PASSED

Mr. Steen moved to approve the additional \$53,000,000, addition to the 2026 Program Budget and Mayor Dardis seconded the motion. On a roll call vote, the motion carried.

b. HMG Task Order 101 Amendment 15

Mr. Barthel provided an overview and summary of the above-referenced task order for HMG to provide design and construction support for the Sheyenne River Mitigation Project.

MOTION PASSED

Mayor Mahoney moved to approve the task order as presented and Mr. Kapitan 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 October 23, 2025.

14. ADJOURNMENT

The meeting adjourned at 4:06 PM.