

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – November 20, 2025

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on November 20, 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; Shelly Carlson, Mayor, City of Moorhead; Dave Piepkorn, Fargo City Commissioner; Lisa Borgen, Moorhead City Council; Duane Breitling, Cass County Commissioner and Jim Kapitan, Cass County Commissioner.

Member(s) absent: 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 OCTOBER 2025 MEETING

MOTION PASSED

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

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

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

4. APPROVE THE CONSENT AGENDA

MOTION PASSED

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

5. EXECUTIVE DIRECTOR UPDATE

Mr. Benson reported that the letter of response regarding the Southern Embankment closure was mailed to the USACE. The letter states that the MFDA is asking them to execute the option in their SE-3 contract.

The Minnesota Senate Bonding Bill Committee went on a tour after their meeting at the Hjemkomst. They toured the Project on the southeast side of Moorhead and Highway 81, to view the Red River Structure.

A team continues to work on the O&M plan and the overall strategy that will be implemented going forward. The plan will be the focus of the December Planning Committee meeting.

6. GENERAL COUNSEL UPDATE

Mr. Shockley did not have an update to report.

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 likely delayed into 2026.

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 likely delayed into 2026.

3 Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 91% complete. Construction completion date is 30 April 2026. Embankment construction ongoing across the 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: 98% complete. Prefinal inspections being held. Contract completion date is 10 November 2025.

Reach SE-1B: 55% complete. CR16/17 roundabout opened 7 Nov. Contract completion date is 13 March 2026.

Reach SE-2B: 76% complete. Embankment construction and TRM installation ongoing. CR16 crossing complete. Contract completion date is 23 October 2026.

Forest Mitigation #1: Planting/maintenance ongoing. Contract completion date is 31 Dec 2028.

Reach SE-4: 26% complete. Embankment and road raise construction continues. Contract completion date is 30 September 2026.

7 FY2025 Contract Awards - Construction

SE-3: 33% complete. Embankment construction and utility install ongoing. Contract completion date is 11 September 2026.

SE-5: 37% complete. Contractor won't complete Wolverton Creek crossing this year – 180th Ave S. will be closed at the creek location through winter. Contract completion date is 8 September 2026.

Forest Mitigation #2: Planting/maintenance ongoing. 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:

Open to Traffic

- CR-81
- BNSF Prosper

- I-29 & I-94
- SE-1B

Opening to Traffic

- CR-22
- 38th St. W
- CR-16/17

30 to 60 Day Outlook

- Channel Reaches 3 thru 6
- Maple River Aqueduct

Misc. Updates

- BNSF KO
- Authority Administration Building

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period October 1, to October 31, 2025. He reported that there were two minor recordable incidents from discomfort that resulted in medical visits for assessments. Overall, it was a good month and there were no other incidents to report.

d. P3 Monthly Update

Mr. Bakkegard highlighted the Project Controls section in the November P3 monthly update.

PROJECT CONTROLS

Schedule

The Developer submitted the thirty-sixth Project Status Schedule (PSSU) update on October 15, 2025, for the month of September 2025 (01-Oct-25 Data Date). The submittal was accepted for review. To create the PSSU, the Developer reported making approximately 1,984 changes from the PSSU 2025 August submitted on September 15, 2025, including new and deleted activities, changes to logic and relationships between activities, activity description changes, calendar changes, WBS modification and activity duration modifications. The Project Substantial Completion Date in this PSSU is October 1, 2026, which matches the baseline date. The approved PBS Project Substantial Completion Date (Scheduled Project Substantial Completion Date) is October 1, 2026.

PBS3-R2 has been accepted contingent upon all the stated conditions being satisfied in the SOP. Informal comments for schedule concerns have been drafted in the form of a letter and was provided to the Developer on August 22, 2025 (FMAD-TRN-014140).

Invoicing and Payment

BNSF has submitted 134 invoices through the month of October totaling \$12,053,992.50. These have been forwarded to the Developer for payment for work performed by BNSF and its subcontractors at the Prosper, Hillsboro and KO locations. 116 of the 134 were paid for a total of \$11,564,667.33. The unpaid amount falls within the 60-day turnaround period. The BNSF Construction and Maintenance Agreement (C&M Agreement) between the Authority and BNSF is considered a “Third Party Agreement” as administered under Section 11 of the Project Agreement. Therefore, the invoices received by the Authority are transmitted to the Developer for payment directly to BNSF within 60 days of the invoice date according to Section 7 of the C&M agreement. Future invoices received will be handled in a like manner. There are no overdue amounts as of the end of July.

Payments to RRVA

July 3, 2025, 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.

Additional Milestone Payments (AMP) for the BNSF shoofly installations at the Hillsboro, Prosper and KO locations were made in March 2025.

The report 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 November 2025 was viewed.

8. COMMUNICATIONS TEAM UPDATE

Ms. Wieser Willson provided the following communications update:

Newsletter:

- Faces of the Diversion: Jason Benson and Luke Chenery
- The Diversion Current: Leadership

Outreach:

- Senate Capitol Investment tour
- St. Paul/Governor visit

Media Relations:

- October construction update
- Eminent domain update
- Bond Buyer

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
- 63.3% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 63.3% 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 three eminent domain trials in Cass County
 - Negotiated many settlements since completing the first trial
 - 9 pending settlement offers with property owners
- In the last month, successfully closed 3 parcels / 3 owners in the UMA and Sheyenne Benching areas of the Project
- 10 parcels / 6 owners are scheduled to close in November
- Continuing the process of disposing of Excess Lands
 - 49 parcels / 781.74 acres have been approved as Excess Lands
 - 9 parcels / 51.62 acres are moving through the Policy
 - 40 parcels / 730.12 acres have been sold or pending closing
- 20,343 acres of flowage easements have been acquired and 6,747 acres are outstanding

10. FINANCE UPDATE

Mayor Dardis reported that the Finance Committee approved bills in the amount of \$796,792, and the net cash position is \$274,896,300. The MURA and ROE were approved as well as the three contracting actions that were presented.

a. 2026 Draft Cash Budget Version 3

Mr. Barthel presented the DRAFT 2026 cash budget and reported that the milestone payment line item has been updated and there has been an increase in MOUs based on the lack of funds spent in 2025 which were rolled into 2026 commitments. Mr. Barthel reported that we are still waiting for the final lands projections based on the properties that are pending closeout.

The sales tax revenues will remain at the 2025 level for the 2026 projection, \$66,000,000, as the tax receipts from the City of Fargo and Cass County have shown minimal growth in 2025.

Mr. Barthel is anticipating that the final version will be complete and presented to the board at the December meeting.

The total FY2026 DRAFT Version 3 is \$996,942,997.

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 December 18, 2025.

14. ADJOURNMENT

The meeting adjourned at 4:05 PM.