

Metro Flood Diversion Authority Land Management Committee Meeting Minutes

3:00 PM December 17, 2025

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on December 17, 2025. The following members were present: Duane Breitling, Cass County Commissioner; Brenda Derrig, Assistant Administrator, City of Fargo; Bob Zimmerman, Moorhead City Engineer; Jenny Mongeau, Clay County Commissioner; Nathan Boerboom, Fargo Division Engineer; Michelle Turnberg, Fargo City Commissioner; Tim Flakoll, Cass County Commissioner; Kevin Campbell, Clay County Commissioner and Deb White, Moorhead City Council.

Member(s) absent: Matt Stamness, Cass County Engineer and Jake Gust, Cass County Joint Water Resource District.

1. CALL TO ORDER

Mr. Breitling called the meeting to order at 3 PM, roll call was taken and a quorum was present.

2. APPROVE THE MEETING MINUTES FROM THE AUGUST 2025 MEETING

MOTION PASSED

Mr. Flakoll moved to approve the minutes from October 2025, and Ms. Turnberg seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

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

4. OINs 9576, 9577, 9578 & 9579 SALE OF EXCESS LAND RECOMMENDATION

Mr. Fisher introduced OINs 9576, 9577, 9578, and 9579. These parcels are in Oxbow between Main Avenue and Sunset Drive. The parcels are not impacted by construction of the Comprehensive Project. The former owners desired a full-take buyout of their property when they were approached about storm sewer improvements that were taking place and affecting their land. The area impacted by the storm sewer continues to have an existing utility easement that will need to carry over as part of this sale.

The proposed sale price is \$1,000,000 based on \$100,000 per acre.

MOTION PASSED

Mr. Campbell recommended that OINs 9576, 9577, 9578 & 9579 be deemed excess lands and to sell the parcels per the Excess Lands Policy. Ms. White seconded the motion and on a roll call vote, the motion carried.

5. OINs 1665, 1792, 1793 & 1802 SALE OF EXCESS LAND RECOMMENDATION

Mr. Fisher introduced OINs 1665, 1792, 1793 & 1802. The parcels are located west of Southern Embankment Reach 4 (SE-4) in the UMA Mitigation Zone 1, in Section 29 of Holy Cross Twp. These parcels have access from 3rd Street South.

The Comprehensive Project does not have any construction impacts on these parcels. The parcels are fully encumbered by a Flowage Easement and the Prior Owners did not wish to retain the underlying land. A gazebo remains on the site but is under contract to be removed. Notice of this sale will not be sent until the Project has confirmed the gazebo has been removed. The Project wishes to sell these parcels as one with a Flowage Easement retained.

The proposed sale price is \$111,000 based on a \$5,000/acre rate for the sale of all four (4) parcels.

Mr. Campbell questioned if bundling the parcels was following the guidelines of the Excess Land Policy. After lengthy dialogue, Mr. Boerboom made the following motion:

MOTION PASSED

Mr. Boerboom moved that MFDA staff reach out to all four former property owners to see what their interest is in purchasing back their respective parcels for the determined amount of \$5,000 per acre. If they decline, the land will go back to the Land Management Committee for reevaluation and determination of next steps. Mr. Campbell seconded the motion and on a roll call vote, the motion carried.

6. FOREST MITIGATION SITES DEED RESTRICTION

Mr. Shockley provided an overview and summary of the forest mitigation sites deed restriction. The primary environmental documents, Project Partnership Agreement, state and federal permits issued for the FM Area Diversion Project (the "Project") require that the Project acquire, develop forested area and maintain forest mitigation area as part of the part of the environmental mitigation features of the Project. The lands team in cooperation with the United States Army Corps of Engineers (USACE) have identified several parcels that will be set aside and utilized as forest mitigation sites. One of the conditions of establishing a parcel as a forest mitigation site is to record a perpetual deed restriction on Forest Mitigation sites restricting the use of the parcel to forest mitigation and related maintenance activities which must be performed in accordance with applicable environmental permits and implementing plans (including the Adaptive Management Plan). The deed restriction has been developed in cooperation with the USACE.

The Cass County Joint Water Resource District (CCJWRD), Moorhead-Clay County Joint Powers Authority (MCCJPA) and Cass County will be asked to considering Deed and Use Restrictions on parcels that were purchased for the FM Area Diversion Project at their respective Board and Commission meetings in January 2026. The parcels are intended to be used as forest mitigation sites and the Deed Restrictions will provide long term site protection. This information is being provided to the Lands Committee for informational purposes and for a recommendation to coordinate with the Member Entities to execute and record the attached Forest Mitigation Deed Restriction.

MOTION PASSED

Mr. Flakoll moved to approve the deed restriction as presented and Ms. White seconded the motion. On a roll call vote, the motion carried.

7. RAIL CORRIDOR UPDATE (OINs 7249 & 7234BCD)

Mr. Fisher provided an update on the rail corridor and reported that the ten adjacent landowners have all shown interest in purchasing the parcels either independently or as a group. MFDA staff will continue communications with the landowners and the next steps will be determined once 100% buy-in has been achieved.

8. HORACE ELEVATOR SITE

Mr. Fisher reported that the Horace Elevator has been listed by Horizon Realty at \$415,000 based on the square footage of the structure. An offer has been received and the MFDA likely counteroffer.

9. CROP LOSS PROGRAM UPDATE

Mr. Dodds provided an overview on the crop loss program. The MFDA committed to providing crop loss programs for producers in the Upstream Mitigation Area (UMA) in the Settlement Agreement. The MFDA has been working with Watts & Associates to develop the crop loss program for the past several years. The work has included development of a draft indemnification agreement between producers and the MFDA, meeting with a focus group of producers in the UMA, outreach to crop insurance companies who operate in the UMA, outreach to commodity groups such as the beet growing co-ops, providing assistance to federal delegation for farm bill edits, and developing additional details associated with the MFDA's crop loss programs.

The statement of work includes: 1. Crop Insurance Arbitration 2. Stakeholder Communications Procedures 3. Crop Adjuster Compensation 4. Loss Coverage Decision Tree 5. Cover Crop Integration with MPCl 6. Federal Crop Insurance Stakeholder Education 7. Legal Impact Analysis of MPCl Interaction and 8. Sugar Beet Impact Analysis and Allocation of Acres.

10. POST OPERATION DEBRIS REMOVAL AND RESTORATION PLAN AND SUB-COMMITTEE DEVELOPMENT

Mr. Fisher provided an overview of the debris removal and restoration plan and how it looks going forward. The MFDA, per the Settlement Agreement, committed to implementing program to assist with debris removal from the Upstream Mitigation Area (UMA) after operation of the Project. In addition, the Settlement Agreement included a commitment to establish a sub-committee to support finalizing the post-operation debris removal program. MFDA staff and consultants have been working to develop a draft plan for the Post-Operation Debris Removal and Restoration and Clean-Up Program for Private Lands. The pertinent sections from the Settlement Agreement, a draft framework for the sub-committee charter, and a draft timeline for finalization and implementation of the program are presented for the Committee's review and awareness.

11. OTHER BUSINESS

There was no other business.

12. NEXT MEETING

To be determined.

13. ADJOURNMENT

The meeting adjourned at 3:43 PM.