

# Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – January 22, 2026

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on January 22, 2026. 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; Shelly Carlson, Mayor, City of Moorhead; Dave Piepkorn, Fargo City Commissioner; Lisa Borgen, Moorhead City Council; Denise Kolpack, Fargo City Commissioner and Jim Kapitan, Cass County Commissioner.

Member(s) absent: Duane Breitling, Cass County Commissioner and Kevin Campbell, Clay County Commissioner.

**1. CALL TO ORDER**

Mayor Mahoney called the meeting to order at 3:30 PM. Roll call was taken, and a quorum was present.

**2. APPROVE THE MINUTES FROM THE DECEMBER 18, 2025, MFDA BOARD OF AUTHORITY MEETING  
MOTION PASSED**

Ms. Borgen moved to approve the minutes from the December 18, 2025, meeting and Mayor Dardis seconded the motion. On a voice vote, the motion carried.

**3. APPROVE THE MINUTES FROM THE JANUARY 8, 2026, MFDA ANNUAL MEETING  
MOTION PASSED**

Mayor Dardis moved to approve the minutes from the January 8, 2026, annual meeting and Mr. Ebinger seconded the motion. On a voice vote, the motion carried.

**4. APPROVE THE ORDER OF THE AGENDA  
MOTION PASSED**

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

**5. APPROVE THE CONSENT AGENDA  
MOTION PASSED**

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

**6. EXECUTIVE DIRECTOR UPDATE**

Mr. Benson reported that the 2026 annual increase for consultants will be 3%. Mr. Benson also reported that Senator John Hoeven was in Fargo on January 20<sup>th</sup>, and held a roundtable meeting to provide an update on North Dakota water projects and to relay that the Senate has approved allowing the MFDA to

receive approximately \$100,000,000 to \$120,000,000, from the USACE. The receipt of the funds requires an amendment to the PPA and the USACE is required to go through their standard process to release the funds. It is anticipated that approximately half of the payment will be received late summer or early fall 2026 and the remainder of the funds will be received in early 2027.

**7. GENERAL COUNSEL UPDATE**

Mr. Shockley did not have an update to report.

**8. 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. Final inspections upcoming. Turnover to Sponsors for OMRRR 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 upcoming. Turnover to Sponsors for OMRRR delayed into 2026.

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

Structure includes 3-50 ft. wide Tainter gates. Construction is 95% complete. Construction completion date is 30 April 2026. Embankment construction will resume in Spring 2026.

**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 2 December 2027. Contractor replanted areas disturbed by adjacent producers.

**6 FY2024 Contract Awards - Construction**

OHB Ring Levee: 98% complete. Construction acceptance occurred on 4 December 2025.

Turnover to Sponsors for O&M occurred on 29 December 2025.

Reach SE-1B: 79% complete. CR16/17 area fully opened. Contract completion date is 13 March 2026.

Reach SE-2B: 90% complete. TRM and turf establishment remain. 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: 34% complete. Contract completion date is 15 October 2026.

**7 FY2025 Contract Awards - Construction**

SE-3: 40% complete. Contract completion date is 11 September 2026.

SE-5: 37% complete. 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 FY2026 Contract Awards - Pending**

Forest Mitigation #3: Bids due 29 January. Service contract award late-February 2026. Completion date will be December 2028.

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

Turnover to MFDA occurred on 20 December and preparation of O&M documents is ongoing.

**10 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 the current work in progress, and the 30 and 60 day projected progress:

**Interim Completion**

- CR-4/31 Crossing
- Channel Reach 2
- CR-32 Crossing
- Berlin Township Drain Inlet

**“Functional”**

- Channel Reach 3
- Channel Reach 4

**30- to 60-Day Outlook**

- Channel Reaches 3 thru 6

**Misc. Updates**

- BNSF KO
- Channel Reaches 8 & 9

**c. Project Safety Update**

Mr. Barthel provided the safety update for the period December 1 to December 31, 2025. He reported that there were a few more recordable events in December with a few trips and falls that were recordable likely related to the icy conditions, and an incident involving an eye injury. With the adverse conditions that the crews are dealing with, additional precautions have been put in place to avoid injuries. There were no other incidents to report.

**d. P3 Monthly Update**

Mr. Barthel highlighted the payments and invoicing section in the January P3 monthly update.

**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 SoPs also allows for payments to the Developer regarding settling outstanding claims.

The following tables include all payments to RRVA through December 2025.

**Additional Milestone Payments – Series A & B Invoices Combined**

Hillsboro Shoofly Install	29	\$4,249,352
Prosper Shoofly Install	32	\$3,195,335
KO EB Shoofly Install	35	\$3,472,708
KO WB Shoofly Install	38	\$3,472,708
Legal Drain 29	11	\$1,717,383
CR 32 Crossing	26	\$8,327,806
Drain Inlet associated with Legal Drain 30	12	\$3,193,006
<b>Sub-Total</b>		<b>\$27,628,298</b>

**Series A Invoices - Additional Milestone Advance Payments**

Diversion Channel Reach 2	4	\$13,018,175	Paid 7/16/2025
Combined CR 4 and CR 31 Crossing	28	\$7,211,621	Paid 8/18/2025

Diversion Channel Reach 1	2 & 3	\$29,781,551	Paid 7/16/2025
CR 10 Crossing	54	\$5,267,792	Paid 8/18/2025
38th Street W Crossing/imprvmts	57	\$5,205,660	Paid 8/12/2025
CR 22 Crossing	25	\$4,789,423	Paid 9/17/2025
CR14 Crossing	60	\$0.00	Returned to Developer
Removal of the BNSF Hillsboro Subdivision Line Crossing Shoofly	31	\$1,358,017	Paid 12/16/2025
Removal of the BNSF Prosper Subdivision Line Crossing Shoofly	34	\$1,020,732	Paid 12/16/2025
Removal of the BNSF KO Eastbound Shoofly	37	0.00	Returned to Developer
Drain Inlet associated with Legal Drain for Berlin Township	14	\$3,406,494	Paid 12/5/2025
CR 20 Crossing	55	\$5,187,908	Paid 8/18/2025
<b>Sub-Total</b>		<b>\$71,059,466</b>	
<b>Advance Payment Not to Exceed Limit</b>		<b>\$108,000,000</b>	

The tables can be viewed in their entirety on the website at [www.fmdiversion.gov](http://www.fmdiversion.gov). Please reach out to Mr. Barthel if you have any questions.

**e. Monthly Drone Video**

A video highlighting the progress that has been achieved in January 2026 was viewed.

**9. COMMUNICATIONS TEAM UPDATE**

Ms. Wieser Willson provided the following communications update:

**PR/Media Relations:**

- Year-end construction update
- Garrison Dam comparison
- 2026 cash budget
- USACE underspend legislation
- Underspend press conference
- Western Builder project update

**Newsletter:**

- Year-in-Review issue infographic and video
- 46.7% open rate
- 9.7% click rate
- Next issue: Technology

**10. LAND MANAGEMENT UPDATE**

**a. Property Acquisition Status Report**

Mr. Fisher provided the following property acquisition status report:

- 98.4% completion in the Construction Footprint
- 64.3% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 64.3% 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 (3) eminent domain trials in Cass County
  - Completed site inspections of Minnesota properties
  - Negotiated many settlements since completing the first trial
  - 9 pending settlement offers with property owners
- In the last month, successfully closed 1 parcel / 1 owner in the UMA
- 7 parcels / 3 owners (MN) and 19 parcels / 10 owners (ND) are settled and awaiting closing
- Continuing the process of disposing of Excess Lands
  - 55 parcels / 810.52 acres have been approved as Excess Lands
    - 12 parcels / 68.88 acres are moving through the Policy
    - 43 parcels / 741.64 acres have been sold or pending closing
- 20,805 acres of flowage easements have been acquired, and 6,285 acres are outstanding
- Continuing efforts to develop a detailed plan for the MFDA’s post-operation debris clean-up and restoration program for private lands

**11. FINANCE UPDATE**

**a. Finance Meeting Update**

Mayor Dardis reported that the bills payable through January 14, 2026, in the amount of \$1,257,444, were approved. The current net cash position is \$262,272,122, and Consent Agenda items a-d were also approved. The final 2025 sales tax receipts from the City of Fargo and Cass County came in at \$64,245,000, approximately \$2,000,000, less than projected.

**MOTION PASSED**

**Mayor Dardis moved to approve the finance report as presented and Mayor Carlson seconded the motion. On a voice vote, the motion carried.**

**12. OTHER BUSINESS**

**a. MFDA Code of Ethics**

Mr. Benson noted that the Governance Policy Code of Ethics document has been distributed and asked that each board member review, sign and turn-in prior to leaving.

**b. Executive Director Annual Review**

Mr. Grindberg provided a summary of the results of the executive director’s performance review and reported that Mr. Benson received an average score of 4 in most areas and noted that positive comments were also included.

**13. PUBLIC COMMENT**

There were no public comments.

**14. NEXT MEETING**

The next meeting will be on February 26, 2026.

**15. ADJOURNMENT**

The meeting adjourned at 3:58 PM.