

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – March 26, 2026

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on March 26, 2026. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; David Ebinger, Clay County Commissioner; Rick Steen, Cass County Joint Water Resource District; Dave Piepkorn, Fargo City Commissioner; Jim Kapitan, Cass County Commissioner; Duane Breitling, Cass County Commissioner and Shelly Carlson, Mayor, City of Moorhead.

Member(s) absent: Tony Grindberg, Cass County Commissioner; Chuck Hendrickson, Moorhead City Council; Lisa Borgen, Moorhead City Council; Denise Kolpack, Fargo City 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 FEBRUARY 2026 BOARD OF AUTHORITY MEETING

MOTION PASSED

Mayor Carlson moved to approve the minutes from the February 2026, meeting and Mr. Ebinger 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. Kapitan 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. Piepkorn seconded the motion. On a roll call vote, the motion carried.

5. EXECUTIVE DIRECTOR UPDATE

a. Winnipeg O&M Trip

Mr. Benson reported that Mr. Nicholson, Mr. Shockley, Mr. Fuchs, Mr. Bakkegard, Mr. Fisher, Mr. Stamness, Ms. Harter and himself visited the Manitoba floodway. They toured the control structure, discussed the O&M contracts they have in place, and their standard operating procedures. They also gained significant insight into their staffing needs/levels.

b. Minnesota Legislative Update

Mr. Benson reported that he traveled to St. Paul for Minnesota Days at the Legislature. Side meetings were held on Thursday with Senate and House leadership. It is still unknown if there will be a bonding bill, but we will continue our efforts moving forward.

6. GENERAL COUNSEL UPDATE

a. Resolution Establishing Debris Removal and Restoration Sub-Committee

Mr. Shockley provided an overview and summary of the above-referenced sub-committee.

The Diversion Authority will create and support a Debris Removal and Restoration Sub-Committee to adaptively manage debris clean up and non-structural property damage repair, remediation, and/or restoration.

The RWJPA agrees to secure two (2) full-time Agricultural Producers from the Staging Area to be voting members of a Debris Removal and Property Damage Sub-Committee to assist in further clarifying and refining the Debris Removal and Restoration Program over time. The Diversion Authority shall provide an update regarding the status of the Post-Operation Debris Clean-up and Restoration Plan to the Parties every six (6) months commencing on the Effective Date of this Settlement Agreement until termination of the Comprehensive Project.

Sub-Committee Charter Summary

- Sub-Committee of which standing committee?
 - o For now, this will be a sub-committee of the Land Management Committee
- 7 total members
 - o 5 MFDA members
 - 1 recommended by CCJWRD
 - 1 recommended by MCCJPA
 - 3 recommended by LMC, 2 with technical background
 - o 2 members from RWJPA (active ag producers in staging area)
 - o All will be voting members
- Chair & Vice Chair identified by the sub-committee
- Sub-committee will make recommendations for consideration by LMC then approval by MFDA Board
- Term of sub-committee – Annual renewal requirement, no term limit

MOTION PASSED

Mr. Breitling moved to approve the resolution as presented and Mr. Kapitan seconded the motion. On a roll call vote, the motion carried.

b. WIFIA Update

Mr. Shockley reported that the first WIFIA draw in the amount of \$47,500,000, has been received and will be reflected in next month's financials. Mr. Shockley also noted that sales tax receipts will be less as the trustee, the Bank of North Dakota, will be applying a percentage of sales tax receipts to build up the required reserve fund.

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 99.5% complete. Completion date is 28 Oct 2025. Final inspections upcoming. Turnover to Sponsors for OMRRR anticipated 5 May 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 anticipated 5 May 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. Red Zone meeting was held 12 March to prepare for construction completion. Turnover to Sponsors for OMRRR anticipated in late August 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. Contract completion date will be extended into July 2026.

Reach SE-2B: 90% complete. TRM and turf establishment remain. 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. is 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

Forest Mitigation #3: Service contract awarded 27 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. 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

- CR-22 Crossing
- BNSF KO

30 to 60-Day Outlook

- SWDCAI Crossings
- SEAI Reaches
- Red River Structure

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period February 1 to February 28, 2026. He reported that it was a good month with no recordable incidents and no serious injuries, however, there was a slight increase in the near miss category.

d. P3 Monthly Update

Mr. Bakkegard highlighted the submittals process in the March P3 monthly update.

Submittal	Reporting Period	To Date
Received for review and comment (including ITP Complete)	99	5,059
Reviews carried out*	80	4,743
Submittals returned with no comment	86	1,845
In review with the Authority as at end of reporting period	87	n/a
Back with RRVA for resubmission as at end of reporting period		180
rejected as incomplete at end of reporting period	4	47
rejected with comments at end of reporting period	11	130
number of comments at end of reporting period	529	3,229
CDS returned with no comments	0	197
RFC documents (includes minor updates that are not redesigns)	0	197
relating to utility relocations	0	81
RFCs back in redesign	0	4
redesigned once (RFC1)	0	28
redesigned twice (RFC2)	0	6
redesigned three times (RFC3)	0	1

* Some submittals will have been seen more than once within the reporting period and therefore this section may not tally with the number “back with RRVA” or “no comment” which is a position as at the month-end. This also excludes ITP Close out reviews as comments on these are included in the associated Construction Certificates.

- No Interim Completion Element (ICE) Notices were certified in January 2026, the total of agreed Notices remains as 11.
- ICE Notice for Lower Rush River Inlet was rejected in the reporting period and was resubmitted.
- ICE Notice for Diversion Channel Reach 5 was under review at the end of the reporting period.
- 28 ICE Notices due to be received by the Authority by the end of February 2026 remain undelivered by the Developer. These are Reach 1, Reach 3, Reach 4, Reach 7, Reach 9, Reach 14, Diversion Outlet, Mapleton Drain, Drain 14B, Raymond Drain North, Raymond Drain South, Rush River Inlet, CR16/17 Crossing, CR22 Crossing, 38th St W Crossing, 32nd Ave W Crossing, 52nd Ave W Crossing, CR6 Crossing, CR 14 Crossing, CR81 Crossing, BNSF Prosper Crossing, BNSF Hillsboro Crossing, BNSF Hillsboro Shoofly Removal, BNSF Prosper Shoofly Removal, BNSF KO Crossing, BNSF KO Shoofly Removal, I-94 and I-29.
- No 15-business-day notices were received in February 2026.
- No 60-day notices were received in February 2026.
- Two ICE Advance Payment requests were made in February 2026 for the Drain Inlet associated with Legal Drain for Raymond Township South and Diversion Channel Reach 14; and both were accepted. The Advance Payment Request for Diversion Channel Reach 14 was only in respect of Pay Unit 47 (ICE40 Covers Pay Unit 46 and 47).

TECHNICAL

Design Review

- Development and delivery of Released Construction (RFC) design packages by the Developer have been almost completed. Modification and changes to the RFC documents will continue throughout the construction period. These changes are typically due to minor corrections and adjustments to meet field conditions. Any minor changes are processed through the Request for Information (RFI) process. Significant changes which impact the functionality or form of the original design will be made through a formal design change process. The Developer will then change and submit it for review in the same manner as the original design. Additional design and technical reviews continue to be conducted for Shop Drawings and Inspection and Test Plans.

- Review of Technical Reports on specific items identified in the recently issued Statement of Principals document continued again during this reporting period.
- Revisions to quarterly submittals of the Design H&H Model have been received. Comments previously provided to the Developer have yet to be addressed.
- Re-submittal of RFC documents which were identified in the Statement of Principles and have completed the Technical Memo review process is beginning to be submitted for final review.

Agency Coordination

- Agency specific coordination continues during this reporting period.

NDDOT

- Interstates 29 and 94 are fully open to traffic. Punch list items and final clean-up will be completed in spring 2026.
- Preparation of Record Drawing Deliverables is underway.

Cass County

- Standing and task specific coordination meetings continue this reporting period.

The 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.

e. Monthly Drone Video

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

8. COMMUNICATIONS TEAM UPDATE

Ms. Wieser Willson provided the following communications update:

PR/Media Relations:

- February construction update
- KFGO interview

Newsletter:

- Engineering focus
- 56.2% open rate
- 12.9% click rate
- Next issue: Earth moving

Outreach/Legislative:

- March St. Paul trip

9. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Mr. Fisher provided the following property acquisition status report:

Key Activities:

- **In the last month, successfully closed 4 parcels/2 owners in the UMA**
- **Continued negotiating settlement agreements for existing eminent domain actions**
 - No new trials in the last month
 - Completed three (3) eminent domain trials in Cass County
 - Completed site inspections of Minnesota properties
 - Completed initial discovery hearing for the actions in Minnesota
 - Negotiated many settlements since completing the first trial
 - 9 pending settlement offers with property owners
- **Closings are pending for:**
 - MN: 7 parcels/2 owners
 - ND: 16 parcels/10 owners

- 21,340 acres of flowage easements have been acquired, and 5,750 acres are outstanding
- Continued development of the MFDA's post operation debris clean-up and restoration program
- Continued development of the MFDA's crops loss program

Property Acquisition Progress:

- 98.4% completion in the Construction Footprint
- 65.8% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 65.8% of the parcels in the Upstream Mitigation Area have been acquired
- 79.3% 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

10. FINANCE UPDATE

a. Finance Meeting Update

Mayor Dardis reported that the bills payable through March 17, 2026, in the amount of \$1,298,778, were approved; the March cash on hand is \$180,733,254 and the current net cash position is \$219,551,029.

Mayor Dardis also reported that contracting actions a., b., c., and d., were approved as well as the MOUs and agreements that were presented. The first draw has been received from the WIFIA loan in the amount of \$47,500,000. Mayor Dardis reported that sales tax receipts from the City of Fargo were down -2.28% and the receipts from Cass County were down -.07% based on annual comparison.

MOTION PASSED

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

11. OTHER BUSINESS

a. Executive Director STEP Increase

Mr. Benson provided an overview of the executive director's recommended STEP increase noting that his position is not in the STEP matrix and should be consistent with the Cass County policy.

The Metro Flood Diversion Authority recently completed the Executive Director's Annual Review. Commissioner Grindberg presented a successful review during the January 26, 2026, MFDA Board meeting.

With the completion of the Executive Director's Annual Review, the MFDA Board is requested to approve the Executive Director's STEP increase and resulting salary for 2026. The Executive Director's salary was \$225,500 during 2025. The Executive Director's salary was increased to \$230,904 in January 2026, based on the Cass County 2.4% COLA. Since this pay is above the STEP 6 salary of \$228,462, it is recommended that the Executive Director's salary be increased to STEP 7 salary of \$239,139. In the future, the Executive Director, along with other MFDA job positions, will automatically increase based on the Cass County COLA increase at the beginning of every year and STEP increases will follow the Cass County policy.

Recommended Action: Approve the Executive Director scale increase to a STEP 7 effective February 1, 2026, which equates to a new salary of \$239,139. The pay would be retroactive to February 1, 2026.

MOTION PASSED

Mr. Kapitan moved to approve the executive director's STEP increase to STEP 7 and Mr. Breitling seconded the motion. On a roll call vote, the motion carried.

b. Governance Policy Annual Review for GP 1, 2 & 3; ED/BRP 1 & 2 and OEP 1,2 & 3

Mr. Benson provided an overview of the above-referenced policies indicating that they were reviewed by the planning committee and also require board approval.

MOTION PASSED

Mayor Dardis moved to approve the Governance Policy Annual Review as presented and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

c. Settlement Agreement Project Updates

Mr. Bakkegard provided the following settlement agreement updates:

This memorandum serves as an update for the construction projects required by the Settlement Agreement by and between the Metro Flood Diversion Authority (MFDA), Richland-Wilkin Joint Powers Authority (RWJPA), Buffalo-Red River Watershed District (BRRWD), the City of Wolverton, Minnesota (Wolverton) and the City of Comstock, Minnesota (Comstock) (the "Settlement Agreement"). The Settlement Agreement became effective on February 1, 2021. Per the terms and conditions of the Settlement Agreement, the MFDA is responsible for providing the funds to design, construct, operate and maintain the projects that follow within this memorandum.

Georgetown Flood Protection Project

The MFDA and BRRWD entered a MOU for the Georgetown Flood Protection Project in May 2022 to further define the project and roles and responsibilities. The Georgetown Flood Protection Project is being administered and constructed by the BRRWD. BRRWD and the MFDA have bi-weekly coordination meetings to discuss the status and development of the project. BRRWD is working toward property acquisition, permits, design plans, and other coordination for the project. BRRWD has indicated that construction for the project will begin in 2027.

Wolverton Flood Protection Project

The MFDA and BRRWD entered a MOU for the Wolverton Flood Protection Project in May 2022 to further define the project and roles and responsibilities. The Wolverton Flood Protection Project is being administered and constructed by the BRRWD. BRRWD and the MFDA have bi-weekly coordination meetings to discuss the status and development of the project. BRRWD is working toward property acquisition, permits, design plans, and other coordination for the project. BRRWD has indicated that construction for the project will begin in 2026. Completion of this project will reduce the number of flowage easement acquisition required in Wilkin County, Minnesota.

Christine Flood Protection Project

The MFDA and the City of Christine entered a MOU for the Christine Flood Protection Project in March 2022 to further define the project alignment and roles and responsibilities. The Christine Flood Protection Project is being administered and constructed by the City of Christine. The City of Christine and the MFDA have monthly coordination meetings to discuss the status and development of the project. The City of Christine is working toward property acquisition, permits, design plans, and other coordination for the project. The City has indicated that construction for the project will begin in 2026 pending permitting and property acquisition and will take a minimum of two years to construct. Completion of this project will reduce the number of flowage easement acquisition required in Richland County, North Dakota.

Comstock Lagoon Project, Comstock Flood Control Project and Coordination with Clay County for the Highway 2 Project

The MFDA and the City of Comstock entered a MOU for the Comstock Lagoon Project and the Comstock Flood Control Project in November 2021 to further define the project and roles and responsibilities. The Comstock Lagoon Project is being administered and constructed by the City of Comstock. The City of Comstock has completed design and permitting for the project and will be closing on the property acquisitions in March 2026. The city has indicated that construction for the project will begin in 2026 and will take a minimum of two years to construct. As part of the MOU, it was determined that a Flood Control Project is not needed at this time for the City of Comstock.

The Clay County Highway 2 Project is being administered by Clay County. Construction for this project began in 2025 and will be completed in 2026.

Cemetery Protection Projects

The MFDA in cooperation with the USACE completed the Cemetery Protection Plan in February 2022. As part of this plan, it was determined that there are six (6) cemeteries with increased flood water impacts and two (2) cemeteries with viewshed impacts. The impacted cemeteries and their proposed protection projects are identified below:

Clara Cemetery – The MFDA and the Comstock Lutheran Church entered into an agreement in August 2024 for the Clara Cemetery Flood Protection Project which consists of protecting the cemetery with a levee. The MFDA is responsible for design, construction and maintenance of the project. The project is currently out for bid and is planned to be awarded to the successful bidder in April 2026. Construction for the project is to begin after Memorial Day on June 1, 2026, and will be completed in 2026. A turf and tree establishment period will remain in effect up to one year after the project is constructed.

Eagle Cemetery – The MFDA and Eagle Valley Evangelical Free Church entered into an agreement in February 2024 for the Eagle Cemetery Flood Protection Project which consists of adding fill to the cemetery to raise its elevation out of the floodplain. This project was constructed during the 2025 construction season. A turf and tree establishment period will remain in effect until October 2026 at which time the project will be complete and closed out.

North Pleasant Cemetery – The MFDA and the North Pleasant Cemetery Association entered an agreement in September 2024 for the North Pleasant Cemetery Flood Protection Project which consists of protecting the cemetery with a levee. The MFDA is responsible for design, construction and maintenance of the project. The project was bid and awarded to the successful bidder at the February 2026 MFDA Board meeting. Construction for the project is to begin after Memorial Day on June 1, 2026, and will be completed in 2026. A turf and tree establishment period will remain in effect up to one year after the project is constructed.

Hemnes Cemetery – The Hemnes Cemetery mitigation project consists of the purchase of a flowage easement across a portion of the cemetery property that is near the bank of the Red River. Once the flowage easement is in place, this will serve as the mitigation and agreement for the Hemnes Cemetery. The flowage easement has not yet been acquired.

Roen Cemetery – The Roen Cemetery mitigation project consists of the purchase of a flowage easement on the cemetery property and the placement of a historic plaque. The MCCJPA has purchased the flowage easement across the property. The USACE is coordinating with MN SHPO on approval of the historic plaque and will place the plaque once it is complete.

Salem (Wolverton) Cemetery – The MFDA and the Salem Cemetery Association entered into an agreement in June 2023 regarding project impacts and potential mitigation for the Salem (Wolverton) Cemetery. It was agreed that the Wolverton Flood Protection Project as it is proposed will protect the Salem (Wolverton) Cemetery from flood water impacts and therefore a separate project would not be required.

St. Benedicts Cemetery – The St. Benedicts Cemetery only has a viewshed impact due to the location and proximity to the southern embankment. The USACE has determined in coordination with ND SHPO that mitigation for the viewshed impact would include a wildflower seed mix at the embankment at this location and providing a historic marker at the cemetery. The USACE will complete the landscaping and placement of the historic marker.

Lower Wild Rice and Red River Cemetery – The Lower Wild Rice and Red River Cemetery only has a viewshed impact due to the location and proximity to the southern embankment and the Red River Structure. The USACE has determined in coordination with ND SHPO that mitigation for the viewshed impact would be planting trees at the southern end of the project to make the structure less of an obvious presence along with placing a historic marker at the cemetery. The USACE will complete the landscaping and placement of the historic marker.

12. PUBLIC COMMENT

Mr. Ben Askegaard attended the meeting to share his comments regarding his \$71,670, crop loss claim as a result of possible drainage issues caused by the USACE's contractor.

MOTION PASSED

Mayor Dardis moved to send a letter to the USACE indicating that their contractors, PWS Construction and AIS Infrastructure are out of favor with regard to any work on the Diversion project, and that these contractors are blackballed. Mr. Kapitan seconded the motion and on a roll call vote, the motion carried.

13. NEXT MEETING

The next meeting will be on April 23, 2026.

14. ADJOURNMENT

The meeting adjourned at 4:41 PM.