

# Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – April 23, 2026

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on April 23, 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; Shelly Carlson, Mayor, City of Moorhead; 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.

Member(s) absent: no members were absent.

**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 MARCH 2026 BOARD OF AUTHORITY MEETING**

**MOTION PASSED**

Mayor Carlson moved to approve the minutes from the March 2026, meeting and Ms. Kolpack 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. Breitling 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 Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.

**5. EXECUTIVE DIRECTOR UPDATE**

**a. Minnesota Legislative Update**

Mr. Benson reported that he testified in St. Paul to the Senate Committee along with Lisa Bode, Paul Krabbenhoft and Jenny Mongeau. He visited with House and Senate members regarding the Resolution for the 50/50 match. The bonding bill is still in the discussion phase and there are only four more weeks of the session remaining.

**b. Turnover of the DIS and WRRS**

Mr. Benson reported the Diversion Inlet Structure, and the Wild Rice River Structure will be completed in the next few weeks and turned over to the MFDA.

**c. PPA Amendment No. 2 Signing Ceremony**

Mr. Benson reported that Interim Assistant Secretary of the Army, Adam Telle, is tentatively planning to attend the PPA Amendment signing. Senator Hoeven has confirmed his attendance, and Senator Amy Klobuchar is tentative at this time.

**d. Crop Damage Update**

Several met at the Ben Askegaard farm to view the damage to his cropland that has allegedly been caused by the USACE’s contractor. Those in attendance were Colonel Chase and Ms. Terry Williams, USACE, Mr. John Shockley, Mr. Tom Fuchs, Mr. Jason Benson and Angela Cooner, contractor’s legal representative. AISI has submitted an offer to Mr. Askegaard, and he will likely come back with a counteroffer.

Mr. Matt Ness is also working with the USACE regarding drainage issues to his property. His claim is roughly one-half of Mr. Askegaard’s claim.

**6. GENERAL COUNSEL UPDATE**

**a. Project Partnership Agreement, Amendment No. 2**

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

The City of Moorhead, the City of Fargo and the Metro Flood Diversion Authority are the Non-Federal Sponsors of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the “Diversion Project”). In June of 2016, the City of Moorhead, along with the City of Fargo, Cass County, Clay County, and the Cass County Water Resource District entered into a Joint Powers Agreement (the “JPA”) creating the Metro Flood Diversion Authority (the “Authority”) to manage the design, construction, financing, and operation of the Diversion Project. The JPA clarifies and allocates the responsibility and obligations arising out of the construction, operation, and maintenance of the Diversion Project.

The City of Moorhead and the City of Fargo were the original Non-Federal Sponsors of the Diversion Project. Under USACE requirements the City of Moorhead and the City of Fargo remain Non-Federal Sponsors for purposes of the Project Partnership Agreement even though they have agreed pursuant to the JPA that the Authority will manage the design, construction, financing, operation, and maintenance of the Diversion Project.

The PPA was originally signed on July 11, 2016, and amended on March 19, 2019. The PPA provides that the Federal Participation Amount in the Diversion Project was limited to \$750,000,000 in 2015 Dollars. Pursuant to the PPA, Federal Participation Amount is be used for the construction of the Federal portion of the Project which included the southern earthen embankment, the Diversion Inlet Structure, the Wild Rice Control Structure, and Red River Control Structure. The Non-Federal Sponsors are responsible for all land acquisition, construction of the in-town works, mitigation projects and the Storm Water Diversion Channel. The total cost of the Diversion Project is approximately 3.2 billion dollars.

The PPA is unique in the nation in that it provides a legal mechanism by which the Metro Flood Diversion Authority would receive at the completion of the Diversion Project any of the remaining Federal Participation Amount not expended for the construction of the Federal Portion. Amendment No. 2 to the PPA authorizes USACE to release a significant portion of the unexpended Federal Participation Amount to the Authority prior to final completion of the Diversion Project. These funds will be used for construction of the non-federal works.

**MOTION PASSED**

**Mr. Grindberg moved to approve Amendment No 2. to the Project Partnership Agreement between USACE, the City of Fargo, the City of Moorhead and the Metro Flood Diversion Authority and Mr. Breitling seconded the motion. On a roll call vote, the motion carried.**

**b. Resolution Regarding Executive Session Recordkeeping**

Mr. Shockley provided an overview and summary of the above-referenced Resolution and indicated that it is a housekeeping item to determine how long to retain executive session recordings. In compliance with North Dakota Century Code, the recordings must be retained for a minimum of six months following the date of the recorded executive session.

**MOTION PASSED**

**Mr. Breitling moved to approve the Resolution as presented and Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.**

**c. WIFIA Loan Update**

Mr. Shockley reported that the first WIFIA draw in the amount of \$47,500,000, has been received. The total amount of the WIFIA loan is \$569,000,000, and the current interest rate is 2.08%.

**d. Subordinated Sales Tax Bond Update**

Mr. Shockley reported that a temporary bond issue will be issued to help cover cash flow. The issuance will wait until interest rates have dropped and stabilized.

**e. Resolution Authorizing the MFDA to Match 50/50 Funds Received from The State of Minnesota**

Mr. Benson provided an overview and summary of the above-referenced Resolution. The Authority will match 50/50 any funds received from the State of Minnesota for the remaining projects on the Minnesota side of the Red River using the federal funds that will be received following Amendment No. 2 to the Project Partnership Agreement (PPA) between the Department of the Army and the City of Fargo, North Dakota, the City of Moorhead, Minnesota, and the Metro Flood Diversion Authority. The Resolution also authorizes Mr. Benson to be the liaison to work with the Minnesota Legislature.

**MOTION PASSED**

**Ms. Kolpack moved to approve the Resolution as presented and Mr. Breitling seconded the motion. On a roll call vote, the motion carried.**

**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. Structural crews working on misc. metal and electrical install and concrete finishing. Turnover to Sponsors for OMRRR anticipated in late August 2026

### **4 Southern Embankment – Reach SE-2A - Construction**

Construction is 76% complete and the remaining work is being performed by the SE-3 contractor during the 2026 construction season.

### **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**

- Reaches 4 & 5
- Lower Rush River Inlet

### **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 March 1 to March 30, 2026. He reported that it was a good month with only two minor recordable events that required first aid. He also reported that there has been a slight increase in the near miss category, and this will continue to be monitored.

#### **d. P3 Monthly Update**

Mr. Bakkegard highlighted the environmental section in the April P3 monthly update.

#### **Environmental Compliance**

2024 Section 404 Permit Special Condition M, P and S:

- Rush River: has been accepted by USACE
- Maple River: has been accepted by USACE
- Sheyenne River: has been accepted by USACE

#### **Permanent Native Vegetation**

There was no permanent planting/seeding this month. Permanent seeding and tree planting has ceased until Spring 2026 due to the weather.

#### **Permanent Seeding/Planting Annual Summary**

*Total to Date Trees*

6,084 trees 2,147 acres

#### **Audits**

No environmental audits occurred this month.

#### **Permits**

Open/Applied For: 96

Closed: 620

Total: 714

**2024 404 Permit – Violation:** On July 25, 2025, RRVA notified the Authority of a violation of the USACE Section 404 Permit Condition OO due to the disappearance of a brown-headed cowbird nest. On August 29, 2025, USACE issued a Notification of Non-Compliance stating that another event would trigger a civil penalty and requested the Developer’s investigation results, which were received, reviewed internally, and an update requested from the Developer. The Authority received the updated Developer response which was under review at month’s end.

**2026 404 Permit – Violation:** On 27-February-26 USACE issued a Notification of Non-Compliance (Section 404 General Condition 5, Special Condition AA, and Special Condition FF) stating the next violation would likely result in civil penalties.

**NPDES/SWPPP NDR11-1957 – Violation:** On 27-February-26 ND DEQ issued an Inspection Report of the Maple River Engineered Channel including a list of Corrective Actions.

**Sheyenne River Sovereign Lands Permit:** Sheyenne River Aqueduct Revision No. 2 was submitted on 2-March-26. However, this application was formally withdrawn on 19-March-26 with the intent to update and resubmit on or after 1-April-26. A sovereign lands permit application was submitted on 13-March-26 for the Sheyenne River Drain 50 Temporary Connection and was then formally withdrawn on 19-March-26 with the intent to update and resubmit on or after 1-April-26.

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

#### **e. Monthly Drone Video**

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

## 8. COMMUNICATIONS TEAM UPDATE

Ms. Wieser Willson provided the following communications update:

### **PR/Media Relations:**

- March construction update
- BNSF KO opening
- I-29/I-94 lane closures

### **Newsletter:**

- Material excavation focus
- 57.2% open rate
- 14.1% click rate
- Next issue: In-town work

### **Outreach/Legislative:**

Horace Seniors

## 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 6 parcels/2 owners in the UMA**
- **Continued negotiating settlement agreements for existing eminent domain actions**
  - No new trials in the last month
  - To date, 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
  - 10 pending settlement offers with property owners
- **Closings are pending for:**
  - MN: 2 parcels/1 owner
  - ND: 20 parcels/11 owners
- **21,456 acres of flowage easements have been acquired, and 5,634 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
- 66.8% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 66.8% of the parcels in the Upstream Mitigation Area have been acquired
- 79.3% of the Environmental Easements have been signed
- 100% 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 contracting actions 7.a., b., c., d., and e., were approved as well as general counsel items 8. a., and b.

Mayor Dardis also reported that the bills payable through April 14, 2026, in the amount of \$3,181,534, were approved and the current net cash position is \$257,465,863. Mayor Dardis noted that expenditures will increase in coming months with the anticipated milestone payments.

**MOTION PASSED**

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

**11. OTHER BUSINESS**

There was no other business.

**12. PUBLIC COMMENT**

Mr. Ben Askegaard attended the meeting and provided an update on the status of the pending claim for the damage to his cropland. He also relayed his frustration with the lack of communication regarding past and upcoming road closures.

**13. NEXT MEETING**

The next meeting will be on May 28, 2026.

**14. ADJOURNMENT**

Mr. Ebinger moved to adjourn, and Mr. Campbell seconded the motion. The meeting adjourned at 4:28 PM.