

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – June 25, 2026

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on June 25, 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; Jim Kapitan, Cass County Commissioner; Duane Breitling, Cass County Commissioner; Tony Grindberg, Cass County Commissioner; Lisa Borgen, Moorhead City Council; Kevin Campbell, Clay County Commissioner and Denise Kolpack, Fargo City Commissioner.

Member(s) absent: Dave Piepkorn, Fargo City Commissioner; Shelly Carlson, Mayor, City of Moorhead and Chuck Hendrickson, Moorhead City Council.

1. CALL TO ORDER

Mayor Mahoney called the meeting to order at 3:29 PM. Roll call was taken, and a quorum was present.

2. APPROVE THE MINUTES FROM THE May 2026 BOARD OF AUTHORITY MEETING

MOTION PASSED

Ms. Kolpack moved to approve the minutes from the May 2026 meeting and Mr. Breitling seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

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

4. APPROVE THE CONSENT AGENDA

MOTION PASSED

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

5. EXECUTIVE DIRECTOR UPDATE

a. New Committee and Board Member Orientation

Mr. Benson reported that MFDA staff met with mayor-elects Mr. Eric Gjerdevig and Mr. Josh Boshee and provided them with an update and overview of the Project. Additional orientations will be conducted with the rest of the new members in July.

b. September 15, 2026, Board Retreat

Mr. Benson asked board members to hold September 15, 2026, on their calendars for a board retreat. The retreat is tentatively scheduled from noon to 5:30 and will begin with lunch, an approximate two-hour working session, and conclude with a bus tour of the Project.

c. Request for New Committee and Board Member Appointments

Mr. Benson asked the cities of Fargo and West Fargo make their new MFDA committee and board appointments at their next respective commission meetings.

6. GENERAL COUNSEL UPDATE

a. Amended Resolution Confirming Members to the Debris Removal & Restoration Sub-Committee

Mr. Shockley provided an overview and summary of the above-referenced amended resolution to confirm appointment of the members to the Debris Removal and Restoration Sub-Committee, as a sub-committee to the Land Management Committee that was stated in the resolution adopted March 26, 2026.

The following members were appointed:

Nathan Boerboom	MFDA Land Management Committee
Bob Zimmerman	MFDA Land Management Committee
Jake Gust	MFDA Land Management Committee
Ken Loughheed	Cass County Joint Water Resource District
Jenny Mongeau	Moorhead-Clay County JPA
Richland-Wilkin Producer	Riley Miller, Richland-Wilkin JPA
Richland-Wilkin Producer	Craig Hertsgaard, Richland-Wilkin JPA

MOTION PASSED

Mayor Dardis moved to approve the sub-committee appointments as presented and Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.

b. Resolution Authorizing the Preparation and Distribution of a Preliminary Official Statement for the Subordinate Sales Tax Revenue Bonds, Series 2026

Mr. Shockley provided an overview and summary of the above-referenced resolution regarding the official statement for the sales tax revenue bonds.

MOTION PASSED

Ms. Borgen moved to approve the resolution as presented and Mr. Grindberg seconded the motion. On a roll call vote, the motion carried.

c. Amended Resolution Authorizing the MFDA to Match 50/50 the Funds Received from the State of Minnesota

Mr. Shockley provided an overview and summary of the above-referenced amended resolution authorizing the MFDA to 50/50 match for any funds received from the State of Minnesota or Congressionally Directed Spending grants for the City of Moorhead's lift stations #7 and #11 after April 23, 2026.

MOTION PASSED

Mr. Campbell moved to approve the amended resolution as presented and Ms. Kolpack seconded the motion. On a roll call vote, the motion carried.

d. WIFIA Loan Update

Mr. Shockley reported that the WIFIA invoices will be submitted soon for the next draw, and it anticipated that it will be approximately \$105,000,000.

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. Turnover to Sponsors for OMRRR occurred 15 June 2026.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Turnover to Sponsors for OMRRR anticipated early -July 2026.

3 Red River Structure (RRS) – Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 97% complete. Embankment construction is ongoing. Turnover to Sponsors for OMRRR anticipated in late August 2026.

4 Drain 27 Wetland Mitigation Project Plantings – Mitigation

Native plantings 5-year contract for wetland establishment. Completion date is 2 December 2027.

Contractor replanted areas disturbed by adjacent producers.

5 FY2024 Contract Awards – Construction

OHB Ring Levee: Turnover to Sponsors for O&M occurred on 29 December 2025. Drainage adjustment under separate contract has been completed.

Reach SE-1B: 81% complete. Embankment construction is ongoing. Contract completion date will be extended to August 2026.

Reach SE-2B: 93% 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. Embankment and road up-and-overs construction are ongoing. Contract completion date is 15 October 2026.

6 FY2025 Contract Awards – Construction

SE-3: 46% complete. Embankment construction is ongoing. County Road 81 scheduled to reopen 15 August. Contract completion date is 11 September 2026.

SE-5: 37% complete. Contractor closed Hwy 75 on 15 June; reopening is scheduled for 31 July. Contract completion date is 31 October 2026.

Forest Mitigation #2: Planting/maintenance ongoing. Contract completion date is 31 Dec 2029.

7 FY2026 Contract Awards – Mitigation

Forest Mitigation #3: Service contract awarded 27 February 2026. Planting ongoing. Completion date is December 2028.

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

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:

Current Work

- Reach 1, CR-17 Drain Inlet, Reach 14
- CR-81 Crossing
- CR-16/CR-17 Crossings
- DIS

30 to 60-Day Outlook

- CR-81 Crossing
- 52nd Ave W Crossing
- SE-2B
- AAB
- WRRS
- SE-5

b. Project Safety Update

Mr. Bakkegard provided the safety update for the period May 1 to May 31, 2026. He reported that it as a good month with only two minor recordable events. He also reported that there has been an increase in the near-miss category, and these issues are being addressed.

c. P3 Monthly Update

Mr. Bakkegard highlighted the O&M section in the June P3 monthly update.

Operations & Maintenance

RRVA continued general inspections throughout the ROW, Local Drainage inspections to ensure ditches and culverts are free from debris, and Interim Completion Element inspections. The Developer has stated its primary focus is areas that are submitted for Interim Completion.

There were two Certificates for Interim Completion issued to the Developer in May. One Certificate was issued to the Developer for the Lower Rush River Inlet on May 13th, and one Certificate was issued to the Developer for the Channel Reach 05, Local Drainage, Dead-End Terminations, MP3 and MP4 on May 13th. Issuance of Certificates Interim Completion prompts the commencement of all performance requirements in accordance with the Project Agreement.

The inspections for Drain 29 Inlet, Drain 30 Inlet, CR 20 Crossing, CR 32 Crossing and CR 4/31 Crossing and Roadway Improvements, Channel Reach 02, Local Drainage, Dead-End Terminations, 170th Ave Crossing Drain 13 & 30, Berlin Township Drain Inlet, CR 10, Lower Rush River Inlet and Channel Reach 05, Local Drainage, Dead-End Terminations are being recorded and managed in 'Cityworks', the Computerized Management and Maintenance System (CMMS).

Bridge Deck Cleaning for CR 20 Crossing, CR 32 Crossing, CR 4/31 Crossing and CR 10 Crossing was completed on May 15, 2026. The annual bridge inspections for the crossings mentioned above are scheduled to be completed in the first week of June. We continue to monitor RRVA's inspections and their inputs in Cityworks. The Authority continues to remind the Developer that the entire project ROW is of concern and will be reported under Nonconformance if its efforts are not apparent on project wide matters.

Compliance checks

The PMC carried out the following for the month of May 2026:

- 856 Daily Observations; 86 Compliance Checks; 12 Issues written (were noted that the Contractor was able to resolve readily) were conducted by the Authority's Construction Management Team.

Testing

Earthwork field and laboratory tests performed by Braun Intertec are as follows:

- Atterberg (12); Hydrometer (20); Proctor (51); Sieve (3); Field Reports (28); Density Tests (32); Concrete (132)

Survey GIS:

- Isight Drone Services performed a quarterly project wide flight along with Lidar survey over the Diversion Outlet.
- HMG surveyed cross sections of the rock weirs at the Diversion Outlet.

The report can be viewed in its entirety on the website at www.fmdiversion.gov. Please reach out to Mr. Barthel should you have any questions.

d. 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:

- May construction update
- I-29 lane closures

Newsletter:

- Land management
- 48.9% open rate
- 12.3% click rate
- Next issue: leadership

Recognition Event:

- Soliciting sponsors

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 11 parcels / 7 owners in the UMA**
- **Continued negotiating settlement agreements for existing eminent domain actions**
 - To date, completed three (3) eminent domain trials in Cass County. No new trials in the last month.
 - Completed site inspections and initial discovery hearing for the actions in Minnesota.
 - Scheduled Commissioner Hearings for Minnesota actions.
 - Negotiated many settlements since completing the first trial.
 - 14 pending settlement offers with property owners.
- **Closings are pending for:**
 - MN: 3 parcels / 2 owners
 - ND: 25 parcels / 12 owners
- **21,651 acres of flowage easements have been acquired, and 5,439 acres are outstanding**
- **Continued development of the MFDA's post operation clean-up and restoration programs**
- **Continued development of the MFDA's crop loss programs**

Property Acquisition Progress:

- 98.4% completion in the Construction Footprint
- 68.5% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 68.5% of the parcels in the Upstream Mitigation Area have been acquired
- 79.8% 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 8.a., b., & c., were approved and the bills payable through June 17, 2026, in the amount of \$2,253,069, were also approved. The current net cash position is \$292,313,797.

Mr. Barthel provided the sales tax update indicating that the last three months have been relatively strong in sales tax receipts from the City of Fargo and Cass County. He reported that approximately a 10% increase year-to-date compared to last year at this time.

11. OTHER BUSINESS

Presentation of Award to Mayor Mahoney

Mr. Benson presented Mayor Mahoney with a plaque acknowledging his years as the chair of the MFDA Board and his valuable work on the Project. Mr. Benson also thanked and recognized Commissioner Piepkorn and Commissioner Kolpack for their time served on the Board as well.

12. PUBLIC COMMENT

There was no public comment.

13. CLOSED EXECUTIVE SESSION

Pursuant to N.D.C.C. § 44-04-19.1 and N.D.C.C. § 44-04-19.2 for the purpose of receiving consultation and advice from General Counsel regarding the crop loss claims of Mr. Askegaard and Mr. Ness, which are reasonably predicted to involve civil litigation in which the MFDA will likely be involved.

MOTION PASSED

Mr. Ebinger moved to go into executive session, and Ms. Borgen seconded the motion. On a voice vote, a quorum retreated to the Meadowlark Room at 4:05 PM.

A quorum returned to the Commission Chambers at 4:16 PM.

14. CONSIDER APPROVAL OF NESS CROP LOSS AGREEMENT

MOTION PASSED

Mr. Ebinger moved that the board approve the substantive terms and conditions of the agreements that were discussed during the executive session and authorize the Executive Director to sign the agreement with any changes deemed necessary by the Executive Director and General Counsel. Mr. Kapitan seconded the motion and on a roll call vote, the motion carried.

15. NEXT MEETING

The next meeting will be on July 23, 2026,

16. ADJOURNMENT

The meeting adjourned at 4:20 PM.