

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, September 23, 2021, 1:00 p.m.

Clay County Courthouse, Third Floor Meeting Rooms

In Person Meeting with Microsoft Teams Option Available

MINUTES

1) CALL TO ORDER

The meeting was called to order by Chair Campbell at 1:00 p.m.

2) ROLL CALL

City of Moorhead:	Mayor Shelly Carlson
	Council Member Chuck Hendrickson
	Council Member Larry Seljevoll
Clay County:	Commissioner Kevin Campbell, Chair
	Commissioner Jenny Mongeau
BRRWD:	Member VanAmburg

Others Present:

Attorney John Shockley and Attorney Chris McShane, Ohnstad Twichell Law
Jessica Warren, and Dean Vetter, AE2S
Bob Zimmerman, Moorhead City Engineer
Ted Preister, Red River Basin Commission
John Albrecht, Jacobs Engineering
Ken Helde, HMG SRF
Dale Ahlsten and Scott Stenger, Prosource
Attorney Nicolas Delaney, representing Scott Blilie
Stephen Larson, County Administrator, and Colleen Eck, Clay County staff

3) APPROVAL OF AGENDA

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the agenda. Motion carried.

4) APPROVAL OF MINUTES

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the minutes from September 2, 2021. Motion carried.

5) CITIZENS TO BE HEARD

Scott Stenger with Prosource noted that Attorney Nicolas Delaney would like to speak on behalf of Scott Blilie regarding two properties that he owns: OIN 249 and OIN 257. Attorney Delaney presented some possible options for these properties.

Chair Campbell stated he appreciates Mr. Blilie's willingness to negotiate but no action will be taken until this item is posted on an agenda and there is a formal offer and presentation. Attorney Shockley stated he will review the information and look at placing it on the agenda for the next meeting.

6) PROJECT UPDATES

A. Property Acquisition Status Report

Mr. Vetter referred to the updated property acquisition map and inset of the Drayton Dam reconstruction. Steady progress continues on negotiations and acquisition of parcels.

B. Environmental Monitoring Easement (EME) Updated Action Plan

Ms. Warren noted that last fall appraisals were done on the Environmental Monitoring Easements (EMEs). The appraisals were presented to property owners in March. They have 384 signed EMEs and 125 that have not been signed. A strategy group was recently formed. The group has met and established a plan with three new strategies for negotiations with landowners for these EMEs. The strategies are 1) updated easement language; 2) signing bonus; and 3) official written correspondence from the Board.

Attorney McShane was involved in drafting the original easement and has reviewed the edits to the easement language that was prepared by Attorney Cash Aaland. The main changes are to clearly define what kind of surveys would be done and when they would be done. It still allows for the same compensation and a 50-year timeframe.

The second strategy "signing bonus" was changed to a "signing incentive adjustment" and would add \$1,000 to the current payment of \$750 per easement. The incentive adjustment would also go to the property owners who have already signed. The projected costs were presented. Attorney McShane stated there has not been a decision made to pursue eminent domain for any of these easements. Additional meetings with the USACE would be needed before further determinations could be addressed. There is a chance for a slight reduction in the number of sites.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the updated Environmental Monitoring Easement language. Motion carried.

Mayor Carlson moved, and Commissioner Mongeau seconded, to approve a "signing incentive adjustment" of \$1,000 for Environmental Monitoring Easements. Motion carried.

A draft letter for official written correspondence from the Board will be available at the October meeting.

C. Red River Control Structure Negotiations Update

Ms. Warren commented that they continue negotiations for the Red River Control Structure. Attorney McShane stated they started the eminent domain process, and it took the Clay County Courts two weeks before assigning Judge Lawson for the hearing.

Following that assignment, Livdahls asked to have that judge removed from the hearing. Action has not been taken yet on that request.

D. MN DNR Permit Conditions

Ms. Warren commented that a couple Minnesota landowners in the upstream area have reached out to the DNR with questions about the probable maximum flood level and are awaiting answers.

E. Relocation Appeal Policy Discussion

Attorney McShane stated the uniform relocation act addresses relocation for anyone who is being displaced by the project. They are currently drafting a policy for people to be able to appeal a decision made by the MCCJPA . The policy will be brought before the USACE and should be brought back to this group next month. Cass County also has a similar relocation process in place but MN has more specific rules than ND regarding acquisitions.

F. Flowage Easement Study and Property Owner Outreach

Ms. Warren stated they would like to have another property owner outreach meeting for the MN side and for the ND side before the end of the year. They would highlight the relocation benefits that property owners would have in each state. They will also have an outreach meeting in November for property owners on crop insurance. They plan to have it set up as a virtual and in-person meeting. The Law Enforcement Center may be a good location for it.

7) APPRAISAL AND REPLACEMENT HOUSING DIFFERENTIAL PAYMENT (RHDP)REVIEWS

A. OIN 1834 Spanier RHDP

Mr. Stenger stated the appraisal was already approved. The request today is just for the Replacement Housing Differential Payment (RHDP). A comparable property was used with additional consideration for the outbuildings on the Spanier property. They have reached a verbal agreement with the property owner pending the decision of this board.

Council Member Hendrickson moved, and Mayor Carlson seconded, to approve the Replacing Housing Differential Payment of \$145,800 for OIN 1834 (Spanier).

Mr. Stenger has spoken to Attorney Delaney and was notified that Spaniers would like to make an offer on another property tomorrow and close within 60 days. A second motion would be needed to accept a purchase agreement.

Member VanAmburg moved, and Mayor Carlson seconded, for a purchase agreement with Spaniers that includes a lease back and reimbursement of their legal fees. The maximum price was established at \$475,000 and RHDP is up to \$145,800. The motion is contingent on final legal review and carried.

B. OIN 1689 and 1868 Ueland Appraisal

Mr. Albrecht stated that OIN 1689 and 1868 are two properties under the same owner. OIN 1689 is a 61-acre single family rural residential site with an estimate of Just Compensation of \$500,000. OIN 1868 is a 58-acre parcel with an estimate of Just Compensation of \$405,000. Neither of these parcels are occupied by the owners and no relocations are needed.

Council Member Hendrickson moved, and Member VanAmburg seconded, to approve the Just Compensations for OIN 1689 (Ueland) for \$500,000 and OIN 1868 (Ueland) for \$405,000.

C. OIN 1841 Nelson Appraisal

Mr. Albrecht noted that OIN 1841 (Nelson) is 178.4 acres in size with a valuation of \$5,000/acre. There is an unoccupied residential structure as well as some outbuildings on the parcel. The Just Compensation is estimated at \$1,050,000. The land could be put back in ag production with a flowage easement at some point in time.

Mayor Carlson moved, and Member VanAmburg seconded, to approve the Just Compensation for OIN 1841 (Nelson) for \$1,050,000.

D. OIN 1294 Israelson Appraisal

The Israelson property, OIN 1294, is a 111.7-acre parcel. The 13.1-acre homesite is valued at \$209,600; the grain bins at \$3,000; and the 98 acres of farmland at \$5,000/acre. The estimate of Just Compensation is \$710,000.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the Just Compensation for OIN 1294 (Israelson) for \$710,000.

Mr. Stenger referred to a counteroffer that he just heard about last night for OIN 9234 that is being represented by Attorney Delaney. Chair Campbell asked to have this item on the agenda for the meeting in October.

8) LAND AGENT REPORTS

Mr. Stenger stated he is spending a lot of time with two of his property owners who have many steps left in the process.

Mr. Helde stated he is working with some landowners about their options.

9) PROPERTY MANAGEMENT

A. OIN 9169 and 9170 Bernhardson Farmstead Artifacts Collection Permission

Mr. Vetter directed the attention to a letter on page 46 of the meeting packets. AECOM is proposing an archaeological dig for artifacts and impacts to the project. The Bernhardson cabin at the site is known as an historical cabin. If anything is found on the site it would be donated to the State of Minnesota. They would like to start this fall. Commissioner

Mongeau asked that if any artifacts are found that they also consider the Historical Society of Clay County.

Commissioner Mongeau moved, and Mayor Carlson seconded, to approve the AECOM to conduct an archaeological dig at OIN 9169 and 9170; and collaborate with the local historical society if any artifacts are found at the site. Motion carried.

10) ADJOURN

The meeting adjourned at 2:39 p.m.

Stephen Larson, MCCJPA Secretary