

SPECIAL MEETING

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Tuesday, October 19, 2021, 3:30 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 3:30 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
BRRWD:	Member Gerald VanAmburg

Others Present:

Joel Paulson, Diversion Authority Executive Director
Attorney John Shockley and Attorney Chris McShane, Ohnstad Twichell Law
Eric Dodds, Jessica Warren, and Dean Vetter, AE2S
Bob Zimmerman, Moorhead City Engineer
Scott Stenger and Dale Ahlsten, Prosource
Stephen Larson, County Administrator, and Colleen Eck, Clay County staff
Lisa Kilde, HMG SRF

3) APPROVAL OF AGENDA

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

4) PROPERTY ACQUISITION

A. Approve Purchase Agreement for OIN 9325

Eric Dodds stated that the Peter and Debra Livdahl property (OIN 9325) is needed for the Red River Control Structure. Their driveway and a portion of their land is impacted. Following several months of negotiations, action was filed, and a hearing was scheduled for later this month for the propriety of taking. One of the big issues with the site is the need to reroute the driveway. The driveway is used by the Livdahls for their corn maze. A settlement agreement has now been reached with the property owner. The reimbursement of attorney's costs is not to exceed \$12,000 which is based on reviewed and approved invoices. The property and eight-year easement payment is \$30,000 and the driveway relocation payment is \$68,000. Attorney McShane provided more information on the agreement. Some additional property rights will be needed on the

Livdahl property but the design for that piece of the project has not been completed. The seller is responsible for completing the driveway relocation by July 15, 2022. That date was approved by the USACE, and the contractor will have full control of the property at that time.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve a purchase agreement for the proposed settlement of \$98,000 for OIN 9325. Motion carried.

B. Approve Purchase Agreement for OIN 9234

Mr. Dodds stated the property owner of OIN 9234 is Robert C. Crowe. The property is just outside the RRC Structure and is needed for the Upstream Mitigation Area Zone 1. The appraised value is \$425,000. The maximum Replacement Housing Differential Payment (RHDP) of \$8,000 was previously approved by this board. The comparable property that was used for the appraisal is now off the market. The property owners' counteroffer was \$603,000. Mr. Dodds stated that based on MCCJPA purchases, a better representation of the market value for the wooded land along the river on the Crowe parcel can be justified. The approved appraisal is \$425,000; plus 10% over appraisal (\$42,500); early payment of Relocation Expenses at \$20,000; approved RHDP at \$8,000; and adjustment of wooded land value at \$54,500. The proposed settlement totals \$550,000. The homesite is five acres and excess land is 32 acres.

Mr. Stenger stated the issue has been with the wooded land value of \$1,000/acre. The appraisal process generated a low number, and it seems reasonable to make the adjustment. The adjusted price of the wooded land is unique to this property and this owner. The property owner accepted a settlement of \$550,000. The owner will also take the grain bins from the site. There is a Waiver of Relocation Benefits to be signed as well. The RHDP will be zeroed out. The legal fees are not to exceed \$16,500.

Council Member Seljevoid moved, and Council Member Hendrickson seconded, to approve a purchase agreement for the proposed settlement of \$550,000 for Robert Crowe (OIN 9234) with payment of legal fees not to exceed \$16,500. Motion carried.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the Waiver of Relocation Benefits for OIN 9234. Motion carried.

5) ADJOURN

The meeting adjourned at 3:53 p.m.

Stephen Larson, MCCJPA Secretary