

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, November 18, 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 Seljevold (18215 Brighton Grn, Dallas, TX)
Clay County: Commissioner Kevin Campbell, Chair
Commissioner Jenny Mongeau
BRRWD: Member VanAmburg (arrived late)

Others Present:

Joel Paulsen, Executive Director of FM Diversion Project
Attorneys John Shockley and Chris McShane, Ohnstad Twichell Law
Eric Dodds, Jessica Warren, and Dean Vetter, AE2S
Bob Zimmerman, Moorhead City Engineer
Ken Helve and Lisa Kilde, HMG SRF
Scott Stenger and Dale Ahlsten, Prosource
John Albrecht, Project Review Appraiser
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

Council Member Hendrickson moved, and Commissioner Mongeau seconded, to approve the minutes from October 28, 2021. Motion carried.

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) PROJECT UPDATES

A. Property Acquisition Status Report

Mr. Dodds stated over 700 parcels have been acquired to date. All the properties for the Red River Control Structure have now been acquired. They are working on certification with the Department of Natural Resources (DNR). The Drayton Dam Project is going well.

B. MCCJPA Relocation Appeal Policy and Procedure

Attorney Shockley stated that this entity is required to have a Relocation Appeal Policy and Procedure in place. The appeals are made to the Administrative Law Judge. Attorney McShane noted that this policy contains the process to be followed with any appeals involving relocation. The USACE is required to have a policy in place. This policy combines the state and federal level policies and has several options for appeals. This matches up with ND side. There will be a three-member panel that will hear any comments from landowners on Relocation Housing Differential calculations. The panel will have one member from the Diversion Authority, one from the Corps of Engineers and one from the Upstream Coalition. Relocation is an administrative process. Appraisers are good with their estimates, and they do not anticipate many appeals. Appeals do not hold up the process of the land that is needed. A property owner may appeal a denial of eligibility for relocation assistance or a determination in the amount of relocation assistance. Appeals may be made informally, formally, or both, in this procedure.

Commissioner Mongeau moved, and Member VanAmburg seconded, to approve the MCCJPA Policy and Procedures for Appeal of Relocation Assistance Decisions. Motion carried.

Mayor Carlson moved, and Council Member Hendrickson seconded, to forward the new policy to all property owners who have Relocation Housing Differential benefits including those who were involved in prior negotiations.

C. OIN 1630 Solar Panel Garden Location

Mr. Dodds commented on permits for several solar gardens that came before the Clay County Planning Commission on Tuesday. One of the solar gardens is near the southern embankment. Commissioner Mongeau noted the solar gardens were approved. The one near the southern embankment will be located on the dry side and the applicant is aware of the insurance needs.

D. Red River Control Structure Negotiations Update

Attorney McShane completed the hearing for the Blilie property, and the property has now been acquired through eminent domain. At some point another settlement proposal may be forthcoming, but they are waiting until the southern embankment design work is completed. The Southern Embankment, the Red River Control Structure and the Flowage Easement are all involved.

7) APPRAISAL REVIEWS

Mr. Albrecht commented that the following items are all for organic farmland. In response to questions about the value of the organic farmland being higher than other farmland, he noted

there is no evidence of an increased value in the marketplace. He recommended approving the appraised prices. Commissioner Mongeau asked if any of these properties were tiled and if that held a higher value. Mr. Albrecht noted he was not sure but if a property was tiled it would not necessarily command a higher value. The value is more related to the types of soils and yields on a property. The appraiser maintains a list of farm appraisals and chooses those that most reflect the value of the property being examined.

A. OIN 1250 (Quinnild) Organic Farmland Appraisal

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the organic farmland appraisal of 83.75 acres @ \$5,700/acre for final estimate of Just Compensation at \$475,000 for OIN 1250 (Quinnild). Motion carried.

B. OIN 1257 (Olsgaard) Organic Farmland Appraisal

Commissioner Mongeau moved, and Mayor Carlson seconded, to approve the organic farmland appraisal of 83.81 acres @ \$5,700/acre for final estimate of Just Compensation at \$475,000 for the OIN 1257 (Olsgaard). Motion carried.

C. OIN 1270, 1845 and 9152 (Askegaard) Organic Farmland Appraisal

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the organic farmland appraisal of 70.31 tillable acres @ \$5,750/acre in Clay County and 102.41 tiled tillable acres @ \$6,400/acre in Wilkin County for final estimate of Just Compensation at \$1,060,000 for OINs 1270, 1845 and 9152 (Aske . Motion carried.

D. OIN 1314 (Jacobs) Organic Farmland Appraisal

This land was a building site and is now vacant farmland.

Council Member Hendrickson moved, and Mayor Carlson seconded, to approve the organic farmland appraisal of 12.82 acres @ \$6,000/acre for final estimate of Just Compensation at \$77,000 for OIN 1314 (Jacobs). Motion carried.

8) PROPERTY ACQUISITION

A. OIN 1638 (Amble) Negotiation Summary

Mr. Dodds noted that the Amble property is impacted by the Southern Embankment 4. This property owner is interested in an early voluntary sale and is working with Dale Ahlsten.

Ms. Dale Ahlsten stated that Emmie Amble is a sister to Larry Dahlstrom, another property owner they purchased land from. Ms. Amble, who is a MN Real Estate Agent, was involved in his negotiations and then expressed willingness to sell one of the five properties that she owns that will be impacted by the project. Ms. Amble is interested in selling one parcel by the end of the year for tax management purposes. Ms. Ahlsten has looked at existing appraisal information on other properties in that area. The Project will require 21.18 acres and another 2.62 acre for temporary construction easement. Two options were proposed to Ms. Ahlsten. The second option would include an angular, 13.4-acre

remainder of land to the east of embankment that would be severed with no access. Negotiations followed. Ms. Amble is proposing to settle for \$217,000. The flowage easement was then added at \$74,500. The total settlement for this particular piece is \$291,500. Scott Stenger from ProSource stated they would purchase some of a property in fee title for the southern embankment, and the flowage easement is on a different part of the parcel.

The stipulations are that the sale must take place by December 31, 2021, and Ms. Amble's tenant will be allowed to continue to farm the land in 2022. She would maintain the taxes on it for 2022 as well. With this property, there was not an official appraisal, but the negotiation summary is from a combination of similar appraisals and purchase prices in the area. The property owner is motivated to sell prior to the end of the year. Compensation of \$291,500 includes the fee purchase of the preliminary SE4 footprint; purchase of the east remainder of the parcel impacted by the UMA; damages to the west remainder of the parcel; and temporary construction easement.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the negotiated purchase agreement value of \$217,000 and a flowage easement of \$74,500, totaling \$291,500 for OIN 1638 (Amble). The sale is to take place by 12/31/21 with an allowance for the tenant to continue farming the land in 2022. Motion carried.

9) CONTRACTING ACTIONS

A. Pifer Task Order 1 Amendment 2

The Pifer Group is the farmland management service provider. Mr. Vetter covered the responsibilities listed in Pifer's Task Order 1 Amendment 2 for 2022. There is not cost with this amendment. The list of parcels that Pifer maintains was updated for 2022. Pifer works with the tenants who continue farming the parcels.

Mayor Carlson moved, and Council Member VanAmburg seconded, to approve Pifer Task Order 1 Amendment 2. Motion carried.

B. Pifer 2022 Farmland Lease Template

Mr. Vetter referred to the proposed Pifer 2022 Farmland Lease template. Essentially, the agreement is much the same as the agreement they have used for the last few years. There are a few additions for fish and wildlife management, drainage, and environmental provisions. The agreement is for landowners and their tenants.

Member VanAmburg moved, Council Member Hendrickson seconded, to approve Pifers 2022 Cash Crop Farmland Lease template. Motion carried.

10) LAND AGENT REPORTS

Mr. Stenger with ProSource noted he continues to work with Red River Control Structure parcels and easements. He may have some reimbursement claims for parcels at the next meeting. Ms.

Kilde with SRF continues to work with landowners on offers for Environmental Monitoring Easements.

Attorney Shockley stated they are close to having the final version of the Adopted Management Vacation Plan that is requirement in the MN DNR permit. The plan includes requirements for the Diversion to monitor environmental quality issues over the long-term of the project operations.

11) ADJOURN

The meeting adjourned at 2:11 p.m.

Stephen Larson, MCCJPA Secretary