

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Friday, January 27, 2023, 8:00 a.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 8:06 a.m.

2) ROLL CALL

City of Moorhead: Mayor Shelly Carlson
Council Member Chuck Hendrickson
Clay County: Commissioner Kevin Campbell
Commissioner Jenny Mongeau – Joined at 8:09 a.m.
BRRWD: Council Member Larry Seljevold – Teams at: 2032 Winston Rd
Colorado Springs, CO 80909

Others Present or on Microsoft Teams:

Jodi Smith, Lands & Compliance Director, Madeline Gorghuber, Lands Specialist, Diversion Authority

Attorneys John Shockley, Lukas Andrud, Chris McShane, and Kathryn McNamara, Ohnstad Twichell Law

Eric Dodds, Jessica Warren, Dean Vetter, AE2S

Scott Stenger and Dale Ahlsten, Prosource

John Albrecht, Compass Land Consultants

Ken Helvey and Katie Laidley, SRF Consulting

Stephen Larson and Jacqueline Finck, 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 Mayor Carlson seconded, to approve the minutes from December 15, 2022. Motion carried.

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) PROJECT UPDATES

a. Property Acquisition Status Report

Mr. Dodds referred to the Property Acquisition Status Report and maps showing a total of 786 acquired Properties. There have been an additional 24 parcels acquired since last month and one less parcel acquired via last resort eminent domain. There are 13 parcels currently in

eminent domain action on the North Dakota side. The construction footprint is 93.4% complete and just under 34% complete for the Upstream Mitigation Area (UMA). The property acquisition progress for Minnesota is 36.2% complete overall with an increase in the Southern Embankment & Associated Infrastructure (34.8 % complete) and UMA (27.9% complete). Mr. Dodds stated that the southern embankment design has recently been completed so the acquisitions that have been completed so far have been voluntary and the appraisal work for the remaining parcels is now being completed.

The list of key activities in the past month includes continued settlement agreement negotiations for existing eminent domain actions, including reaching agreement with two additional property owners. Yesterday the Cass County Joint Water Resource District Board passed the fourth batch of eminent domain actions, so there are last offers being sent out to landowners. Metro Flood Diversion Authority Executive Joel Paulson presented the Upstream Mitigation Area Crop Insurance Program at the Moorhead City Council meeting on January 23, 2023.

Mayor Carlson stated that the Moorhead City Council appreciated the presentation that Mr. Paulson gave and that they didn't have any questions.

Commissioner Campbell asked Mr. Dodds if he could give an update regarding the eminent domain actions on the Minnesota side. Mr. Dodds stated that the right-of-way (ROW) design for the southern embankment was recently finalized so the appraisal work is just getting started and are several months away from needing any action. There are a handful of parcels in the UMA that he is hoping will get settled with final offers and negotiations. If the parcels in the UMA haven't been settled within the next few months, then the Board will have to approve actions moving forward.

7) APPRAISAL REPORTS

a. OIN 7106 Affield Appraisal Review

Mr. Albrecht presented the OIN 7106 Affield Appraisal Review. The site is 2.5 acres consisting of building and rural residential. The flowage easement consists of 1.76 acres of the 2.5 with the buildings being outside of the flowage easement. The calculation of compensation for the flowage easement is \$5,549. The percentage calculated for the loss of development rights is 7.0% and 6.0% for increased flood risk.

Commissioner Mongeau moved, and Mayor Carlson seconded, to approve the OIN 7106 Affield Appraisal in the amount of \$5,549. Motion carried.

8) LAND AGENT REPORTS

Ms. Ahlsten, Prosource, discussed that they're continuing to contact property owners to negotiate settlements and continuing to work on the appraisals as they come out. Some property owners on the North Dakota side are getting ready to settle from the letters that have been sent out.

Mr. Stenger, Prosource, discussed that they're closing on a property today and that they will continue to work with the landowners. The issues that they do have are very similar to what they have had all along. Those that were voluntary settlements early on were from landowners that

received appraisals for the flowage easements and wanted to package everything together which is why they acquired properties in the southern embankment.

Mr. Helvey, SRF Consulting, added that there is a quite a bit going on and is updating appraisals.

Ms. Laidley, SRF Consulting, updated the board that there are five closings occurring on February 10th on the Minnesota side.

9) Property Management

a. Spring Flood Prep Discussion

Mr. Dodds wanted to make the board aware that as they continue to buy properties in the UMA, there may be a few homes that may have some type of flood risk. The National Weather Service is releasing their first spring flood forecast. It doesn't sound too threatening but they wanted to make the board aware and stated that they're taking a look at the properties.

Commissioner Campbell stated that he knows they're working on the channel on the north end and asked if they will be able to add in localized drain systems to what is already completed as they proceed to move south. Mr. Dodds stated that he doubts it, but he wasn't sure and will look into it.

b. 2023 Farmland Lease

Ms. Gorghuber, Diversion Authority, stated that they're seeking approval for a 2023 farmland lease for OINs 253Y1, 253Y3, 253N, and 249X2. In September 2022, the Board approved a \$150/acre lease rate for the 2023 farming year. As leases are received from Pifer's Land Management we will be bringing them forward to the Board for approval.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the Farm Lease for OINs 253Y1, 253Y3, 253N, and 249X2. Motion carried.

10) Contracting Actions

a. Pifer's – MCCJPA Task Order 1 – Amendment 3

Mr. Vetter, AE2S, discussed MCCJPA Pifer's Task Order 1 Amendment 3 for 2023 to provide consulting land management services to the Metro Flood Diversion Authority for the tillable land that is owned by the MCCJPA. There is no cost associated with this Task Order because they are paid based on a percentage, which is the same as last year. Mr. Vetter referred to Exhibit A within the packet which lists the updated 2023 Minnesota Farmland Parcels. Any additional parcels acquired in 2023 will part of this agreement as well.

Council Member Hendrickson asked if acquired parcels in the future will need to come before the Board. Mr. Vetter stated that they will not.

Council Member Hendrickson moved, and Mayor Carlson seconded, to approve MCCJPA Pifer's Task Order 1 Amendment 3. Motion carried.

b. Crown – MCCJPA Task Order 4 – Amendment 1

Mr. Vetter discussed MCCJPA Crown Appraisals Task Order 4 Amendment 1 in the amount of \$6,000.00. This task order combines OINs for common ownership, removes five appraisals from Phase 3 that are no longer needed, and adds in three Phase 4 appraisals that are needed. The amendment also provides the new DRAFT appraisal submittal dates for the assignments that have surpassed their original submittal.

Council Member Hendrickson moved, and Commissioner Mongeau seconded, to approve MCCJPA Crown Appraisals Task Order 4 Amendment 1 in the amount of \$6,000.00. Motion carried.

11) ADJOURN

Commissioner Mongeau followed-up to Commissioner Campbell's previous question regarding localized drain system for the channel stating that during construction, the local tributaries will collect the water which will then flow to a sump where the water can be pumped. Commissioner Campbell stated that he was just wondering if there was any modelling done that would change the rate of elevation increases on the main channel that would impact Georgetown.

Mayor Carlson updated the Board that the City Moorhead representatives were in St. Paul this week and discovered yesterday that the funds for in-town flood mitigation, totaling to \$24 million, is in the Governor's Capital Bonding Bill.

Commissioner Campbell thanked everyone for their cooperation and understanding with the rescheduled meeting date.

The meeting adjourned at 8:30 a.m.

Stephen Larson, MCCJPA Secretary