

SPECIAL MEETING
Moorhead - Clay County Joint Powers Authority (MCCJPA)

Tuesday, February 28, 2023, 11:45 a.m.
Clay County Courthouse, Third Floor Meeting Rooms
In Person Meeting with Microsoft Teams Option Available

MINUTES

CALL TO ORDER

The meeting was called to order by Chair Campbell at 11:49 a.m.

The following Board members were present:

City of Moorhead:	Mayor Shelly Carlson on teams & arrived in-person at 11:54 a.m.
Clay County:	Commissioner Kevin Campbell Commissioner Jenny Mongeau
BRRWD:	Council Member Larry Seljevold Member VanAmburg arrived at 11:51 a.m.

Others Present or on Microsoft Teams:

Joel Paulson, Executive Director, Jodi Smith, Lands & Compliance Director, Madeline Gorghuber, Lands Specialist, Diversion Authority
Attorneys John Shockley Ohnstad Twichell Law
Stephen Larson and Jacqueline Finck, Clay County staff
Paul Barthel, Jacobs

1) Minnesota Legislative Update

Commissioner Campbell stated that this is a continuation of discussion regarding the funding request and deciding which entity should submit the request. It is the responsibility of the Minnesota entities to submit legislative requests for funding.

Mr. Paulson stated that he and Mr. Shockley met with the City of Moorhead staff and had a follow-up meeting with Andy Pomroy, Fredrikson & Byron, who provided an update on current legislation and discussed a strategy. The result was the recommendation that is stated in the memo that was handed out prior to the meeting.

Mr. Paulson discussed the information that the memo contained. He noted some clarification from the last meeting stating that the City of Moorhead's current legislation request is a continuation of the prior year's legislation requests that started in 2009. The City of Moorhead's local share for their flood protection has already been met which was a requirement by legislation through the MnDNR's program. With regards to Clay County's needs in relation to the Diversion project, the recommendation is that MCCJPA submits a request of \$60.2 million, \$24 million for the projects in the City of Moorhead and \$36.2 million for the rural Clay County projects. If the current bill for the City of Moorhead is successful, it would provide \$11 million towards the \$24 million that is required. Any additional funds received from this secondary request should be prioritized for the City of Moorhead first since they do not have any other funding sources for their projects. If funding is received, the City of Moorhead would be able to start their projects

immediately, ensuring that they're complete by the anticipated operational date for the Diversion, which is 2027. Any additional funds would then be allocated to rural Clay County projects.

Mr. Shockley referred to the memo and stated that there are additional funding requests within Clay County, so we want to be sure there is a coordinated effort so there aren't issues with competing bills for funding. Mr. Shockley reiterated the recommendation that Mr. Paulson summarized and stated that in the event that the full funding isn't approved, additional requests can be made in the following years for the rural Clay County projects that have a later implementation date.

Mr. Paulson stated that this will fulfill the obligations of the MCCJPA for the Diversion Authority. He also noted that the City of Moorhead's underpass project doesn't have full funding, so that project can't move forward without additional funds. He stated that they will work with Representative Joy on whatever prioritization he chooses but want to be sure he understands that the City of Moorhead projects can't move forward without state funding.

Commissioner Mongeau stated part of the challenge is that Representative Joy doesn't represent Moorhead proper and reiterated that Representative Keeler has already authored HF 349 that requests the \$24 million for the City of Moorhead projects, which is appreciated. What is important now is to inform and educate Representative Joy regarding the funding needs. Mayor Carlson clarified that with the new redistricting, a portion of the City of Moorhead is within Representative Joy's district towards the north.

Commissioner Campbell inquired about the timeline and deadline of getting this to Representative Joy by March 6, 2023. Mr. Paulson stated that he discussed that with Mr. Pomroy and the understanding is that legislation will hear the first bonding bill on March 6, 2023. So, clarification from Representative Joy is needed to confirm if this will be a secondary capital funding request outside of the initial bonding bill.

Further discussion ensued regarding timeline, obligations of Clay County requesting funding, and what projects would be eligible for funding.

Mayor Carlson moved, and Council Member Seljevold seconded, approving Mr. Paulson to work with the City of Moorhead and Clay County to request funding for the Diversion projects. Motion carried.

Commissioner Campbell asked Mr. Paulson if he will be giving periodic updates to the MCCJPA Board regarding the progress that is being made. Mr. Paulson stated that he will.

ADJOURN

The meeting adjourned at 12:05 p.m.

Stephen Larson, MCCJPA Secretary