

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, May 25, 2023, 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 1:02 p.m.

2) ROLL CALL

City of Moorhead: Mayor Shelly Carlson
Council Member Chuck Hendrickson
Council Member Larry Seljevoll
Clay County: Commissioner Kevin Campbell
Commissioner Jenny Mongeau
BRRWD: Member Gerald VanAmburg – arrived at 1:10 p.m.

Others Present or on Microsoft Teams:

Joel Paulson, Executive Director, Jodi Smith, Lands & Compliance Director, Jessica Warren,
Compliance Specialist, Diversion Authority

Attorneys John Shockley & Chris McShane, Ohnstad Twichell Law

Eric Dodds & Dean Vetter, AE2S

Scott Stenger and Dale Ahlsten, Prosource

Katie Laidley, SRF Consulting

Stephen Larson and Jacqueline Finck, Clay County staff

Bob Zimmerman, Moorhead Engineer

John Albrecht, Jacobs

3) APPROVAL OF AGENDA

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

4) APPROVAL OF MINUTES

Council Member Hendrickson moved, and Council Member Seljevoll seconded, to approve the minutes from April 27, 2023. 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 acquired properties and referenced the construction footprint, which is 87.1%. The month-over-month percentage increase is just under 0.5%. The upstream mitigation area (UMA) footprint is at

37.9% with an increase of 1.2% from last month. Mr. Dodds referenced the pie charts for property acquisition progress by location. Commissioner Mongeau asked why there was a decrease of 0.4% for stormwater diversion channel. Mr. Dodds stated that there were some railroad parcels that were not originally in the accounting and now are.

The property acquisition progress in Minnesota is at 37.2% overall with a 1.4% increase from last month. The upstream mitigation area (UMA) is up 1.6% from last month (29.6% overall) due to closings and the environmental monitoring easements is up 2.6% (74.4% overall). Mr. Dodds stated, as he mentioned last month, the final work limits for the Southern Embankment (SE) Reach 4 and 5 were completed, so the negotiations are just getting started. Mr. Dodds stated that there are land acquisition summaries today for nine parcels.

Mr. Dodds referenced the landowner overview that breaks down information for the construction footprint and the UMA footprint based on owner groups and parcels.

Many of the Key Activities listed are focused on the North Dakota side with most of the farmland leases being secured for the upcoming season. One of the closings referenced was for a Minnesota parcel.

7) Appraisal Reports

John Albrecht, Jacobs, stated that there are seven appraisals today. All of these appraisals are before and after acquisitions. The after is with the acquisition of the flowage easement with calculations for loss of development rights and increased flood risk. The total damages and recommended compensation are included and calculated by Crown Appraisals. Most, if not all, of these appraisals were completed by Crown Appraisals. The appraisals are consistent across the board with parcels appraising at \$20,000 - \$25,000 per acre and up to \$70,000 per acre for some of the outside lands. Each of the appraisals you will see the percentage of loss of value. Mr. Albrecht stated that there isn't anything unusual with the seven different appraisal reports and further discussed the process of the appraisal reports and certification.

Mr. Dodds mentioned that there are a few of these properties that are along the river around the Wolverton area in Wilkin County. Some of the buildings on the properties are not impacted by the flowage easement. Many of those locations are within the floodplain and the flowage easement is very similar to the floodplain. So, the actual impact before and after is very minor, basically the area is in the floodplain today and will be in the after condition of the project.

Council Member Hendrickson moved, and Mayor Carlson seconded, to approve Appraisal Reports for OIN 9157 Hanson, OIN 7109 & 9119 Barton, OIN 8790 Huynh, OIN 1294 Isrealson, OIN 1841 Nelson, OIN 7107 Miller, and OIN 1310 & 9153 Rufer. Motion carried.

8) Negotiation Summary

a. OIN 1274 1288 1290 1837 1878 Klein Negotiation Summary

Mr. Dodds stated that there are five parcels included with this negotiation summary, four of them are SE-5 and one of them is in the UMA.

Katie Laidley, SRF Consulting, discussed that this negotiation summary is for five parcels in Minnesota. Their counteroffer is \$700,000 and does include 3.7 acres for Clara Cemetery ring

levee. Commissioner Campbell asked if OIN 1873 is the only parcel that will be needed for the ring levee. Jodi Smith, Diversion Authority, stated that there are several property owners that we'll have to negotiate with. This is to build the ring levee to the PMF and may be able to build the levee to the 100-year flood level but are currently working with the permitting agencies to do that.

Council Member Seljevold moved, and Commissioner Mongeau seconded, to approve Negotiation Summary OIN 1274 1288 1290 1837 1878 Klein. Motion carried.

b. OIN 1665 1635 Dobis Buth Settlement Negotiations

Ms. Smith stated that the goal is to have as much discussion as possible in the open session but if further discussion is needed going into executive session is an option. Ms. Smith outlined the summary of what would be approved for the settlement with Dobis/Buth (OIN 1665) Buth (OIN 1635). Chris McShane, Ohnstad Twichell Law, stated that an exchange agreement/purchase agreement has been provided to their council and they are currently reviewing it. The structure of the deal is agreed to but there is some language they're asking to be changed.

Commissioner Mongeau moved, and Mayor Carlson seconded, to approve Negotiation Summary with Dobis/Buth (OIN 1665) Buth (OIN 1635) with any changes deemed necessary by general council in terms approved today. Motion Carried

9) Property Management

a. 2023 Farmland Lease

Jessica Warren, Diversion Authority, requested approval of three farmland leases.

Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve 2023 Farmland Leases with Mark Anderson (OIN 1840N), Tom & Andrew Askegaard (OIN 1630N), and Brakke Farms LLC (OIN 257N). Motion Carried

10) Contract Management

a. MCCJPA Patchin Task Order 2 – Amendment 1

Dean Vetter, AE2S, stated that the three amendments that are brought forward are all appraisal services related and have a cost impact. In general, there were changes to each task order due to some appraisal waivers that were approved for SE-5 and not needing some appraisals, which were removed. Mr. Vetter stated that there were also some scope changes.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve MCCJPA Patchin Task Order 2 – Amendment 1. Motion Carried.

b. MCCJPA Crown Task Order 5 – Amendment 2 and c. MCCJPA Crown Task Order 4 – Amendment 2

Council Member Seljevold moved, and Council Member Hendrickson seconded, to approve MCCJPA Crown Task Order 5 – Amendment 2 and MCCJPA Crown Task Order 4 – Amendment 2. Motion Carried.

11) ADJOURN

Mayor Carlson moved, and Council Member Hendrickson seconded, to adjourn the meeting.

The meeting adjourned at 1:28 p.m.

Stephen Larson, MCCJPA Secretary