

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, October 24, 2024, 11:00 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 11:01 a.m.

2) ROLL CALL

City of Moorhead: Mayor Shelly Carlson – Arrived at 11:12 a.m. and Attended via teams at:
3836 21st Ave South Moorhead, MN 56560
Council Member Chuck Hendrickson
Council Member Larry Seljevoll
Clay County: Commissioner Kevin Campbell
Commissioner Jenny Mongeau
BRRWD: Member Gerald Van Amburg – Attending via Teams at: 4518 5th St South
Moorhead, MN 56650

Others Present or on Microsoft Teams:

Jodi Smith, Lands & Compliance Director, Madeline Daudt, Land Specialist, and Jessica Warren,
Compliance Specialist, Diversion Authority

Attorneys, Chris McShane, and Kathryn McNamara, Ohnstad Twichell Law

Eric Dodds and Dean Vetter, AE2S

Dale Ahlsten, Scott Stenger, ProSource

Katie Laidley and Ken Helvey, SRF Consulting

Stephen Larson and Sarah Hellem, Clay County staff

3) APPROVAL OF AGENDA

**Commissioner Mongeau moved, and Council Member Seljevoll seconded, to approve the agenda.
Motion carried.**

4) APPROVAL OF MINUTES

**Council Member Seljevoll moved, and Council Member Hendrickson seconded, to approve the
minutes from September 26, 2024. Motion carried.**

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) PROJECT UPDATES

a. Property Acquisition Status Report

Eric Dodds, AE2S, referred to the packet and discussed the map stating green is good. The property acquisition progress stating the construction footprint is 97.7% complete, an increase of 0.7% from last month. The upstream mitigation area (UMA) footprint is at 54.6% complete, an increase of 1% from last month. The Property Acquisition Progress by Location was briefly discussed with the Southern Embankment being 93.2% complete, UMA being 54.6% complete

and the Environmental Monitoring Easement being 77% complete. The Drayton Dam, In-Town Levees, Stormwater Diversion Channel, and Oxbow Hickson-Bakke are 100% complete. The Property Acquisition Progress by MCCJPA is 59.9% complete, with no change from last month. The Southern Embankment & Associated Infrastructure remains at 71.1%, with no change, the Upstream Mitigation Area is 47% complete, with no change, the UMA – Wolverton remains at 7.1%, with no change, and the Environmental Monitoring Easements remain at 82.5%, with no change. The Landowner Overview was discussed which shows owner groups and parcels broken down for the construction and UMA footprint with 97% of the owner groups complete for the Construction Footprint and 55.2% for the UMA Footprint.

The key activities are to continue negotiating settlement agreements for existing eminent domain actions. In the last month, successfully closed on 16 parcels/4 owners, 4 parcels in the construction footprint, 6 parcels in the UMA footprint and 6 parcels with environmental monitoring easements. Continuing the process of disposing of excess lands – 28 parcels/313.37 acres have been approved as excess lands, 10 parcels/188.66 acres are moving through the policy and 18 parcels/124.71 acres have been sold or pending closing. Initiating the process for farmland leases in 2025. Continuing the process of releasing TCEs. And for Minnesota properties, vacate dates for owners of occupied structures are April 1, 2025, for Clay County and June 1, 2025, for Wilkin County.

b. MN Litigation Action Update

Chris McShane, Ohnstad Twichell, stated we are in the process of getting final hearing set in Wilkin County. Then we'll start the property inspections with the Commissioners. Because one of the Commissioners is an attorney that has represented one of the landowners, we will need to secure an additional Commissioner. Once the additional Commissioner is appointed, inspection dates can be set for those properties.

Mr. McShane discussed also having been involved in settlement negotiations with landowners on the Minnesota side.

7) LAND AGENT REPORTS

Katie Laidley, SRF Consulting, stated we did send out the offers for Wolverton and we are working with those landowners on those negotiations. We are trying to gain some traction on relocation with landowners that are represented. And as always, we are still reaching out to those landowners and their representation as well.

Dale Ahlsten, ProSource, stated we've been working to support mediation settlements and assisting the legal group with any condemnation needs they might have. We've been doing some field access relocation work. And in the interim closing out files that have been completed to ensure that we have all the necessary documentation.

8) ACQUISITION

a. Willem Settlement Agreement Revision

Jodi Smith, Diversion Authority, stated there is a modification that is needing approval. A \$500/month lease back was originally put into the agreement for the structures of the improvements on the property. We're not purchasing the property from the owner, we're simply obtaining a Flowage Easement, so the verbiage of the \$500/month lease back will be removed from the agreement. The vacate date will remain as is.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the revised settlement terms for OINs 1794 1795 1861 and 1830. Motion Carried.

b. Ness Settlement Agreement Revision

Ms. Smith stated there is a modification that is needing approval. A \$500/month lease back was originally put into the agreement for the structures of the improvements on the property. We're not purchasing the property from the owner, we're simply obtaining a Flowage Easement, so the verbiage of the \$500/month lease back will be removed from the agreement. The vacate date will remain as is.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the revised settlement terms for OINs 1670N, 1822N, 1272N, 5061, 1671, 1672,1822, 1670, 1796, 1826, 1824 and 1817. Motion Carried.

9) RELOCATION REIMBURSEMENT

a. OIN 1665 Buth Reimbursement Request

Ken Helvey, SRF Consulting, stated this is a reimbursement request and recommendation for Morgan Buth and David Dobis. This request is payment for their time relative to moving personal property from their old location to their new location.

Commissioner Mongeau questioned the length of time it's taking for these owners to move and expressed being uncomfortable approving this request today and asked for additional clarification and information on how to submit for reimbursement. Mr. Helvey stated once an owner is given notice to move, they need to move within that period of time. There are some limits to when you can file a claim. The recommendation is coming before the Board today, because this number, as it stands, is pretty consistent with what we're seeing across the board.

Commissioner Mongeau discussed possibly delaying this item until the next Board meeting in November. Commissioner Campbell asked if there was any harm in holding this item off until the next month. Ms. Smith stated the owners have already closed, so we can work over the next month to gather additional information to be able to answer the questions that surround this relocation. Council Member Hendrickson agreed with Commissioner Mongeau and stated wanting an itemized list of entries.

Commissioner Campbell stated we don't need a motion to table this item, we'll just ask that the agents bring this item forward again next month with the additional information that's being requested.

Madeline Daudt, Diversion Authority, asked for clarification on redacted information within the Board packets. Commissioner Mongeau discussed not wanting to jeopardize anyone's privacy, therefore, certain information can be redacted.

Discussion ensued regarding documentation for claiming mileage.

Commissioner Campbell stated, with that, we'll plan on reviewing OIN 1665 at the November meeting.

b. OIN 1305 Mortenson Reimbursement Request

Ms. Laidley stated we do have a partial reimbursement request for Michele Mortenson on her Replacement Housing Differential Payment (RHDP) in the amount of \$63,361.00. Ms. Mortenson is constructing a new site, and it has been confirmed that construction has been moving along on the property.

Commissioner Campbell asked if this was a partial payment. Ms. Laidley confirmed and stated that it's from the maximum RHDP.

Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve the reimbursement request for OIN 1305 in the amount of \$63,361.00. Motion Carried.

10) PROPERTY MANAGEMENT

a. OIN 1861 Tree Removal Agreement

Madeline Daudt, Diversion Authority, stated this is a tree removal agreement for OIN 1861, the USACE will be out there removing trees along the SE-4 project limits and a small portion of that is outside of the footprint. The property owner is accommodating to this request.

Council Member Hendrickson moved, and Council Member Seljevold seconded, to approve the Tree Removal Agreement for OIN 1861. Motion carried.

11) CONTRACTING ACTION

a. Contracting Actions for MCCJPA

Jessica Warren, Diversion Authority, stated this is Pifers to start working on leases for 2025. There is no fee attached to this, but they do take 8% off the gross rental revenue, which matches what they did last year.

Commissioner Campbell asked if this was an extension of the contract for 2025. Ms. Warren confirmed and stated the percentage didn't change from last year.

Council Member Seljevold moved, and Council Member Hendrickson seconded, to approve Pifers Task Order 1 Amendment 5. Motion carried.

Ms. Smith stated that in preparation for next month, we will be bringing the lease for the board to consider for approval for the 2025 rental agreements.

13) ADJOURN

The meeting was adjourned at 11:31 a.m.

Stephen Larson, MCCJPA Secretary