

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, December 19, 2024, 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 Seljevoll
Clay County: Commissioner Kevin Campbell
Commissioner Jenny Mongeau

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, Lukas Andrud, and Kathryn McNamara, Ohnstad Twichell Law

Eric Dodds, Dean Vetter, AE2S

Dale Ahlsten, ProSource

Katie Laidley and Ken Helvey, SRF Consulting

Bob Zimmerman, City of Moorhead

Stephen Larson and Sarah Hellem, Clay County staff

3) APPROVAL OF AGENDA

Mayor Carlson moved, and Council Member Seljevoll 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 November 21, 2024. Motion carried.

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) PROJECT UPDATES

a. 2025 Board Meeting Dates Calendar

Eric Dodds, AE2S, presented the 2025 Board Meeting Calendar and stated it's the same cadence that has been used the last several years, which is the fourth Thursday of the month at 1:00 p.m., with the exception of months November and December due to the holidays. For months November and December, the meeting will fall on the third Thursday of the month at 1:00 p.m.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the 2025 meeting calendar with the adjusted dates for the months of November and December. Motion carried.

b. Property Acquisition Status Report

Eric Dodds, AE2S, referred to the packet and discussed the map pertaining to the MCCJPA Acquisition Status and stated property rights have been attained on 160 parcels; 31 parcels are pending value; 29 parcels are in eminent domain; 28 parcels are eminent domain authorized; railroad agreement pending on 2 parcels; and 11 parcels are in negotiation. The property acquisition progress was discussed with the construction footprint is 98.4% complete, a 0.7% increase from last month. The upstream mitigation area (UMA) footprint is at 57.5% complete, with an increase of 2% from last month. The Property Acquisition Progress by Location was briefly discussed with the Southern Embankment being 95.3% complete, with an increase of 2.1% from last month, UMA being 57.5% complete, with an increase of 2% from last month, and the Environmental Monitoring Easement being 77.3% complete with a 0.3% increase from last month. The Drayton Dam, In-Town Levees, Stormwater Diversion Channel, and Oxbow Hickson-Bakke are 100% complete. The Property Acquisition Progress by MCCJPA is 66.5% complete, with an increase of 6.1% from last month. The Southern Embankment & Associated Infrastructure is 80% complete, with an 8.9% increase from last month, the Upstream Mitigation Area is 57% complete, with an increase of 8.9% from last month, the UMA – Wolverton remains at 7.1%, with no change, and the Environmental Monitoring Easements is 83.8% complete, with a 1.3% increase from last month. The Landowner Overview was discussed which shows owner groups and parcels broken down for the construction and UMA footprint with 98% of the owner groups complete for the Construction Footprint and 58.2% 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 21 parcels/5 owners, in the UMA. Completing appraisal reports for the Christine area flowage easements and Sheyenne River Benching project. Continuing the process of disposing of excess lands – 39 parcels/682.83 acres have been approved as excess lands, 17 parcels/546.36 acres are moving through the policy and 22 parcels/136.47 acres have been sold or pending closing. Continued work on farmland leases for 2025. For Minnesota properties, vacate dates for owners of occupied structures are April 1, 2025, for Clay County and June 1, 2025, for Wilkin County.

The Land Agent Reports for the Minnesota side of the project include providing relocation advisory and claim preparation services to people that are moving. Working on flowage easement acquisitions in Wolverton. And assisting with mediations and settlement negotiations.

Commissioner Campbell discussed receiving an email from Buffalo Red River Watershed District Manager (BRRWD), Bill Davis, regarding how at their December 9, 2024, meeting the BRRWD Board voted to initiate the Georgetown Flood Protection Project. Mr. Dodds stated we continue to have bi-weekly coordination meetings with the BRRWD on both the Georgetown and Wolverton projects. Commissioner Campbell stated Mr. Davis didn't mention the Wolverton project. Mr. Dodds stated that in the most recent conversation with the BRRWD, he was informed that both projects were approved.

c. MN Litigation Action Update

Chris McShane, Ohnstad Twichell, stated the Wilkin County's second action hearing for 25

landowners took place on Tuesday and went very well. The payment needs to be figured out still. The tricky part about the payment is who to make that payment to, whether it be the court, the attorney of the landowner, or to the landowner themselves. Some problems that arise with this is if there is a bank involved, they want to be sure to get their portion of the funds.

Commissioner Campbell asked if this process is different by landowner. Mr. McShane stated the default is to go through the court, but the process is more challenging. The statute states to deposit with the court or pay the landowner directly.

Mr. McShane stated the next step for the properties that we've had the necessity hearings for is to get the Commissioners appointed and sworn in. Commissioner Campbell asked if the Commissioners are the same for both Clay and Wilkin County. Mr. McShane stated that was correct. The three primary Commissioners consist of Leslie Roos, a retired appraiser out of Grand Forks, ND, Mike Dolan retired attorney out of Alexandria, MN, and John Allen, a practicing attorney out of Barnesville, MN. Mr. Allen did represent one of the landowners so for that particular property there is a different Commissioner, Dan Wogsland, who was the Executive Director of the North Dakota Grain Growers Association.

7) RELOCATION REIMBURSEMENT

a. OIN 1305 Mortenson Reimbursement Request

Katie Laidley, SRF Consulting, stated this is the final claim for this landowner and her home was visited to confirm the work that was being done. There are a few items left that need to be completed for the home to be considered decent, safe, and sanitary. We have been informed that these items will be completed in the next few weeks. The request is to approve the reimbursement request but to hold the payment until confirmation that the home is decent, safe, and sanitary.

Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve the reimbursement request for OIN 1305 in the amount of \$11,706.00. Motion Carried.

b. OIN 8528 Leech Reimbursement Request (Katie)

Ms. Laidley stated the OIN 8528 Leech reimbursement request is a two-part claim. The first is for the actual move and incidental closing cost, which results in the amount of \$11,637.00. The second part of the claim is the reimbursement of \$300.00 for the title fee incurred when the Leech's sold their home to the Diversion.

Mayor Carlson moved, and Council Member Seljevold seconded, to approve the relocation reimbursement in the amount of \$11,637.00 and the abstract cost in the amount of \$300.00. Motion Carried.

8) PROPERTY MANAGEMENT

a. 2025 Farmland Leases

Madeline Daudt, Diversion Authority, stated there are 3 farmland leases for approval. The rental rates are \$150/acre and \$225/acre for organic.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the farmland lease for OIN 1811, OINs 1834, 1783Y, and OIN 1650X2. Motion Carried.

9) ADJOURN

The meeting was adjourned at 1:19 p.m.

Stephen Larson, MCCJPA Secretary