

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Monday, June 30, 2025, 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
Clay County: Commissioner Kevin Campbell
Commissioner Jenny Mongeau
BRRWD: Member Gerald Van Amburg

Others Present or on Microsoft Teams:

Madeline Daudt, Land Specialist, Justin Fisher Lands & Compliance Director, Jodi Smith, Diversion Authority

Attorneys, John Shockley, Chris McShane, Kathryn McNamara, Lucas Andrud, Ohnstad Twichell Law
Eric Dodds and Dean Vetter, AE2S

Dale Ahlsten, ProSource

Katie Laidley and Ken Halvey, SRF Consulting

Bob Zimmerman, City of Moorhead

Stephen Larson and Sarah Hellem, Clay County staff

3) APPROVAL OF AGENDA

Commissioner Mongeau discussed wanting to have dialogue regarding construction impacts to ditch drainage due to heavy rainfall. Commissioner Campbell stated this can be discussed before the meeting adjourns.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the agenda with the addition. Motion carried.

4) APPROVAL OF MINUTES

Commissioner Mongeau moved, and Mayor Carlson seconded, to approve the minutes from May 22, 2025. 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 pertaining to the MCCJPA Acquisition Status and stated property rights have been attained on 174 parcels; 57 parcels are pending value; 2 parcels have a flowage easements signed; 0 parcels are in eminent domain; 2 parcels have a railroad agreement pending; 6 parcels are eminent domain authorized; and 9 parcels are in negotiation.

Commissioner Campbell discussed the 6 parcels that are eminent domain authorized and asked if that meant they haven't gone through the process yet. Mr. Dodds stated that means that we have not filed the actual eminent domain action yet. Commissioner Campbell asked if those parcels are part of Clay or Wilkin County. Mr. Dodds stated they are in Wilkin County. There are 6 parcels but only 2 actions.

Mr. Dodds continued discussing the property acquisition progress with the construction footprint being 98.4% complete, with no change from last month. The upstream mitigation area (UMA) footprint is at 61.1% complete, with an increase of 1.8% from last month. The Property Acquisition Progress by Location was briefly discussed with the Southern Embankment being 95.3% complete, with no change from last month, UMA being 61.1% complete, with an increase of 1.8% from last month, and the Environmental Monitoring Easement being 78.1% complete, with an increase of 0.5% 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 72.3% complete, an increase of 4.7% from last month. The Southern Embankment & Associated Infrastructure is 80% complete, with no change from last month, the Upstream Mitigation Area is 67.4% complete, with an increase of 8.1% from last month, the UMA – Wolverton remains at 7.1%, with no change, and the Environmental Monitoring Easements is 86.3% complete, and increase of 2.5% 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 62.3% 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 12 parcels/2 owners, in the UMA. Continuing the process of disposing of excess lands – 43 parcels/739.92 acres have been approved as excess lands, 11 parcels/344.20 acres are moving through the policy, and 32 parcels/395.72 acres have been sold or pending closing. Continuing efforts to dispose of the abandoned Rail Corridor in Horace, ND. Completed Plats of Diversion Channel lands in five (5) of the seven (7) Townships, working to finalize plats for the remaining two (2) Townships. Preparing for eminent domain trials starting in August 2025.

The Land Agent Reports for the Minnesota side of the project include providing relocation advisory and claim preparation services to people that are moving. Providing final walk-through assistance as needed. Processing RIMP reimbursement requests. Assisting with mediations and settlement negotiations. And conducting negotiations for Wolverton flowage easements.

b. MN Litigation Action Update

Chris McShane, Ohnstad Twichell, stated we've been working our best to schedule a time for the three eminent domain Commissioners to get sworn in, which will take place on Monday, July 7, 2025. A couple site visits might take place between being sworn in, in Wilkin County, to being sworn in, in Clay County. After being sworn in, and site visits, there will be a Commissioners hearing, at that point they have 30 days to issue their decision. We have ordered appraisals with the day of taking, but have not seen any of those appraisals come back yet. Crowne Appraisals is working on most of those as they do the initial appraisal.

Mr. McShane stated on the North Dakota side, two trial dates have been set for August. The first week of August is a 4-day trial and a few weeks after that will be another 4-day trial. Those are in zone 1, and no structures are involved in these cases. These cases are a variety of depositions that happened between now and August. Last week, we finally got appraisals

from the appraiser that Cash Aaland tends to use for his landowners, and we're expected to get 4 more tomorrow, which has been helpful to be able to see what the rational has been. The devaluation number that the appraiser uses is 40% for flowage easements which is different from the analysis that our appraisers have done.

c. OINs 1267 1268 Blilie Settlement Summary

Mr. Dodds stated at the March MCCJPA meeting a settlement with Kelly Blilie and Stefanie Blilie ("Blilie") was approved. The approved settlement included a provision to complete the ring levee design plan by May 31, 2025. At this time, the HMG design team, Blilie, and MFDA representatives have reached agreement on the ring levee design. As a reminder, a flowage easement will still be required on the inside of the ring levee. We are taking responsibility for constructing the ring levee. Kelly Blilie will take over ownership of the maintenance long term, there is a pump station, and other features associated with that.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the ring levee design plan for mitigation for OINs 1267 and 1268. Motion Carried.

7) NEGOTIATION SUMMARY

a. OIN 1305 Mortenson Amended Flowage Easement

Katie Laidley, SRF Consulting, stated this is an amended flowage easement for OIN 1305. As time went on, the landowners decided they wanted to keep their well, so amended language was added to the flowage easement, to add the minimum standards to mitigate that well, so they can keep it. This does comply with the Regulatory Flood Protection Elevation per the MN State Floodplain Manager and Wilkin County Floodplain Ordinance per the Wilkin County Floodplain Administrator.

The amended language is as follows:

"...and excepting the existing well if fitted with a watertight sanitary well seal, so as to maintain a junction between the casing, and a casing extension raising the casing to extend at least an additional eighteen inches (18"), to attain a minimum casing elevation of 925.1 feet. However, in no event shall Grantee be responsible for contamination of such well or any damages to such well and Grantee makes no representations or warranties with respect to the ongoing potability of water drawn from such well."

Mr. Dodds discussed how this is not the standard practice to bring the flowage easement forward but in this case since it's an amendment to an existing flowage easement, we felt it was appropriate.

Mayor Carlson asked why the landowners wanted to keep their well. Ms. Laidley stated the landowners have horses and they want to use the well for water supply to the horses.

Mayor Carlson moved, and Commissioner Mongeau seconded, to approve the amended language for the OIN 1305 flowage easement. Motion Carried.

8) PROPERTY MANAGEMENT

a. Lease Termination Letters

Madeline Daudt, Diversion Authority, stated there are 3 lease termination letters that need approval. They are for OINs 1794/1795, 1826, and 1792. Lease termination notices are

driven by structure removals in 2025. Upon proof of delivery of this letter all tenants will have more than the 30-day requirement to vacate the property. After the properties have been vacated, Jacobs and HMG will move forward with the Demolition and Relocation Package.

Council Member Hendrickson moved, and Member Van Amburg seconded, with one descending vote (Commissioner Mongeau), the Board approved the lease termination letters for OINs 1794/1795, 1826, and 1792. Motion Carried.

9) REIMBURSEMENT REQUEST

a. OIN 1689 1690 1785 1868 Ueland Reimbursement Request

Ms. Laidley stated this is a reimbursement request for Rhoda Ueland in the amount of \$19,995.00. A move log was included in the supporting documentation for this claim, along with mileage.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the reimbursement request for OIN 1689 1690 1785 1868 Ueland, in the amount of \$19,995.00. Motion Carried.

10) AGENDA ADDITION:

a. Construction Impacts to Ditch Drainage

Commissioner Mongeau discussed being contacted by a landowner that actively farms alongside some of the work in SE-5. With the heavy rainfall that was received over the weekend, the U.S. Army CORP contractors that were working, had stacked up dirt along the drainage ways which led to some substantial pooling in about a half section of wheat. The landowner was able to get ahold of someone who could be on the site within a few hours, but there is potential still for loss on that portion of the field. MDFA Executive Director, Jason Benson, is aware of the issue and will be working on it.

Commissioner Mongeau mentioned this speaks to the broader issue of coordination between the U.S. Army CORP contractors, the Diversion Authority and Land Management in regard to working alongside productive land. No action is needed today, but internal dialogue will likely happen about what this means for the landowner. Commissioner Mongeau wanted the Board to be aware that the landowner has alluded to seeking reimbursement for the loss.

Ms. Daudt stated there is a process in place and that she would be handling the landowner's compensation.

11) ADJOURN

The meeting was adjourned at 1:23 p.m.

Stephen Larson, MCCJPA Secretary