

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, July 24th, 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 1:03 p.m.

2) ROLL CALL

City of Moorhead: Council Member Lisa Borgen
Council Member Chuck Hendrickson – Attending via Teams at: 47913
350th St, Salol, MN 56756

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, 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, SRF Consulting

Bob Zimmerman, City of Moorhead

Sarah Hellem, Clay County staff

3) APPROVAL OF AGENDA

Council Member Borgen moved, and Council Member Hendrickson seconded, to approve the agenda. Motion carried.

4) APPROVAL OF MINUTES

Council Member Hendrickson moved, and Commissioner Mongeau seconded, to approve the minutes from June 30, 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. The property acquisition progress was discussed with the construction footprint being 98.4% complete, with no change from last month. The upstream mitigation area (UMA) footprint is at 61.3% complete, with an increase of 0.2% from last month. The Property Acquisition Progress by Location includes the Southern Embankment

being 95.3% complete, with no change from last month, UMA being 61.3% complete, with an increase of 0.2% 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, with no change 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 no change from last month, the UMA – Wolverton remains at 7.1%, with no change, and the Environmental Monitoring Easements is 86.3% complete, an increase of 2.5% from last month. The Landowner Overview 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 62.7% 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 1 parcel/1 owner, 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. Auction of 6 excess land parcels on July 22, 2025. 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.

Council Member Borgen asked if the 9 parcels that are in litigation all had the same issues and if they are all being represented by the same lawyer. Mr. Dodds referred to the packet and stated on pages 15 and 16 lists all the properties that are either in eminent domain or eminent domain has been authorized, and on that page the third column from the right shows the property owners attorney, which you'll notice a pretty consistent law firm that is representing these property owners, which is Aaland Law Office. Council Member Borgen asked if it was for all the same legal issue. Chris McShane, Ohnstad Twichell, stated there is some consistency with some people that are still in litigation. The issue for a vast majority of them is simply Just Compensation, and we don't really know what the arguments are going to be with the Just Compensation on the MN side. There is one family group that have 7 properties that we still need to file eminent domain on, in addition to the Kyle Norden property. There is a possibility that there would be additional issues raised for these two property owners. The reason we haven't filed on these yet have to do with zoning issues and title issues. Other than these 2 properties, all of the other landowners we have an order from the court that has conveyed the property rights necessary for the project to either the City of Moorhead or Clay County. Other than the Miller and Norden properties, we don't expect any other legal issues to be raised.

b. MN Litigation Action Update

Mr. McShane stated there are 2 property owner groups that we're going to file eminent domain shortly. We've worked with Mayor Carlson to set a hearing date so she can attend.

The other updates are we have the Commissioners sworn in for Wilkin County and Clay County. One site visit has been conducted, appraisals are being completed and updated for the day of the taking which is the date the court ordered the transfer of the property rights. Once they have the appraisals completed then we'll finish the site visits for those properties, then it's up to the Commissioners, Ohnstad Twichell, and the landowners or their attorneys, to schedule the actual Commissioner hearing dates. We're expecting those Commissioner hearings to maybe start out by lasting a day but we're hoping to do 2 Commissioners hearings per day. These haven't been scheduled yet, because we don't want to do site visits while crops are growing, so we're hoping to conduct them this fall.

The intent for scheduling the Commissioner hearings is that there is one property that is under the footprint of SE5. We have the property rights that are necessary for the project as granted by the court, however, the Just Compensation part is still undetermined. The landowner has not appeared in litigation, and we don't expect her to appear. Therefore, we've asked the appraiser to get this one done as soon as possible because it's essentially a default judgment, and that will allow us to check one off the list and do a dry run for the Commissioners of what information they want to see and have at their fingertips as they decisions.

7) RELOCATION REIMBURSEMENT

a. OIN 1305 Mortenson Reimbursement Request

Katie Laidley, SRF Consulting, stated we have a final move claim for Michele Mortenson. Ms. Mortenson has chosen the reimbursement for the lesser of 2 estimates, in the amount of \$8,225.00. These do follow the standard Uniform Relocation Act (URA) regulations.

Commissioner Mongeau moved, and Council Member Borgen seconded, to approve the reimbursement request for OIN 1305 in the amount of \$8,225.00. Motion Carried.

8) PROPERTY MANAGEMENT

a. Administrative Platting and Affidavits for Parcel Splits and Parcel Combinations

Mr. Dodds stated the Diversion Authority has the intent of platting all the land that has been acquired/all the land that will permanently be required for the project. Therefore, we've been working with Clay County staff for a couple months, and during an early coordination meeting, Clay County staff advised us to proceed with an administrative plat which simplifies the legal description for record keeping purposes. We're starting this process with Section 8 of Holy Cross Township. The intention is that we'll ultimately plat the Southern Embankment of Clay County in its entirety.

Mr. Dodds referred to pages 26 and 52 of the packets and stated all the green parcels have been purchased by the MCCJPA, and you can see diagonally running through that is the footprint of the Southern Embankment Reach 4. Therefore, procedurally, the administrative plat will simplify the legal descriptions for all of the parcels that are in that section. To get to this step, the statute indicates that we need to have the landowner sign an affidavit to allow for the parcel split/combination. Once the splits have been made, we can submit the administrative plat for the County's review.

Commissioner Campbell asked if these would need to go through the Planning Commission. Commissioner Mongeau stated yes, technically, but with working with the Planning and Zoning Director, he identified the ability to do an administrative split, which was recommended. Mr. Dodd stated that was correct.

Commissioner Mongeau referred to page 49 of the packet and stated there are contingencies in regard to how this should work, and all the requirements have been met, so we're not making any special exceptions for the Diversion Authority. Mr. Dodds stated he hasn't had to do this before, but to his knowledge this is the standard process, and he's worked with both the Clay County Recorder's Office and the Clay County Planning & Zoning Department.

Council Member Borgen moved, and Member Van Amburg seconded, to approve and authorize signing the Affidavits for Parcel Splits and Parcel Combinations in Section 8 of Holy Cross Township. Motion Carried.

b. OIN 1834 Excess Land Recommendation

Mr. Dodds stated this is a piece of excess lands that was presented to the land committee, which was approved. In customary fashion, since the MCCJPA owns this property, we typically like to bring these forward for the Boards awareness. This is a 9.5-acre piece of land right along the Red River and very southern edge of Clay County. Page 63 was referenced, discussing the proposed for sale price of \$5,500 per acre. If the Diversion Authority Board approves this at their meeting today, the policy states the excess land will be offered first to the member entities, if they elect to not purchase it, it's then offered to the former owner, if they elect to not purchase it, it's then offered to the adjacent landowner, and if they too do not want to purchase it, then it goes to a public sale, which would be advertised on the project website.

Council Member Hendrickson moved, and Council Member Borgen seconded, to approve to declare OIN 1834 as "Excess Lands" and proceed with the process outlined in the policy. Motion Carried.

9) ADJOURN

The meeting was adjourned at 1:25 p.m.

Stephen Larson, MCCJPA Secretary