

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, September 25th, 2025, 2:00 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 2:00 p.m.

2) ROLL CALL

City of Moorhead: Mayor Shelly Carlson
Council Member Chuck Hendrickson
Clay County: Commissioner Kevin Campbell
Commissioner Jenny Mongeau

Others Present or on Microsoft Teams:

Madeline Daudt, Land Specialist, Justin Fisher Lands & Compliance Director, Diversion Authority
Attorneys, John Shockley & Lucas Andrud, Ohnstad Twichell Law

Eric Dodds, AE2S

Dale Ahlsten, ProSource

Katie Laidley, SRF Consulting

Stephen Larson & Jacqueline Finck, Clay County staff

3) APPROVAL OF AGENDA

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

4) APPROVAL OF MINUTES

Commissioner Mongeau moved, and Mayor Carlson seconded, to approve the minutes from July 24th, 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; 56 parcels are pending value; 2 parcels have a flowage easements signed; 6 parcels are in eminent domain; 2 parcels have a railroad agreement pending; and 9 parcels are in negotiation.

Mayor Carlson asked how many parcels were in the Wolverton, MN area that are being discussed. Mr. Dodds stated roughly half a dozen. Commissioner Campbell asked if there ends up being legal involved, who actually takes that on, the MCCJPA or the Buffalo Red River Watershed District (BRRWD). Mr. Dodds stated the short answer is maybe both. We have some property owners who are affected by our flowage easements and the levy itself. So we have a responsibility to acquire the flowage easement for those areas and the BRRWD is taking the lead on the levy footprint. BRRWD is prepared if they have to use eminent domain,

but hopefully not.

Mr. Dodds further discussed the property acquisition progress was discussed with the construction footprint being 98.4% complete, with no change from previous months. The upstream mitigation area (UMA) footprint is at 62.5% complete, with an increase of 0.3% 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 62.5% complete, with an increase of 0.3% from last month, and the Environmental Monitoring Easement being 79.1% complete. The Drayton Dam, In-Town Levees, Stormwater Diversion Channel, and Oxbow Hickson-Bakke are 100% complete. The Property Acquisition Progress by MCCJPA is 72.7% 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 68.1% 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, with no change 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 64% for the UMA Footprint.

The key activities are to continue negotiating settlement agreements for existing eminent domain actions. Completed the first eminent domain trial in early August, negotiated many settlements since completing the first trial, and there are 7 pending settlement offers with property owners. In the last month, successfully closed on 3 parcel/2 owners, in the UMA and along the Sheyenne River Benching area. Continuing the process of disposing of excess lands – 46 parcels/760.41 acres have been approved as excess lands, 6 parcels/30.29 acres are moving through the policy, and 40 parcels/730.12 acres have been sold or pending closing. Continuing efforts to dispose of the abandoned Rail Corridor in Horace, ND. Circulated final PRAM to state agencies and USACE.

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

Mr. Dodds stated that Chris McShane is in litigation meetings. Mr. Dodds referred to and discussed the MN Litigation Actions Summary Sheet and stated that property owners look forward to bringing their case in front of the Commissioners to state their case. The MN process is more elegant in the fact that landowners would have to go through a full trial.

Commissioner Campbell asked how the legal fees work. John Shockley, Ohnstad Twitchell Law, further discussed MN being more of an elegant process and the award of attorneys' fees is only mandatory if the final award is 40% or greater than the last written offer by the condemning authority. The court isn't going to award landowner attorney's fees unless there's a significant differential between the final award and the last written offer.

7) REIMBURSEMENT REQUEST

a. OIN 1842X2 and 1876X2 Reimbursement for Culvert Installation

Mr. Dodds stated in 2024 the Project negotiated with the Nelson family on land needed for Southern Embankment Reach 4 (SE-4). As part of this acquisition the Nelsons were left with

two remnants on the east side of the Project that did not have access to them, OINs 1842X2 and 1876X2. To provide access to the remnant parcels, it was required to install a new field access from Hwy 75 and remove one older existing field access point. AE2S and HMG assisted the landowner in securing the required field access permit from MnDOT and the landowner then completed the work and is now seeking reimbursement. Through communications with MnDOT and the landowner representatives, it was determined that the new field approach needed to align with the existing approach heading east.

The MCCIPA established an escrow fund with \$15,000 as a preliminary estimate for this work. The final completion of the culvert removal and new field access installation per MnDOT requirements was \$31,795.55. As such, we are now requesting reimbursement approval for the difference of \$16,795.55 and release of the \$15,000 held in escrow.

Council Member Hendrickson moved, and Mayor Carlson seconded, to approve the reimbursement request for culvert installation in the amount \$16,795.55 and the release of the \$15,000 held in escrow, resulting in the total amount of \$31,795.55. Motion Carried.

b. Payment to MN Commissioners

Mr. Dodds stated two eminent domain Commissioners have submitted a request for payment for work done on the MN Eminent Domains. Eminent Domain Commissioner Michael Dolan is requesting payment in the amount of \$1,219.80. Eminent Domain Commissioner Leslie Roos is requesting payment in the amount of \$1,211.28.

Commissioner Mongeau asked about the timing of the invoices and questioned why there are multiple years listed on each, and if there was a standard practice. Mr. Dodds stated it's his understanding that these Commissioner Hearings can drag on for quite a while, which is why 2024 and 2025 is included in the invoice. Commissioner Mongeau stated she supports the framework of how this is done, but suggested that invoices are processed within a calendar year to avoid any messiness.

Mayor Carlson asked if these invoices were submitted after the cases were completed. Mr. Dodds stated no, these cases have not been completed yet.

Commissioner Campbell agreed with Commissioner Mongeau and stated maybe we can ask them to consider periodic billing and then try to wrap things up at the end of a calendar year. Mr. Dodds stated he'll work with Mr. McShane on that.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the two Eminent Domain Commissioner's invoices. Motion Carried.

8) ADJOURN

Commissioner Mongeau briefly mentioned that the House Bonding Committee was in town yesterday and they had really good feedback and she's hopeful for legislative work this session.

The meeting was adjourned at 2:21 p.m.

Stephen Larson, MCCJPA Secretary