

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, October 23rd, 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

Council Member Lisa Borgen

Clay County: Commissioner Kevin Campbell

BRRWD: Member Gerald Van Amburg – Joined at 1:01 p.m. via virtual technology
at: 4518 5th St South Moorhead, MN 56560

Others Present or on Microsoft Teams:

Madeline Daudt, Land Specialist, Justin Fisher Lands & Compliance Director, Jason Benson,
Executive Director, Diversion Authority

Attorneys, Chris McShane & John Shockley, Ohnstad Twichell Law

Eric Dodds, AE2S

Dale Ahlsten, ProSource

Katie Laidley, SRF Consulting

Stephen Larson & Sarah Hellem, Jenny Mongeau, Clay County staff

3) APPROVAL OF AGENDA

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

4) APPROVAL OF MINUTES

Council Member Hendrickson moved, and Council Member Borgen seconded, to approve the minutes from September 25th, 2025. Motion carried.

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) PROJECT UPDATES

a. Property Acquisition Status Report

Justin Fisher, Diversion Authority, 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. The property acquisition progress was discussed with the construction footprint being 98.4% complete, with no change from the previous month. The upstream mitigation area (UMA) footprint is at 63% complete, with an increase of 0.5% 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 63% complete, with an increase of 0.5% 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 64.7% for the UMA Footprint.

The key activities are to continue negotiating settlement agreements for existing eminent domain actions: completed the first two eminent domain trials in Cass County, negotiated many settlements since completing the first trial, and there are 9 pending settlement offers with property owners. In the last month we've successfully closed on 7 parcel/4 owners, in the UMA, Christine, and Sheyenne Benching area of the project. We're 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 are pending closing.

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.

Mayor Carlson referenced the MN Litigation Actions Summary Sheet of the packet and asked what is still to come for the different actions where the settlement has been reached and the necessity hearings have been held, along with the properties that indicate they have been acquired – pending value. Chris McShane, Ohnstad Twichell, stated in regard to the pending value issue, to get a just compensation number, there needs to be a survey completed, then a site visit, and lastly a Commissioner hearing. We try not to schedule these during crop season, therefore, we're in the process of scheduling site visits for roughly 2 to 3 dozen properties on the week of November 17, 2025. This will allow those surveys to happen beforehand, to get the boundaries of the easements flagged, and it will allow the Commissioners to see what will be impacted. After that, the next step is to have those Commissioner hearings.

Eric Dodds, AE2S, addressed the question regarding settlements that have been reached versus pending value and stated these different descriptions are for tracking purposes. The Eminent Domain process in Minnesota is a 2-step process. After we complete the first step, we then obtain the property rights, but we have not completed the valuation of the taking. Mr. Dodds referenced the MCCJPA Acquisition Status page of the packet and stated when we list that property rights have been attained on 174 parcels, this means we've completed the entire process on 174 parcels. But on 56 of those, we've completed half of the steps, meaning we've obtained the property right, but we have not yet confirmed the actual value of the taking. Mayor Carlson asked what 'settlement has been reached' meant. Mr. Dodds stated that means Board action was taken, approving the settlement, but we haven't closed on the property yet, and it's currently working its way through the process. Mayor Carlson asked if it was fair to say that a majority of the properties on the MN Litigation page will be completed by the spring of 2026. Mr. McShane stated the schedule of when things will be completed

with the property rights acquired and the determination of the just compensation, depends on the schedules of the three Commissioners, the landowners, the attorneys, counsel for the landowners, and the appraisers. All of the landowners are using the same appraiser and unfortunately, this individual doesn't complete things in a timely manner. Along with that, all of the steps have been accomplished for all property owners except for 2, the Miller and Norden families. The hearing for these property owners is set for December 16, 2025. After this, then all the necessary property rights on the MN side will have been acquired for the project. The only issue out there would be how much we owe them, which is something we need to figure out. Keep in mind, once they get to this stage, these property owners will have already received the full amount of the appraisals that were completed by the MCCJPA. There is the potential for someone to disagree with an awarded amount, and make an appeal to the district court. If that happens a trial by jury would be scheduled. Therefore, there is no guarantee of when everything will be completed.

Commissioner Campbell asked if it was correct when the MCCJPA gains access to those properties through the process, MCCJPA submits those funds for the value of that property, and those funds either go directly to the landowner or the Court. Mr. McShane confirmed that was correct, and stated that amount is based on the appraisal that was acquired before negotiations started. So, some of them are not current, and that is why re-appraisals are taking place the day of the taking, and the dates of taking have been set by the court. Commissioner Campbell asked if there was a finalized date of valuation. Mr. McShane stated the valuation date is set by when the property rights were awarded, which sets the day of taking.

b. MN Litigation Action Update

Mr. McShane, stated the MN litigation action update was discussed during the previous agenda item.

7) RELOCATION REIMBURSEMENT

a. OIN 1792 Anderson Reimbursement Request

Katie Laidley, SRF Consulting, stated this request is for OIN 1792 Jean Anderson in the amount off \$1,035. This is the final payment which is based on actual moving costs.

Council Member Borgen moved, and Mayor Carlson seconded, to approve the reimbursement request for OIN 1792 in the amount of \$1,035.00. Motion Carried.

8) ADJOURN

The meeting was adjourned at 1:21 p.m.

Stephen Larson, MCCJPA Secretary