

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, November 20th, 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
	Commissioner Jenny Mongeau
BRRWD:	Member Gerald Van Amburg

Others Present or on Microsoft Teams:

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

Attorneys, Chris McShane, Lukas Andrud & John Shockley, Ohnstad Twichell Law

Eric Dodds, AE2S

Dale Ahlsten, ProSource

Katie Laidley, Ken Helvey SRF Consulting

Bob Zimmerman, City of Moorhead

Stephen Larson & Sarah Hellem, Clay County staff

3) APPROVAL OF AGENDA

Commissioner Mongeau moved, and Mayor Carlson seconded, to approve the agenda with the removal of item 9c. OIN 1252 Kragerud Reimbursement Request. Motion carried.

4) APPROVAL OF MINUTES

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the minutes from October 23rd, 2025. Motion carried.

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) EXECUTIVE SESSION

- a. **Closed Executive Session pursuant to Minn. Stat. § 13D.05 subd. 3(b) and 3(c)(3) for attorney consultation regarding the purchase price for property interests/settlement negotiations for the property identified as OIN 5182 5183 5785 7107 7108 Miller**

Council Member Borgen moved, and Council Member Hendrickson seconded, to go into closed executive session at 1:01 p.m. Motion carried.

Council Member Borgen moved, and Mayor Carlson seconded, to come out of closed executive session at 1:12 p.m. Motion carried.

7) ACTION ON OIN 5182 5183 5785 7107 7108 MILLER

Miller will convey to the Moorhead Clay County Joint Powers Authority (the “MCCJPA”) flowage easement interests over portions of OINs 5182 5183 5785 7107, and 7108 consisting of approximately 112.60 as determined by survey acres. The MCCJPA will pay Miller a total of \$130,000 upon closing of the real estate transaction contemplated under the parties’ settlement agreement, as outlined above. The Miller will mitigate all structures on the flowage easement property by August 1, 2026, at Miller’s sole risk and expense. Following the closing of the real estate transaction contemplated under the parties’ settlement agreement, the parties will execute and file a stipulation to dismiss the eminent domain action, Moorhead Clay County Joint Powers Authority v. Mark E. Miller; Lisa R. Miller, et al, et al, Civ. No. 84-CV-25-307 as to Miller and the Miller’s property. The MCCJPA will reimburse Miller for reasonable attorneys’ fees and costs, not to exceed \$19,400.

Mayor Carlson moved, and Council Member Borgen seconded, to approve the settlement with Mark E. Miller; Lisa R. Miller, et al (“Miller”) for OINs 5182 5183 5785 7107 7108, as presented. Motion carried.

8) PROJECT UPDATES

a. Property Acquisition Status Report

Justin Fischer, Diversion Authority, referred to the packet and discussed the map pertaining to the MCCJPA Acquisition Status and stated property rights have been attained on 175 parcels; 55 parcels are pending value; 2 parcels have 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 63.3% 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 63.3% 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 65.4% for the UMA Footprint.

The key activities are to continue negotiating settlement agreements for existing eminent domain actions: completed the first three 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 3 parcels/3 owners, in the UMA, and Sheyenne Benching area of the project. There are 10 parcels/6 owners that are scheduled to close in November. We’re continuing the process of disposing of excess lands: 49 parcels/781.74 acres have been approved as excess lands, 9 parcels/51.62 acres are moving through the policy, and 40 parcels/730.12 acres have been sold or are pending closing. There are 20,343 acres of flowage easements that have been acquired, and 6,747 acres are outstanding.

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 Twitchell, stated site visits are currently happening, and the next steps are to get the Commissioner hearings scheduled. There is one more Eminent Domain petition that is pending, and there is a necessity hearing on that on December 16, 2025.

Commissioner Campbell asked if the last Eminent Domain property is a Wilkin County property. Mr. McShane indicated that it was, and it's for Kyle Norden

9) RELOCATION REIMBURSEMENT

a. OIN 1635 Butth Reimbursement Request

Ken Helvey, SRF Consulting, stated this is a relocation reimbursement request is for OIN 1635. Included in the packet are detailed logs and documentation to support this request.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the reimbursement request for OIN 1635 in the amount of \$36,985.20. Motion Carried.

b. OIN 1635 Butth Reimbursement Request

Mr. Helvey stated this request is for OIN 1635 and the property owners are requesting reimbursement for the movement of certain real property to the replacement location. This was for moving the gravel outbuilding floor, landscape rock, deck work, trim and door removal, cabinet, and shelf installation. Reimbursement was also submitted for a skid steer they used to move the gravel and landscape rock, mileage, and for a port a potty. Resulting in a total of \$7,470.59 for reimbursement.

Mr. Helvey stated relocation reimbursement isn't for this purpose, as these items are real property, not personal property. Therefore, the request is to formally deny this reimbursement request.

Council Member Borgen moved, and Mayor Carlson seconded, to deny the reimbursement request for OIN 1635 in the amount of \$7,470.59. Motion Carried.

10) PROPERTY MANAGEMENT

a. 2026 Farmland Lease Rates

Madeline Daudt, Diversion Authority, stated the Diversion Authority had a meeting with Pifer's Land Management, and they indicated that with the project in full motion and access issues still being present, the rental rates should stay consistent with \$165/acre.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the farmland lease rates of \$165 per acre for 2026. Motion Carried.

b. OIN 1252 Amended Flowage Easement Language

Katie Laidley, SRF, stated OIN 1252 is owned by Keith and Norma Kragerud, and they have requested to keep the septic and well on their site, resulting in the need for an amended flowage easement.

Commissioner Mongeau moved, and Council Member Borgen seconded, to approve the amended flowage easement language for OIN 1252. Motion Carried.

11) CONTRACTING ACTIONS

a. MCCJPA & Pifer's Contracting Action Task Order 1 Amendment 6

Ms. Daudt stated this is Pifers task order for 2026 so they can start getting the farmland leases ready. There is no change to the amount, just an amendment to the task order.

Council Member Hendrickson moved, and Mayor Carlson seconded, to approve Task Order 1 Amendment 6 for Pifer's Land Management. Motion Carried.

12) ADJOURN

Commissioner Mongeau asked if there was an update on a previous flooding & drainage issue. Mr. Fischer stated he was contacted this past summer by a couple of landowners in SE-4 and SE-5 regarding drainage issues that were a result of the construction work. The Diversion Authority has since had coordination with the USACE to let them know that for the responsibility of construction, any types of offsite impacts are their responsibility to help mitigate. One landowner has provided the Diversion Authority with a crop damage update and we're in the process of figuring out how to help. The first step is to go to the contractor and work through that, but the goal is to find a path to make sure this doesn't happen again. Commissioner Campbell asked if those claims go to the USACE. Mr. Fischer stated the claims actually go to the contractor.

Commissioner Mongeau extended her appreciation for Mr. Fischer's work on this issue.

The meeting was adjourned at 1:33 p.m.

Stephen Larson, MCCJPA Secretary