

# Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, January 27, 2022, 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: Council Member Chuck Hendrickson  
Council Member Larry Seljevold  
Clay County: Commissioner Kevin Campbell (Chair)  
Commissioner Mongeau  
BRRWD: Member Gerald VanAmburg (at 4518 5th St. S, Moorhead, MN)

Others Present or on Microsoft Teams:

Jodi Smith, Lands and Compliance Director, Diversion Authority  
Attorneys John Shockley, Chris McShane, Lukas Andrud and K DelZoppo of Ohnstad Twichell Law  
Jessica Warren and Sabrina Tusa, AE2S  
Ken Helve and Lisa Kilde, HMG SRF  
Scott Stenger and Dale Ahlsten, Prosource  
Stephen Larson, County Administrator, and Colleen Eck, Clay County staff

### 3) APPROVAL OF AGENDA

**Commissioner Mongeau moved, and Council Member Hendrickson seconded to approve the agenda. Motion carried.**

### 4) APPROVAL OF MINUTES

**Council Member Seljevold moved, and Council Member Hendrickson seconded to approve the minutes from December 16, 2021. Motion carried.**

### 5) CITIZENS TO BE HEARD

There were no citizens to be heard.

### 6) PROJECT UPDATES

#### a. Property Acquisition Status Report

Ms. Warren provided the Property Acquisition Status Report that started on page seven of the meeting handouts. To date, 754 parcels have been acquired for the project. Seven more Environmental Monitoring Easements were also acquired. The added incentive and rewording in the document seem to have both helped. They are hoping for some more progress this spring.

**b. Fargo-Moorhead Flood Risk Management Project USACE Questionnaire**

The USACE is required to have HRTW (Human Right to Water) surveys completed for Zone 1 and 2 of the Upstream Mitigation Area. The HTRW Phase 1 questionnaire was developed to complete the surveys. The purpose of this survey is to document any hazardous substances or petroleum products on the property. The land agents were requested to contact the property owners and walk them through the questionnaire. They need to be completed by March 31, 2022. This is a standard procedure that was established by the Corps. Commissioner Mongeau questioned if some landowners may be leery of repercussion from the reporting.

**c. Flowage Easement Update**

Ms. Jodi Smith commented that the Flowage Easement schedule outlines the steps for tillable farmland (Phase 2 properties). The packet and offer letter have been refined over the past month. The schedule was presented and includes 120 days for negotiations. They will work around planting and harvesting seasons. The draft Flowage Easement Offer packet was shared at the December meeting. They received some feedback on the draft and will have it updated by next month. The final update will be sent to all the land agents. Public open house meetings will be scheduled in March and information relayed to the landowners. A sample flowage easement will be on their website. They will focus on the land page for the website over the next 30. There are website links imbedded in the offer letter. The landowner meetings for the Minnesota side will be scheduled and advertised for March 21-22.

Member VanAmburg asked if the Board members could get a generic Flowage Easement packet.

**7) CLOSED EXECUTIVE SESSION PURSUANT TO MINN. STAT. § 13D.05 SUBD. 3(B) for Consultation with Litigation Counsel Regarding Litigation Strategy in the Matter of The County of Clay V. Ruth and Scott Blilie, Et. Al Civ. No. 14-Cv-21-3053 Involving Parcel Number 15.0006.4700**

**Commissioner Mongeau moved, and Council Member Seljevold seconded to close the public meeting and move into a Closed Executive Session. Motion carried.**

In Person: Council Member Chuck Hendrickson, Council Member Larry Seljevold, Commissioner Kevin Campbell, Commissioner Jenny Mongeau, Stephen Larson, County Administrator; Jodi Smith, Diversion Authority Director of Lands and Compliance; Attorneys John Shockley and Chris McShane, Ohnstad Twichell Law; Jessica Warren, AE2S; and Dale Ahlsten, Prosource.

Virtual: Member Gerry Van Amburg; Joel Paulson, Diversion Authority Executive Director; Attorney Lukas Andrud, Ohnstad Twichell Law; and Scott Stenger, Prosource

**Council Member Hendrickson moved, and Commissioner Mongeau seconded to close the executive session and reopen the public meeting.**

8) **LAND AGENT REPORTS**

Ms. Ahlsten stated she has been working with a couple folks on upstream parcels, flowage easements and Environmental Monitoring Easements.

Ms. Kilde is working on negotiations with upstream parcels.

9) **PROPERTY MANAGEMENT**

a. **2022 Farmland Lease Agreements**

Ms. Tusa noted that the 2022 MCCJPA Farmland Lease Agreements include eight parcels and three tenants. Changes from last year are OIN 251N is a new farmland lease; and OIN 1251 is now grouped with Livdahl's leases instead of being on its own.

**Commissioner Mongeau moved, and Council Member Seljevold seconded for approval of the following 2022 Farmland Lease Agreements: 1) OINs 523N, 253Y1, 253Y3 (Todd Blilie), 102.6 acres @ \$135/acre; 01/01/22 - 12/31/22, \$13,851 due in full on 03/15/22. 2) OINs 253Y2, 254, 256, 1251 (Pete Livdahl), 72.03 @ \$135/acre and \$100/acre for #1251; 01/01/22 - 12/31/22, \$9,442.65 due in full on 03/15/22. 3) OIN 251N (Aaron Brakke), 7.17 acres @ \$135/acre; 01/01/22 - 12/31/22; \$967.95 due in full on 03/15/22. Motion carried.**

10) **CONTRACTING ACTIONS**

a. **Integra – MCCJPA TO2-A2**

Ms. Tusa is appraising a variety of properties that the project needs to acquire in the Upstream Mitigation Area. This amendment adds \$2,000 to the overall task order to accommodate for a change in the appraisal scope of work for OIN 7102.

**Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve the Integra task order. Motion carried.**

11) **ADJOURN**

The meeting adjourned at 2:39 p.m.

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Stephen Larson, MCCJPA Secretary