

# Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, March 26, 2020, 1:00 p.m.  
*Virtual Meeting held through Conferencing Calling*

## MINUTES

### 1) CALL TO ORDER

The meeting was called to order by Commissioner Campbell at 1:05 p.m.

### 2) ROLL CALL

City of Moorhead: Mayor Jonathan Judd - Absent  
Council Member Chuck Hendrickson  
Council Member Shelly Carlson  
Clay County: Commissioner Kevin Campbell  
Commissioner Grant Weyland  
BRRWD Board: Manager Jay Leitch

Others Present: Joel Paulsen, Executive Director - FM Diversion; Attorneys John T. Shockley and Chris McShane, Ohnstad Twichell Law Firm; Eric Dodds and Jessica Warren, AE2S; Stephen Larson, Clay County Administrator; Chris Volkers, Moorhead City Manager; Pat Roberts, ProSource; Lisa Kilde, HMG SRF; Scott Blilie, citizen; and Colleen Eck, Clay County staff.

### 3) APPROVAL OF AGENDA

**A motion was made by Council Member Hendrickson and seconded by Manager Leitch to approve the agenda. Motion carried.**

### 4) APPROVAL OF MINUTES

**A motion was made by Commissioner Weyland and seconded by Council Member Carlson to approve the minutes from February 20, 2020. Motion carried.**

### 5) PROJECT UPDATES

#### a. Property Acquisition Status Report

Mr. Dodds referred to pages 6 –16 of the packet with the Property Acquisition Status Report and related documentation.

### 6) RIGHTS OF ENTRY

#### a. Status Update

Page 17 of the packet covers background information and updates on design survey rights-of-entry and biotic and geomorphic rights-of-entry. The

properties where rights-of-entry are needed for the project design are found on pages 18 and 19. The maps show the project footprint and locations of the affected properties. Attorney McShane stated the court hearing for unsigned rights-of-entry agreements, that was scheduled for April 13, 2020 was cancelled for now due to the COVID-19 pandemic. All concerned landowners were notified of the cancellation. The property surveys will continue without face-to-face contact with landowners. Mr. Dodds referred to pages 20 and 21 for the current status of properties where rights-of-entry are needed for biotic and geomorphic monitoring.

Mr. Dodds recently met with Buffalo-Red River Watershed District (BRRWD) officials who agreed to request voluntary rights-of-entry for the necessary properties in Wilkin County. Those letters were mailed last week requesting property owner signatures by April 17, 2020. Any unsigned rights-of-entry would then be addressed by Moorhead City Council at their April 27, 2020 meeting.

The U.S. Army Corps of Engineers (USACE) are intent on completing the biotic and geomorphic monitoring by the end of 2020 to allow construction to commence on the diversion project.

Attorney McShane noted that there are still four property owners in Clay County who have dodged being served. The next step is to print a notification of the summons in the local paper with a deadline for those landowners to notify the office. After that deadline has passed, they will proceed with court action on those four properties.

## 7) APPRAISAL

### a. OIN 9169 and 9170 Appraisal Review

Mr. Dodds noted that Kevin and Kendra Binger, property owners of OINs 9169 and 9170, reached out to him, seeking appraisal of their property. The property report was prepared and reviewed by Jacobs' Certified Real Estate Appraisal Reviewer, John Albrecht. The appraised value for this property in Holy Cross Township is \$352,000. The land was valued at \$3,800 per acre for 55.53 acres plus \$92,480 for the residence, and \$48,750 for the shop. The structures on the property will need to be moved. A portion of the property can be resold in the future for hunting land. An Appraisal Review Analysis and Certificate was completed to assure just compensation and a reasonable offer.

**A motion was made by Commissioner Weyland and seconded by Council Member Hendrickson, to approve the offer for just compensation based on approved value of \$352,000 for the Binger property (OINs 9169 and 9170). Motion carried.**

**8) LAND AGENT REPORTS**

Lisa Kilde with HMG SRF stated she has finished the right-of-entry agreements that were needed and is waiting for appraisals to be completed for the parcels.

Pat Roberts with Prosource commented he still has a couple calls to make for rights-of-entry agreements.

**9) CONTRACT ACTIONS**

**a. OIN 250 Compass Task Order Amendment for Appraisal**

Mr. Dodds referred to the Task Order Amendment for Appraisal on the property owned by Ken Bye. Mr. Bye also reached out to the land management contacts to have an appraisal for his property. His property is needed for the Red River Control Structure. This property consists of a farmstead and river-bottom wooded area. Appraisal Services Task Order 1, Amendment 1, completed by Compass Land Consultants, Inc., was reviewed and there were no further concerns related to the amendment with an increase of \$8,050.

The property owners contacted Pat Roberts with ProSource yesterday and asked to put a pause on final transactions on the property given the current situation with the pandemic. Commissioner Campbell suggested going ahead with approval of Amendment 1 for this property with a revision of \$8,050 and then leave it up to the property owner to proceed with the transaction.

**A motion was made by Council Member Carlson and seconded by Council Member Hendrickson to approve Compass Land Consultants' Task Order 1, Amendment 1 with a budget change of \$8,850 and revised budget of \$17,700 for the Bye parcel (OIN 250). Motion carried.**

**10) PROPERTY MANAGEMENT**

**a. Acquired Property Insurance Update**

Attorney Shockley stated that information has been requested from the County and City Insurance Trusts. In lieu of the current pandemic, the requests have not been addressed as the companies are dealing with more urgent situations.

**11) OTHER BUSINESS**

Commissioner Campbell shared information from a presentation given by an NDSU team at the FM Diversion Land Management meeting yesterday. Their presentation was entitled Assessment of the Agricultural Risk of Temporary Water Storage for the FM Area Diversion Project. Mr. Dodds noted that the Diversion Authority hired

the NDSU team in 2014 and they periodically update their study and analysis. They will condense the presentation to 20-30 minutes, and have it uploaded to the FM Diversion website. The NDSU team was also asked to study the risks and impacts of delayed planting which will be presented on April 22, 2020. Mr. Paulson stated there is a significant amount of research being done that the team can build on for mitigation. He added that flood events and planting can overlap. They will be working to engage with consultants on this item.

**A motion was made by Commissioner Weyland and seconded by Council Member Hendrickson to adjourn the meeting at 1:53 p.m.**

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Stephen Larson, MCCJPA Secretary