

# Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, April 23, 2020, 1:00 p.m.  
*Virtual Meeting held through Conference Call*

## MINUTES

### 1) CALL TO ORDER

The meeting was called to order by Chair Judd at 1:00 p.m.

### 2) ROLL CALL

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

Others Present: Attorneys John T. Shockley, Chris McShane, and Kat DelZoppo, Ohnstad Twichell Law Firm; Eric Dodds and Jessica Warren, AE2S; Bob Zimmerman, City of Moorhead Engineer; Stephen Larson, Clay County Administrator; Pat Roberts, ProSource; Ken Helve, HMG SRF; Scott Blilie, citizen; Colleen Eck, Clay County staff

### 3) APPROVAL OF AGENDA

**Motion was made by Commissioner Weyland and seconded by Manager Leitch to approve the agenda. Motion carried.**

### 4) APPROVAL OF MINUTES

**Motion was made by Manager Leitch and seconded by Commissioner Weyland to approve the minutes from March 26, 2020. Motion carried.**

### 5) PROJECT UPDATES

#### a. **Property Acquisition Status Report**

Mr. Dodds referred to pages 5-15 of the handout for the monthly status report of property acquisitions. There is continued progress on property acquisitions. The majority of the property acquisitions are on the ND side. Progress has also been made with right of way agreements and easements necessary for the Biotic and Geomorphic Studies. There was nothing new to report on the Upstream Mitigation Area on the Minnesota side. The combined signed easements and right of entries total 323. Coordination is taking place with the U.S. Army Corps of Engineers (USACE) to assure there is access for all monitoring necessary. The April court hearing scheduled in Clay

County has been postponed for now. Access is also needed on several properties in Wilkin County. The BRRWD was able to secure agreements for several of them and the City of Moorhead will be asked to support obtaining agreements for the remaining Wilkin County properties next Monday.

b. **NDSU Agricultural Risk Study**

Mr. Dodds referred to pages 16-18 of the handout for the NDSU Agricultural Risk Study. The second part of the findings were presented by their research team at the Land Management Committee meeting yesterday. A copy of the first presentation is on the FM Diversion Project website and yesterday's presentation will be added to the website. The conclusion of the study showed the risk of delay in planting. The delay in planting was determined to be just one to five days later than normal planting which would be considered minor. In the Upstream Mitigation Area, half of the crops are soybeans which are planted later than other crops. After the water recedes from the land, there is a 10-day wait before planting. Overall, the timeframe is similar to the period when regional planting starts. The NDSU team will be available at the FM Diversion Authority meeting today for questions.

6) **RIGHTS OF ENTRY**

a. **Status Update**

The status update for rights of entry is on pages 19-24 of the handout. Ms. Warren noted that this report does not include the three agreements recently signed for parcels in Wilkin County. There are five more parcels in Wilkin County where rights of entry agreements are needed.

7) **LAND AGENT REPORTS**

Mr. Dodds referred to the Binger properties along the Red River that are mostly wooded. An offer was presented to the owners and their land agent is working to complete a relocation package with the resident. The property owner was expecting substantially more than the offer. The addition of relocation benefits is anticipated to bring that dollar amount closer to what they are expecting.

Pat Roberts with Prosource stated the relocation study has been completed for the buy-out of the Bingers' property. He is gathering information to address the business component that is also located on the property. The owners were also planning to develop a business similar to Rustic Oaks at the site. They have talked about getting a second appraisal and have voiced their displeasure with the negotiation process.

Mr. Larson stated that an event center type business would first involve a permit from through the Planning Commission and he believes there would be reluctance

to approve a permit at this time. There was no action taken on relocation items at this time.

## 8) **PROPERTY ACQUISITION**

- a. **OIN 9169 and 9170 Minimum Compensation / Relocation Benefits**  
Mayor Judd requested that the record reflect that the MCCJPA Board did receive emails for these two properties prior to the meeting. The parcels were displayed on an area map. Mr. Dodds asked to have a minimum compensation analysis completed and shared with the property owner for the appraisal of these two parcels. Commissioner Campbell noted that the title page for the analysis was handed out and needs to be included in the record.

**Motion was made by Commissioner Campbell and seconded by Manager Leitch to enter the Minimum Compensation Analysis title page for OIN 9169 and 9170 into the record. Motion carried.**

**Motion was made by Commissioner Weyland and seconded by Manager Leitch to approve the Minimum Compensation Analysis as presented. Motion carried.**

## 9) **CONTRACT ACTIONS**

- a. **SRF Land Firm Master Service Agreement (MSA)**  
Mr. Dodds referred to a new Master Service Agreement with SRF (formerly Houston-Moore Group). Negotiations on the agreement between Attorney Shockley and SRF were related to insurance coverage and have concluded. There was no change in the insurance rate. The task orders authorize the budget and scope elements. They anticipate approval of the CLOMR model which identifies the impacts of the Comprehensive Project. After that is approved, the land agents will reach out to property owners.

Clay County has not received an answer from MCIT about insurance coverage for the MCCJPA. The FM Diversion Authority is providing the backstop for coverage. Attorney Shockley reviewed the levels of insurance coverage needed for the maximum probable risk. He will follow-up on coverage through either Clay County or the City of Moorhead and will check into the addition of indemnification language.

**A motion was made by Commissioner Campbell and seconded by Council Member Hendrickson to approve the SRF Master Service**

**Agreement contingent upon the additional indemnification of the three Joint Powers Authority entities. Motion carried.**

**10) PROPERTY MANAGEMENT**

**a. Buffalo Red River Watershed District, Wolverton Creek Phase 1 and 2 Easement Staking**

Mr. Dodds stated that a copy of a letter from BRRWD referencing the Wolverton Creek Restoration Project was included in the handout. An easement was granted to BRRWD for one parcel owned by MCCJPA.

**11) OTHER BUSINESS**

None

**A motion was made by Council Member Carlson and seconded by Manager Leitch to adjourn the meeting at 2:03 p.m.**



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Stephen Larson, MCCJPA Secretary