

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, April 28, 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
Clay County: Commissioner Kevin Campbell (Chair)
BRRWD: Member Gerald VanAmburg

Others Present or on Microsoft Teams:

Joel Paulsen, FM Diversion

Jodi Smith, Lands and Compliance Director, Diversion Authority

Attorneys John Shockley, Chris McShane, and Kathryn DelZoppo of Ohnstad Twichell Law

Robert Zimmerman, City of Moorhead Engineer

Eric Dodds, Jessica Warren, and Dean Vetter, AE2S

Scott Stenger and Dale Ahlsten, Prosource

Ken Helve, HMG SRF

Stephen Larson, County Administrator, and Colleen Eck, Clay County staff

3) APPROVAL OF AGENDA

Member VanAmburg moved, and Council Member Hendrickson seconded, to approve the agenda. Motion carried.

4) APPROVAL OF MINUTES

Council Member Hendrickson moved, and Member VanAmburg seconded, to approve the minutes from March 24, 2022. Motion carried.

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) PROJECT UPDATES

a. Property Acquisition Status Report

Mr. Dodds referred to the monthly Property Acquisition Status Report, accompanying maps, and spread sheets. Over 800 properties have been acquired to date. Some of those properties were required with last-resort eminent domain. A handful of properties have been acquired in the Upstream Mitigation Area (UMA) with the last two acquisitions in the

past week. The completed property acquisitions were differentiated between Southern Embankment Reach 2A-5 and Upstream Mitigation Area in ND and MN.

b. Minnesota Property Acquisition Schedule Update

Mr. Dodds noted that the acquisition schedule now has an end date of January 2024.

c. Organic Farmland Letter

Ms. Smith noted they are still working to purchase farmland in the Upstream Mitigation Area. Approximately 350 acres are impacted by the comprehensive project. MCCJPA's excessive organic farmland (approximately 240 acres) will first be offered to the organic farmland owners and producers who are affected by the project before it goes to a public sale. This land is south of Comstock. It was acquired by 2016 due to it being impacted by a previous configuration of the Comprehensive Project. A letter to this board, written by Mr. Paulsen, was included in the meeting packet. The letter outlines the five-step process for disposal of MCCJPA's organic farmland. If this board finds this process acceptable it will be presented to the Lands Management Committee next. The land agents know the organic farmland owners well and will be working with them through this process.

Council Member Hendrickson moved, and Member VanAmburg seconded, to send Mr. Paulsen's recommendation letter forward for organic farmland with the following process: 1) Establish market value (approved in November 2021); 2) Offer the organic farmland to the impacted organic farmland owners and producers (four parties that fit this classification) in exchange for the land rights needed from these organic farmland owners; 3) Offer the organic farmland in a land exchange to the property owners impacted by the Southern Embankment and Associated Infrastructure component; 4) If there are no exchanges, determine the parcels to be excess lands; and 5) Offer the organic farmland via public sale. Motion carried.

7) NEGOTIATION SUMMARY

OIN 1777 and 1869 Negotiation Summary

Ms. Ahlen informed the Board that she met with Ray Kvalvog to discuss the Flowage Easement proposal. Mr. Kvalvog also has two properties on the ND side. He felt the offer of \$359,660 for OIN 1777 and 1869 on the MN side was a little low. As a result, he is counteroffering at \$400,000. Ms. Ahlen felt this counteroffer is reasonable.

Member VanAmburg moved, and Council Member Hendrickson seconded, to accept the counteroffer for \$400,000 for the Flowage Easements on OIN 1777 and 1869. Motion carried.

8) LAND AGENT REPORTS

Ms. Dale commented that she is actively meeting with folks, working with some relocations, and wrapping up the Environment Monitoring Easements (EMEs).

Mr. Stenger is working on EMEs and Flowage Easements as well as some issues with displacements. They expect to have more success with the Flowage Easement offers over the next

few months. The folks who are holding out on the offers seem to be scattered. Reminder letters will be sent to those folks in July and then “Last Written Offer” letters. Mr. Dodds added that the offers that went out are for Phase 2 of the project. There are other parcels where flowage easements are needed that have small building sites. He just received the appraisals for those parcels and their goal is to bring those task orders for the appraisals at the May meeting, and have those assignments completed over the summer.

9) PROPERTY MANAGEMENT

a. OIN 251N, 2022 Farmland Lease Agreement Action

Mr. Vetter stated this farmland easement is an amendment to a previous lease that was approved for OIN 251N. Additional acreage (identified on a map) was added to the 14.32 acres with their standard rental rate of \$135 an acre. The rate may be a little lower than the average market rate, but the parcel was described as small, oddly shaped areas.

Council Member Hendrickson moved, and Member VanAmburg seconded, to approve the amended farmland lease agreement for OIN 251N as provided. Motion carried.

b. OIN 1834, 2022 Farmland Lease Agreement

Mr. Vetter noted this is also a farmland lease (for OIN 1834) that MCCJPA purchased last fall. The parcel contains a farmstead and some tillable acres. The request is to allow Matt Ness to continue to farm the three acres on the parcel at \$135/acre.

Member VanAmburg moved, and Council Member Hendrickson seconded, to approve OIN 1834, 2022 Farmland Lease Agreement. Motion carried.

10) CONTRACTING ACTIONS

a. MCCJPA SRF Land Firm Task Order 1 Amendment 1

Mr. Vetter stated this is for SRF Land Firm Task Order 1 Amendment 1. It amends the original SFR Task Order to add additional budget for SRF to complete their right-of-way services for 155 parcels and relocation services for 18 property owners. The total revised budget is \$1.57 million and extends through 9/30/26. The contract is between MCCJPA and SRF. The amendment has been reviewed and approval is recommended.

Council Member Hendrickson moved, and Member VanAmburg seconded, to approve MCCJPA SRF Land Firm Task Order 1 Amendment 1. Motion carried.

12) ADJOURN

The meeting adjourned at 1:35 p.m.

Stephen Larson, MCCJPA Secretary