

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, July 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 Vice-Chair Hendrickson at 1:00 p.m.

2) ROLL CALL

City of Moorhead: Mayor Shelley Carlson
Council Member Chuck Hendrickson
Council Member Larry Seljevold
Clay County: Commissioner Jenny Mongeau
Commissioner Kevin Campbell (Address: 1309 10th St N, Moorhead)
BRRWD: Member Gerald VanAmburg

Others Present or on Microsoft Teams:

Joel Paulsen, Executive Director and Jodi Smith, Lands & Compliance Director, Diversion Authority
Attorneys John Shockley, Chris McShane, and Lucas Andrud from 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
Colleen Eck, Clay County staff

3) APPROVAL OF AGENDA

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

4) APPROVAL OF MINUTES

Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve the minutes from May 26, 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 commented that the updated Property Acquisition Status Report indicates that 701 parcels have been acquired for the project. They continue to make progress with nine

more purchase agreements signed and working through several eminent domain cases. There are other settlement agreements in process.

b. Phase 3 Properties – Acquisition and Negotiation Schedules

Mr. Dodds referred to page 16 in the meeting packets for their planned approach for Phase 3C properties in Clay County. All the steps are listed for the acquisition and appraisal processes. They need to acquire these properties in a timely fashion so that construction can proceed for the project. The steps for eminent domain were also listed. Any eminent domain properties would come before the Clay County Board.

C. Organic Farmland Update

Mr. Dodds noted that earlier this year the MCCJPA approved appraised values for a couple parcels of organic farmland owned by the project. In addition to that, the project has impacts on other organic farmland parcels. They have made offers to those property owners as part of the commitment to comply with the DNR permit. The land agents have also contacted them. In the last two months, the Diversion Authority Board helped craft an approach for disposing of the organic farmland that the project owns by offering it to those organic farmers as trade on a first come first serve basis. No counteroffers have come back on those lands. At this time, they are considering it for trade with other landowners.

7) NEGOTIATION SUMMARY

a. OIN 5179 and 5184 Lucke Negotiation Summary

Ms. Kilde, SRF, referred to two parcels owned by James Lucke in the Upstream Mitigation Area of the project. The original valuation of \$20,190 was listed as well as the updated valuation of \$25,008 that accurately includes more acres being tillable. Mr. Lucke's counteroffer is \$27,500 due to recent increases in farmland values.

Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve the counteroffer of \$27,500 from James Lucke for Flowage Easements on OIN 5179 and 5184. Motion carried.

8) LAND AGENT REPORTS

Ms. Kilde from SRF and Mr. Stenger from Prosource both noted that they are continuing to work with and negotiate with landowners.

Mr. Dodds added that any last written offers are scheduled to be sent out in September.

9) PROPERTY MANAGEMENT

a. MCCJPA Hunting and Public Recreation Access Policy Proposal

Mr. Dodds stated that the MCCJPA Board brought up hunting a year ago on land owned by MCCJPA. It was decided that basically they would follow Clay County's hunting policy for lands that are open to public hunting including no vehicles, walk-in only, no deer stands, etc. There was recently some confusion with the Sheriff's Office because of some former

landowners having retained hunting rights, and some properties having contractors on the site or survey work going on. A meeting was held to frame out provisions for the lands with private hunting rights or where contractors or surveyors are working. There is a sign template for posting these sites. They will have the Sheriff's office phone number on the signs and will have them posted prior to hunting season. The guidelines for firearms, archery, and ATV operations are spelled out on pages 25 and 26, per DNR guidelines.

Mayor Carlson moved, and Member VanAmburg seconded, to approve the MCCJPA Hunting and Public Recreation Access Policy. Motion carried.

b. OIN 1847 Livdahl Weed Spraying and Haying Agreement

Mr. Vetter noted that a no-cost agreement for weed spraying and haying on the Livdahl property can be found in the meeting packets. The property has not been cleared by State Historic Preservation Officers (SHPO) for demolition yet. Until that time, weeds and grass need to be controlled at the site.

Commissioner Mongeau motioned, and Council Member Seljevold seconded, to approve the Livdahl (OIN 1847) weed spraying and haying agreement. Motion carried.

Commissioner Mongeau mentioned that she was contacted a couple weeks ago about a weed issue on property that MCCJPA had purchased. She would like a solid plan for weed control going forward. Mr. Dodds has informed a contractor and the adjacent landowner to the site.

10) CONTRACTING ACTIONS

a. MCCJPA MASTER SERVICE AGREEMENTS

The Board was asked to approve a few new provisions in the new three-year Master Service Agreements with four companies. The provisions are all consistent.

Mayor Shelley motioned, and Council Member Seljevold seconded, to approve four Master Service Agreements as presented for Patchin Messner Appraisal, Inc.; Integra Realty Resources; Compass Land Consultants, Inc.; and Crown Appraisals, Inc.

11) CLOSED EXECUTIVE SESSION

The closed executive session is pursuant to Minn. Stat. § 13D.05, subdivision 3(b).

Commissioner Mongeau motioned, and Mayor Carlson seconded, to close the public meeting at 1:37 p.m. for a closed executive session.

Commissioner Mongeau motioned, and Council Member Seljevold seconded, to reopen the public meeting at 1:56 p.m.

12) ADJOURN

With no further business, the meeting adjourned at 1:56 p.m.

Stephen Larson, MCCJPA Secretary