

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, August 25, 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: Mayor Shelley Carlson
Council Member Chuck Hendrickson
Council Member Larry Seljevoll
Clay County: Commissioner Kevin Campbell
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, K DelZoppo, and Lucas Andrud, Ohnstad Twichell Law
Robert Zimmerman, City of Moorhead Engineer
Eric Dodds, Jessica Warren, and Dean Vetter, AE2S
Scott Stenger and Dale Ahlsten, Prosource
John Albrecht, Compass Land Consultants
Lisa Kilde and Ken Helve, HMG SRF
Stephen Larson and Colleen Eck, Clay County staff

3) APPROVAL OF AGENDA

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

4) APPROVAL OF MINUTES

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve the minutes from July 28, 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 typically they close on five to ten parcels each month. New charts revealed that the construction footprint is 82.49% complete. The Southern Embankment and associated infrastructure are 76% complete. The Upstream Mitigation

Area is 24.2% complete. The Environmental Monitoring Easements are 71.7% complete. The Stormwater Diversion Channel is 99.5% complete. The Oxbow-Hickson-Bakke; MDFA-constructed in-town levees; and Drayton Dam Mitigation are all 100% complete. The land agents are negotiating settlement agreements for existing eminent domain actions; completing Phase 3 Flowage Easement appraisals; completing purchases; planning and coordinating Last Written Offers for Phase 2 Flowage Easements; and planning and processing refinement for Upstream Mitigation Area (UMA) Structure Mitigation.

Commissioner Campbell asked to have status reports similar to these for just the areas in MN at the next meeting.

b. Dissolving the Land and Public Outreach Committees

Joel Paulsen, Executive Director, provided some background on the Diversion Authority that was established with a Joint Powers Agreement. A number of committees were defined as they moved through the project development phase. Now, as they are moving toward project development, it was determined that the Land Committee could be suspended, and Public Outreach Committee could be dissolved. The Board is intending to establish a new committee to be called a Planning Committee for policy direction and recommendations.

c. Updated Schedule for the Southern Embankment Reach 4

Mr. Dodds noted that the updated schedule for the Southern Embankment Reach 4 has been delayed but is expected to be done by November.

d. Resolutions 2022-1 – 2022-4 Directing Relocation Housing Differential Payment (RHDP) Recalculation

Attorney McShane is handling the four appeals that came in for Relocation Housing Differential Payments. Depositions were held on all four appeals a month ago. The other attorney is requesting written documentation from a vote from the MCCJPA on recalculations for payments. Attorney McShane outlined the history of the four RHDPs and the new RHDP calculation. After the resolutions with new recalculations are sent to their counsel, they are expected to withdraw their appeals. Payment of the attorney's fees would not be included unless the judge orders it.

Mayor Carlson moved, and Council Member Hendrickson seconded, to approve Resolution 2022-1 directing Relocation Housing Differential Payment (RHDP) recalculations for Bradley Buth and Wendy Tabor Buth (OIN 1635). Motion carried.

Council Member Hendrickson moved, and Council Member Seljevold seconded, to approve Resolution 2022-2 directing Relocation Housing Differential Payment (RHDP) recalculations for David Dobis and Morgan Buth (OIN 1665). Motion carried.

Council Member Seljevold moved, and Council Member Hendrickson seconded, to approve Resolution 2022-3 directing Relocation Housing Differential Payment (RHDP) recalculations for Keith Kragerud and Norma Kragerud (OIN 1252). Motion carried.

Member VanAmburg moved, and Mayor Carlson seconded, to approve Resolution 2022-4 directing Relocation Housing Differential Payment (RHDP) recalculations for Keith Andrew Leech and Lisa Leech (OIN 8528). Motion carried.

e. September and Future MCCJPA Meeting Dates

Mr. Dodds addressed changing the future MCCJPA meeting dates from Thursdays to Wednesdays. To begin with, the Board members will be poled to see which day works for them in September.

7) APPRAISALS

- a. OIN 1324 Hitt Appraisal Review**
- b. OIN 5177 Deutscher Appraisal Review**
- c. OIN 5188 Hanneman Appraisal Review**
- d. OIN 5207, 5210 Byars Appraisal Review**

The appraiser John P. Albrecht, Compass Land Consultants, stated he has completed four Phase 3 appraisal reviews. He used four comparable sales with each property. He took the flowage easements into consideration. His reports are compliant with USPAP and Minnesota Statutes. The value conclusion is recommended for use as the basis for acquisition of the property. He added that a dispute resolution board was approved last year for unforeseen impacts. If water happens to flow somewhere not expected, the owners could bring claims to the dispute resolution board.

Joshua and Karli Hitt have rural land in Wilkin County with Red River frontage. The tract size is 13 acres, and 10.90 acres are needed for the Flowage Easement. The prior value for 13 acres @ \$7,000/ac totaled \$91,000. The value after acquisition was 2.10 acres @ \$7,000/ac totaling \$14,700 and 10.90 acres @ \$3,500/ac totaling \$38,150. The grand total is \$52,850. The final estimate of just compensation is \$38,200.

Leroy and Linda Deutscher have rural land with Red River frontage in Wilkin County. The tract size is 16 acres, and 10.40 acres are needed for the Flowage Easement. The prior value for 16 acres @ \$7,000/ac totaling \$112,000. The value after acquisition was 5.60 acres @ \$7,000/ac totaling \$39,200 and 10.40 acres @ \$3,500/ac totaling \$36,400. The grand total is \$75,600. The final estimate of just compensation is \$36,400.

Daniel and Kathryn Hanneman have rural land with Red River frontage in Wilkin County, and 1.19 acres are needed for the Flowage Easement. The prior value for 5.07 acres @ \$8,500/ac totaled \$43,095. The value after acquisition was 3.88 acres @ \$8,500/ac totaling \$32,980 and 1.19 acres @ \$4,250/ac totaling \$5,058. The grand total is \$38,038. The final estimate of just compensation is \$5,100.

Michael and Deborah Byars have rural land with Red River frontage in Wilkin County, and .58 acre is needed for the Flowage Easement. The prior value for 2.71 acres @ \$10,000/ac totaled \$27,100. The value after acquisition was 2.13 acres @ \$10,000/ac totaling \$21,300 and .58 acres @ \$10,000/ac totaling \$2,900. The grand total is \$24,200. The final estimate of just compensation is \$2,900.

Council Member Seljevold moved, and Mayor Carlson seconded, to approve the following:

- **Just compensation of \$38,200 for appraisal for Joshua and Karli Hitt (OIN 1324)**
- **Just compensation of \$36,400 for appraisal for Leroy and Linda Deutscher (OIN 5177)**
- **Just compensation of \$5,100 for appraisal for Daniel and Kathryn Hanneman (OIN 5188)**
- **Just compensation of \$2,900 for appraisal for Michael and Deborah Byars (OIN 5207, 5210)**

Motion carried.

8) LAND AGENT REPORTS

Scott Stenger, Prosource, stated he has some closings in September. He continues negotiations with landowners using the best methodology going forward. Tax implications came up with some of the landowners.

Ms. Lisa Kilde, SRF, continuing work with landowners. The work is much more detailed for the properties with buildings on them.

9) ADJOURN

With no further business, the meeting adjourned at 1:44 p.m.

Stephen Larson, MCCJPA Secretary