

# Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, October 27, 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  
Commissioner Mongeau  
BRRWD: Member Gerald VanAmburg

Others Present or on Microsoft Teams:

Joel Paulsen, Executive Director, and Jodi Smith, Lands & Compliance Director, Diversion Authority  
Attorneys Chris McShane, Lucas Andrud, and K DelZoppo, Ohnstad Twichell Law  
Robert Zimmerman, City of Moorhead Engineer  
Eric Dodds, Jessica Warren, AE2S  
Scott Stenger and Dale Ahlsten, Prosource  
Ken Helve, SRF Consulting  
Stephen Larson and Colleen Eck, Clay County staff

### 3) APPROVAL OF AGENDA

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

### 4) APPROVAL OF MINUTES

**Council Member Hendrickson moved, and Commissioner Mongeau seconded, to approve the minutes from September 22, 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 Property Acquisition Status Report and maps showing a total of 734 acquired properties. There are ongoing negotiations for additional flowage easements. The Cass County Joint Powers Board met this morning and approved proceeding with last offers on eminent domains on the first batch of 20 parcels on the ND side. They are still a few steps away from that process on the MN side. The construction

footprint is 92.24% complete and the Upstream Mitigation Area (UMA) is just under 25% complete. On the Mn side, property acquisitions are at 36%. The final drawings from the USACE (corps) for right-of-way requests for the embankment on the MN side should be completed in the next month or so. They have good knowledge of where the alignment will be, but it could change by a foot or two.

Mr. Paulsen stated that the current discussions with the corps are on the shared ditch with MnDOT on Highway 75. They are trying to move forward on it as fast as possible. They have been interacting with some of the producers in that area who want to know about impacts to their property and crops next year. The embankment will be on the west side of Highway 75, and the shared drainage ditch on the east side of the embankment.

The list of key activities include continuing negotiations for settlement agreements for existing eminent domain actions; finalizing appraisal reports and offers for SE-2B and Phase 3 Flowage Easement properties; batch one of last written offers for flowage easements; planning for public meetings in early November; guidance document and mitigation of structures on the fringe of the UMA; and requesting authorization for mapping properties out of Mitigation Zone 1 and for road raises in the UMA. Ring levies will be used for two cemeteries and a few farmsteads. They are working with the Buffalo Red River Watershed, Wolverton, and Georgetown.

**b. UMA Crop Insurance and Flowage Easement Public Meetings**

Mr. Dodds announced that the public meetings will be on Wednesday, November 2<sup>nd</sup> in Hickson, ND and Thursday, November 3<sup>rd</sup> at Clay County Courthouse in Moorhead at 8:30 a.m. Alex Offerdahl from Watts and Associates will present a draft crop insurance policy for the producers and landowners in the UMA. Invitations have gone out to the property owners.

**7) ACQUISITION REVIEW**

**a. OIN 1630 Askegaard Negotiation Summary**

Ms. Dale Ahlsten updated the Board on Askegaard's negotiations for OIN 1630. Tom and Katherine Askegaard have counteroffered for the property rights needed for the UMA and Southern Embankment Reach 4. The counteroffer includes trading for the south 80 acres of OIN 1790 plus \$150,000 cash. The project needs 111.11 acres impacted by a Flowage Easement in Zone 1 UMA; and 41.65 acres in Fee and a Temporary Construction Easement and severance damages because of the impact to the SE 4. The easement is basically through the middle of the property. The proposed land exchange is for property that formerly was owned by the Askegaard family. Ms. Ahlsten's calculation of \$648,400 for the southern embankment was negotiated by Askegaards to \$710,000 which still falls within the approved parameters. In addition to the land exchange, Askegaard would be paid \$150,000 cash.

Clarification on sales of organic lands owned by MCCJPA was discussed. Ms. Smith noted that the organic lands were first set aside. A policy was then approved in April to offer organic land to organic farmers first. There have been no offers received from any organic farmers to date. Those lands are now being offered in land exchanges. A considerable

amount of background work is done before these items come before this board. If this request is approved today, the property appraisal would be canceled with a savings of \$5,000 to \$10,000.

Chair Campbell and Mr. Paulson thanked Ms. Ahlsten for all her hard work.

**Mayor Carlson moved, and Council Member Seljevold seconded, to approve the counteroffer for OIN 1630 (Askegaard) for Flowage Easement and Southern Embankment 4 settlement in exchange of the south 80 acres of OIN 1790 plus \$150,000 case, with a total value of \$710,000. The motion with the addendums listed was carried.**

**8) LAND AGENT REPORTS**

Ms. Ahlsten commented that the current and remaining property owners that she is working with have the more complex negotiations. She is hoping more property owners will be coming to the table to finalize agreements.

Mr. Stenger is working on some relocation items. He expects to be back at the next meeting with another land trade.

Commissioners Mongeau and Campbell asked about the expected timeline needed for addressing counteroffers. They were informed that with some properties, communications are directly with the resident's legal counsel and not directly with the resident. If a land exchange is involved, the agreement needs to be approved by several people and is a longer process. There was agreement that the residents or their legal counsel should receive some type of feedback as the process goes along.

**9) CONTRACTING ACTIONS**

**a. MCCJPA Crown Task Order 5 Amendment 0**

Mr. Dodds brought forth Task Order 5 for Crown Appraisal to cover parcels impacted by the Southern Embankment Reach 4 and the UMA. There will be before and after appraisals to establish the Just Compensation for these parcels listed in the Appraisal Completion and Fee Schedule. An appraisal for Askegaard property will be removed from the list.

**Commissioner Mongeau moved, and Council Member Seljevold, seconded, to approve MCCJPA Crown Task Order 5 Amendment for \$69,500 with the project running from October 28, 2022, to November 30, 2024.**

**10) ADJOURN**

With no further business, the meeting adjourned at 2:01 p.m.

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Stephen Larson, MCCJPA Secretary