

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, January 28, 2021, 1:00 p.m.

Virtual Meeting held through Microsoft Teams Meeting

MINUTES

1) CALL TO ORDER

The meeting was called to order by Commissioner Campbell at 1:00 p.m.

Attorney Shockley reported that Mayor Judd was formally nominated to judicial court as a judge in Fergus Falls. His position begins at the end of the month. He cannot take political positions or advocate for or against a party and is stepping down from his roll on this Board at this time.

2) ROLL CALL

City of Moorhead: *(New Moorhead Mayor after appointed)*
 Council Member Chuck Hendrickson
 Council Member Shelly Carlson
Clay County: Commissioner Kevin Campbell
 Commissioner Jenny Mongeau
BRRWD Board: Member Gerald VanAmburg

Others Present:

Joel Paulson, Diversion Authority Executive Director; Attorney John T. Shockley and Attorney Chris McShane, Ohnstad Twichell Law Firm; Eric Dodds, AE2S; Scott Stenger and Dale Ahlsten, Prosource; Ken Helde and Lisa Kilde, HMG SRF; John Albrecht, Jacobs Engineering; Stephen Larson and Colleen Eck, Clay County.

3) APPROVAL OF AGENDA

Commissioner Mongeau moved and Member VanAmburg seconded to approve the agenda.

4) APPROVAL OF MINUTES

Commissioner Mongeau moved and Member VanAmburg seconded to approve the minutes from the December 17, 2020 meeting as presented. Motion carried.

5) PROJECT UPDATES

a. Property Acquisition Status Report

The status report showed the progress that was made over the last month. Approximately 500 parcels have been either acquired or have permanent easements. Nearly 100 parcels were acquired with eminent domains or have moved to the voluntary step for acquisition.

b. Flowage Easement (FE) Study Action Plan

The Flowage Easement Study Action Plan outlines the steps for securing flowage easements on land within the upstream mitigation area. Background information was provided on the studies completed for this data. The Diversion Authority retained Crown Appraisals for the Phase 2 Flowage Valuation Study.

Boundary survey work has begun for several hundred parcels for easement areas. The land agents were asked to reach out to the property owners and are hoping for voluntary access. They will compile a list of owners who did not provide voluntary access at the February meeting. They will be working with Attorney McShane who noted that judicial action is not needed to proceed with the process. The appraisal work for easements is scheduled to be completed this fall. The Diversion Authority is planning to schedule an open house with presentations and information booths for the property owners. This will be incorporated into an action plan as it moves forward.

c. Environmental Monitoring Easement (EME) Action Plan

Mr. Dodds provided a brief update on the Environmental Monitoring Easement Action Plan. Compass has been secured for the easements. They have submitted two-thirds of them on the ND side already. This should be presented in February for approval.

6) APPRAISAL REVIEWS

a. OIN 249 (Blilie)

Review Appraiser John Albrecht prepared the appraisal review report for OIN 249. He noted there was an increase to the actual acreage which will be updated in the report. The change increases the dollar amount from \$85,000 to \$111,000. This is a parcel that is impacted by the Red River Valley Control Structure. The damages to the remaining land reflect that it is not worth as much after the fact. The report has been reviewed for compliance and state laws.

Council Member Hendrickson moved, and Council Member Carlson seconded to approve the appraisal report for damages per acre, move forward with final negotiations, and establish the minimum that the land agent may offer. Motion carried.

b. OIN 250 (Bye)

Mr. Albrecht prepared the review report for OIN 250 which has not changed. This parcel is also impacted by the Red River Valley Control Structure. He calculated damages per acre which includes a mobile home and outbuildings. Severance damages to the land were calculated and added to the acquisition price and the severance damages. The total recommended compensation is \$189,450.

Member VanAmburg moved, and Commissioner Mongeau seconded to approve total compensation for OIN 250 of \$189,450. Motion carried.

c. OIN 1793 (Heartland Seed, Livdahl)

Mr. Albrecht stated a different approach was needed for this property which includes a seed company. Sales comparables proved difficult. An income approach was used

instead and the value per acre was calculated to be \$31,000. The market value was the second part of it. They considered the structures, bins, and relative condition of the property. The valuation came in at \$298,500. The total estimate of just compensation is \$600,000. Commissioner Mongeau stated she struggles with the cost of relocating this business. Mr. Dodds stated it is a unique property. They started with real value for the land and all the equipment. Collectively, it is called just compensation. If the business is relocated, they may be eligible for relocation benefits and provisions and the forgivable loan program.

Council Member Hendrickson moved, and Carlson seconded to approve the estimated compensation of \$600,000 for OIN 1793. Motion carried.

7) LAND AGENT REPORTS

a. SRF - OIN 8527

Ms. Kilde stated the OIN 8527 property owners had talked about an early acquisition but decided against it. They are now waiting for an appraisal to be completed. This property has also changed hands. The appraisal has not been completed and will be addressed at the February meeting.

8) PROPERTY MANAGEMENT

a. Pifers' 2020 Year End Report

Mr. Stenger referred to the 2020 Year End Report provided in the meeting packets. The report covers the MCCJPA property that Pifers managed in 2020. A status report was provided for 276.5 acres of organic farmland that is rented to an organic producer. The property continues to meet all the organic land requirements.

b. Hunting Access

A discussion on hunting access began at the meeting last month. For land owned by MCCJPA the Clay County protocols for hunting should be the same. There have been hunting inquiries on non-farmed and farmed lands. Commissioner Campbell suggested a quick review of how the watershed district handles their areas and a review of Clay County's protocol.

9) OTHER BUSINESS

A Master Service Agreement and Task Order for Tinjum Appraisals will be provided at the next meeting.

Commissioner Mongeau moved and Member VanAmburg seconded to adjourn the meeting at 1:55 p.m.

Stephen Larson, MCCJPA Secretary