

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, March 25, 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.

2) ROLL CALL

City of Moorhead: Mayor Shelly Carlson
Council Member Chuck Hendrickson
Council Member – vacant
Clay County: Commissioner Kevin Campbell
Commissioner Jenny Mongeau
BRRWD Board: Member Gerald VanAmburg

Others Present: Joel Paulson, Diversion Executive Director; Attorney John T. Shockley, Attorney Chris McShane and Sharon Oliver, Ohnstad Twichell Law Firm; Eric Dodds, Jessica Warren and Dean Vetter, AE2S; Bob Zimmerman, Moorhead City Engineer; Scott Stenger, Steven Davidson and Dale Ahlsten, Prosource; Ken Helde and Lisa Kilde, HMG SRF; John Albrecht, Jacobs Engineering; Ted Preister, Red River Basin Commission; Stephen Larson, County Administrator and Colleen Eck, Clay County staff.

3) APPROVAL OF AGENDA

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

4) APPROVAL OF MINUTES

Commissioner Mongeau moved and Member VanAmburg seconded to approve the minutes from February 25, 2021 as presented. Motion carried.

5) PROJECT UPDATES

a. Property Acquisition Status Report

Mr. Dodds referred to the monthly report for property acquisitions starting on page eight of the handouts. Five hundred and fifty parcels have been acquired and there are a number of properties on the ND side in eminent domain. Page nine shows 215 Environmental Monitoring Easement acquisitions and 169 in negotiations. Virtual meetings were held on Monday and Tuesday for property owners on the ND side, and next week there will be two meetings for MN property owners. The parcels for each component of the project were listed. They are working to secure Biotic Geomorphic easements, some of which are in Wilkin County.

Ms. Kilde noted they have been in touch with all MN property owners but have not obtained any signatures yet.

b. Bio/Geo Monitoring Program – Property Owner Meetings

Mr. Dodds stated the virtual information meetings for MN property owners are scheduled for Monday from 10 to noon and Tuesday from 6 to 8 p.m. The invitation was included in the packets. Their office doors at AE2s are open as well and the land agents have been making contacts. Their goal is to provide the property owners with as much information as possible so they will be ready to sign.

There was discussion about the need for public notice if this Board has a quorum at either meeting. Member VanAmburg and Council Member Hendrickson plan to attend the Monday meeting and Commissioner Campbell plans to attend on Tuesday. Commissioner Mongeau will not be attending and Mayor Carlson stated she could listen to the recording from the meetings at a later time. There will not be a quorum at these meetings and notice will not be needed.

6) APPRAISAL REVIEWS

No appraisal reviews this month.

7) PROPERTY ACQUISITION

a. Red River Control Structure Acquisition Update

Mr. Dodds commented that the US Army Corps of Engineers (USACE) is anxious to have the real estate acquired for Red River Control Structure. Their goal is to have all the land acquired by August 1. If they are unable to secure voluntary agreements for all the properties, the schedule would probably go beyond August 1 for eminent domain. Mr. Dodds will be sending a response back to the USACE requesting a later deadline, perhaps late August. No action is needed today but this board may need to pass a resolution at some point to take the lead for the properties not voluntarily secured. Commissioner Campbell stated they need to take every effort and have record that every attempt was made with buyouts from the property owners. Commissioner Mongeau noted disappointment that there would be so little time before they move to eminent domain.

b. Environmental Monitoring Easement Acquisition Update

Mr. Dodds stated they are making progress with Environmental Monitoring Easement Acquisitions. They received 10 signatures in the last week and a half and are waiting for more to come in. The agreements are clearer and they list the number of times the USACE will actually need to be on the properties. Ms. Warren will check with the County Auditor's office to be sure some of the payment checks were reissued.

Commissioner Campbell, Council Member Hendrickson, and Member VanAmburg asked if Mr. Dodds could furnish them with a short recap or list of highlights after the MCCJPA meetings to use for reporting at some of their other Diversion Committee meetings.

8) LAND AGENT REPORTS

Ms. Kilde stated they are starting with the easements, contacting all the landowners, and providing information to them. They are waiting on appraisals to be completed for some of the properties. They are currently working with Mike and Margaret Nelson in finalizing the contract language and property closing for the end of April.

Mr. Stenger referred to the Ken Bye property by the river that is needed for the Red River Control Structure. He noted Bye's attorney counter-offered the original offer to see if the Board would consider exchanging a few acres if they put the package together. The property to the south that Byes are interested in was purchased by MCCJPA from Bingers. Bingers retained hunting rights on the property. Mr. Dodds noted the Board should consider the trade. An agreement could be put together for the next MCCJPA meeting. The Land Committee and Diversion Authority Board would also need to consider it.

Mayor Carlson asked about the land swap property. Mr. Dodds noted that when MCCJPA purchased the Binger property the seller was looking for a full early buyout leading to excess land with the purchase.

Commissioner Mongeau noted the committee may need to meet twice monthly when they get closer to the deadlines. She stated two meetings could be scheduled each month and the second one canceled if its not needed.

Mr. Ahlsten commented that they are tracking return receipts and guiding the property owners through the process for the Environmental Monitoring Easements.

9) PROPERTY Management

a. OIN 1251 Livdahl – Farmland Lease Agreement

Mr. Dodds referred to pages 19 – 21 for the Livdahl Farmland Lease Agreement in the handouts. He noted the house on the site is being demolished and there is some additional acreage that Mr. Livdahl would maintain.

Commissioner Mongeau moved and Council Member Hendrickson seconded to approve the Farmland Lease Agreement for OIN 1251 (Livdahl). Motion carried.

10) Contracting Actions

a. Master Services Agreement with Tinjum Appraisal Co., Inc.

Mr. Dodds noted the Diversion Project had issued an RFP a couple years ago. Proposals came back from seven firms and agreements were processed for six of them. They have not utilized Tinjum Appraisal on the MN side, but the company has done some of the residential appraisals on the ND side. Their performance has been good and it would be advantageous to have them in place for the MN side as well. The agreement has been reviewed by legal counsel and by Mr. Paulson and Board approval is recommended.

Council Member Hendrickson moved and Member VanAmburg seconded to approve the Master Services Agreement with Tinjum Appraisal. Motion carried.

b. Task Order 2, Amendment 1 with Crown Appraisals

Task Order 2, Amendment 1 with Crown Appraisals can be located on page 59 of the handouts. The amendment is for appraising Category One properties in the Upstream Mitigation Area. This adds a parcel to their scope of work. Crown Appraisals has already visited with the property owners.

Member VanAmburg moved and Mayor Carlson seconded to approve Task Order 2, Amendment 1 with Crown Appraisals. Motion carried.

In April, the Board will start meeting on 3rd floor of the Clay County Courthouse.

11) ADJOURN

The meeting adjourned at 1:45 p.m.

Stephen Larson, MCCJPA Secretary