



**DIVERSION AUTHORITY
Land Management Committee
City Commission Room
Fargo City Hall
Thursday, February 5, 2015
2:00 p.m.**

1. Agenda review
2. Approve January 8, 2015 minutes
3. CCJWRD Land Management Summary
4. Staging Area Mitigation
5. Right of Entry Status & Cultural Resources Easement Acquisition Update
6. Other business
7. Next meeting Thursday, March 12, 2015

**DIVERSION AUTHORITY
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City Commission Room
Fargo City Hall
Thursday, January 8, 2015
2:00 p.m.**

Committee Members Present: Fargo Mayor Tim Mahoney, Oxbow Mayor Jim Nyhof, Moorhead City Council Representative Heidi Durand, Clay County Commission Representative Jenny Mongeau, Cass County Joint Water Resource District (CCJWRD) Representative Rodger Olson, Fargo City Administrator Pat Zavoral, Cass County Administrator Keith Berndt; Moorhead City Manager Michael Redlinger; Clay County Administrator Brian Berg; Fargo Director of Engineering Mark Bittner; City Engineer April Walker (alternate).

Others Present: Eric Dodds – AE2S; US Army Corps of Engineers Project Managers Terry Williams and Brett Coleman; US Army Corps of Engineers Colonel Dan Koprowski; Mark Brodshaug – Cass County Joint Water Resource District (CCJWRD); Lee Beauvais – Moore Engineering.

Agenda Review

There were no additions or amendments to the agenda.

Approve December 11, 2014 Minutes

Rodger Olson moved the minutes from the December 11, 2014 meeting be approved. Mark Bittner seconded the motion. All the members voted aye and the motion was declared carried.

CCJWRD Land Management Summary

Mark Brodshaug shared the Land Management Summary highlighting recent activities for acquisitions and appraisals. The CH2MHill/AE2S team is engaged with homeowners in Oxbow, he said, and nine offers were presented in December. Crown Appraisals, Inc. has been retained to appraise the organic farmland in Clay County, he said. The owner of the organic certified farmland is looking to sell his property to the Diversion Authority and continue renting it, he said, while over time gaining organic certification on new land because there is a transition period before land can be organically certified.

There have been two offers for opportunistic farmland purchases, he said, one from a landowner who made contact last year and was told to come back at this time, and the second made contact in December. It appears deals will be made on both of the properties, he said, one is west of Harwood and the other is near the diversion outlet. He said an offer was made recently through the medical hardship acquisition program. Approval has been received from the Corps on four residential parcels, he said, three in Oxbow and one near El Zagal. Negotiations are done with the Oxbow Country Club

with some of the final side agreements approved at the CCJWRD Board meeting, he said, and he expects it will close soon.

In response to a question from Jim Nyhof about whether there are more details on the many properties in Oxbow still waiting and the need for the property owners to know what is happening, Eric Dodds said he can follow up with more detail. Generally speaking, he said, there are about ten appraisals at the Corps for review and another ten or so that could be submitted for approval as soon as next week. He would anticipate all the reviews could be submitted to the Corps by the end of February, he said, and meetings could be held one-on-one with residents in advance of having their appraisal done, if they like. While the first reviews took some time, he said, now there seems to be a good handle on the process. He stated it continues to be important for the property owners to have information from their builder.

Mark Brodshaug said Oxbow homeowners who would like help determining what they need from their builder may contact him, Tanaya Reitz or Eric Dodds. The relocation of residents of Park East Apartments in Fargo is a big effort that is coming up, he said, and a letter went to residents saying they are eligible for relocation benefits. Negotiations for the purchase of that property are moving ahead as well, he stated.

Eric Dodds said the letter to Park East tenants indicated a move out date of July 15th which allows for demolition of the property this fall and puts construction in place for next year. He said about thirty tenants have indicated they have found a place to relocate to or are working on relocation.

Agricultural Risk Economic Evaluation Study Update

Eric Dodds said an Agricultural Policy Subcommittee meeting held in December included a brief demonstration from the NDSU research team with an update on the status of their research efforts. Discussions that followed with the Corps and HMG Group's hydraulic modeling teams concluded that the hydraulic model being used and supplied to the NDSU team was a good foundation; however, it was on the verge of needing some critical updates. He said it may be appropriate to put the brakes on the NDSU study while waiting for updated hydraulic modeling information. The HMG team is working on that, he said, and will review and resupply information to NDSU. He said he remains confident in the process and the team understands the issues.

Rodger Olson said the intent of the risk analysis is to look at the difference between crop insurance and flowage easements and now has expanded via NDSU to include several different impacts of water storage on this valued land. In one area, a 23 day delay in getting water off the land was indicated, he said, and later it was found that it had something to do with a misidentified culvert and was back to normal once corrected. He said the new model will pick up the culvert inventory and likely show where drainage could be improved. There are a lot of aspects involved and as an example, he said, NDSU works with some very powerful computers and at one point when a researcher was putting all this information in, it overloaded the computer.

In response to a question from Heidi Durand about why the old model was not giving accurate representation, Keith Berndt said it is not that the old model was inaccurate; it is more due to better information becoming available through refinement. For example, he said, every township road, every culvert and every elevation was identified through surveys last fall resulting in additional information not previously identified. He said while the model was accurate overall, there are isolated instances where one culvert can make a difference.

Mark Brodshaug said NDSU decided that, in order to determine the questions about whether crop insurance changes the value of flowage easements, they needed to look at the impacts of the project on crop production. He said it sounds like it will be easy for NDSU to update their data with each hydraulic update. Currently hydraulic modeling is on phase 7, he said, and likely there will be 15 phases.

Right of Entry Status & Cultural Resources Easement Acquisition Update

Lee Beauvais said rights of entry updates are needed in the northern project reach for land survey work necessary for final legal descriptions required to purchase property from the Rush River to the outlet. Along the western alignment, cultural and detailed environmental work needs to be done, he said, and the Corps is finalizing and defining a list of properties for access. Several more rights of entries for cemeteries have been received in Minnesota, he said, and the effort is underway to get those studies scheduled. He said access is still needed for several parcels in the Bakke area, and Jason Benson, who has a pretty good relationship with some of those landowners, is willing to follow up and work to resolve that.

Heidi Durand moved the meeting be adjourned. Mike Redlinger seconded the motion. All the members voted aye and the motion was declared carried.

The meeting adjourned at 2:25 p.m.

NOTE: The next meeting was originally scheduled for February 12, 2015 at 2:00 p.m.; however, it was decided at the January Diversion Authority meeting to change the February meetings to February 5th.

The next meeting will be Thursday, February 5, 2015 at 2:00 p.m.