



**DIVERSION AUTHORITY
Land Management Committee
City Commission Room
Fargo City Hall
Thursday, July 9, 2015
2:00 p.m.**

1. Agenda Review
2. Approve June 11, 2015 minutes
3. CCJWRD Land Management Report
4. Property Management Update
 - a. Habitat for Humanity
 - b. Park East
5. Southern Embankment Alignment and Land Impacts
6. Other business
7. Next meeting Thursday, August 13, 2015

**DIVERSION AUTHORITY
Land Management Committee
City Commission Room
Fargo City Hall
Thursday, June 11, 2015
2:00 p.m.**

Committee Members Present: Fargo Mayor Timothy Mahoney, Oxbow Mayor Jim Nyhof, Moorhead Council Representative Heidi Durand, Cass County Commission Representative Darrell Vanyo, Cass County Joint Water Resource District Representative Mark Brodshaug, Buffalo-Red River Watershed District Representative Gerald Van Amburg, Fargo City Administrator Pat Zavoral, Cass County Administrator Keith Berndt, Clay County Administrator Brian Berg, Fargo City Engineer April Walker, and Assistant Clay County Engineer Nathan Gannon.

Others Present: Eric Dodds - AE2S, Lee Beauvais - Moore Engineering, Sean Frederick - Ohnstad Twichell P.C.

The meeting was called to order by Chair Timothy Mahoney.

Agenda review

There were no additions or amendments to the agenda.

Approve May 14, 2015 Minutes

Heidi Durand moved the minutes from the May 14, 2015 meeting be approved. Brian Berg seconded the motion. All the members voted aye and the motion was declared carried.

Cass County Joint Water Resource District (CCJWRD) Land Management Report

Mark Brodshaug reviewed the Land Management Summary, highlighting the status changes in the last month. He said 36 of the 40 homes in Oxbow have been presented initial offers and the appraisals for the remaining 4 homes are awaiting final review. He shared a handout summarizing the status on those 40 homes. Relocations from the Park East Apartments are on track, he said, with the goal of everyone being out by July 15th. It is likely the acquisition will be done early to avoid paying the rent for empty apartments, he said, since 99 of the 122 units are already empty. Two properties were closed on within the last month, he stated, one by El Zagal and one outside of Oxbow.

In response to a question from Mayor Mahoney about the difference in appraisals for buyouts when comparing Fargo and Oxbow, Mark Brodshaug said the 'housing of last resort' method is being used in Oxbow. He said this allows larger payments because there is a lack of vacant housing where displaced residents can move.

April Walker said Fargo's figure of 110% of appraised value came about for a different purpose than for diversion buyouts. She said that several years ago when the City struggled to secure appraisals and execute buyouts following years of back-to-back

flooding, the history of buyouts was examined. She said it was determined to use the difference between the assessed amount and the most commonly used percentage over that amount, which was 110%. The intent was to offer an alternative to a lengthy appraisal process, allowing the homeowner to accept a voluntary buyout at 110% of the assessed value. The City of Fargo also offers \$5,000 for moving expenses, she stated, plus a credit toward special assessments if another lot is purchased. There are some properties related to Fargo's plan where eminent domain is a possibility. She said those property owners will be first offered appraised value and hopefully an agreement on value can be reached through negotiations; however, legal action could be taken if necessary.

Mark Brodshaug said there were almost no homes sold in Oxbow for several years, making appraisals difficult because there were no comparable sales. He said the owners of 38 of the 40 homes being bought out are rebuilding there, making the appraised value of less significance for those than for the two that are not staying in Oxbow.

Liability Insurance on CCJWRD Owned Property

Eric Dodds said the Cass County Joint Water Resource District owns some pieces of property which has raised some questions on liability insurance. He said the Joint Powers Agreement (JPA) indicates the Diversion Authority will self insure for liability issues; however, due to some of the property being acquired by the CCJWRD for a period of time, there may be premises liability issues. He said he has been working with the ND Insurance Reserve Fund and the CCJWRD's insurance provider, and he shared a letter from the ND Insurance Reserve Fund about the CCJWRD being an additional covered party. He also shared an agreement to clarify indemnity under the Limited Joint Powers Agreement.

Sean Frederick said the Insurance Reserve has indicated that Diversion Authority activities are not covered and the Authority is basically self insured. He said the ND Insurance Reserve Fund has agreed to provide premises coverage for the property being held by the CCJWRD that is not for diversion purposes.

Pat Zavoral moved this committee forward its recommendation to the Diversion Authority to support the Agreement between the Diversion Authority and the CCJWRD clarifying indemnity protection. Darrell Vanyo seconded the motion. All the members voted aye and the motion was declared carried.

Cemetery Study Update

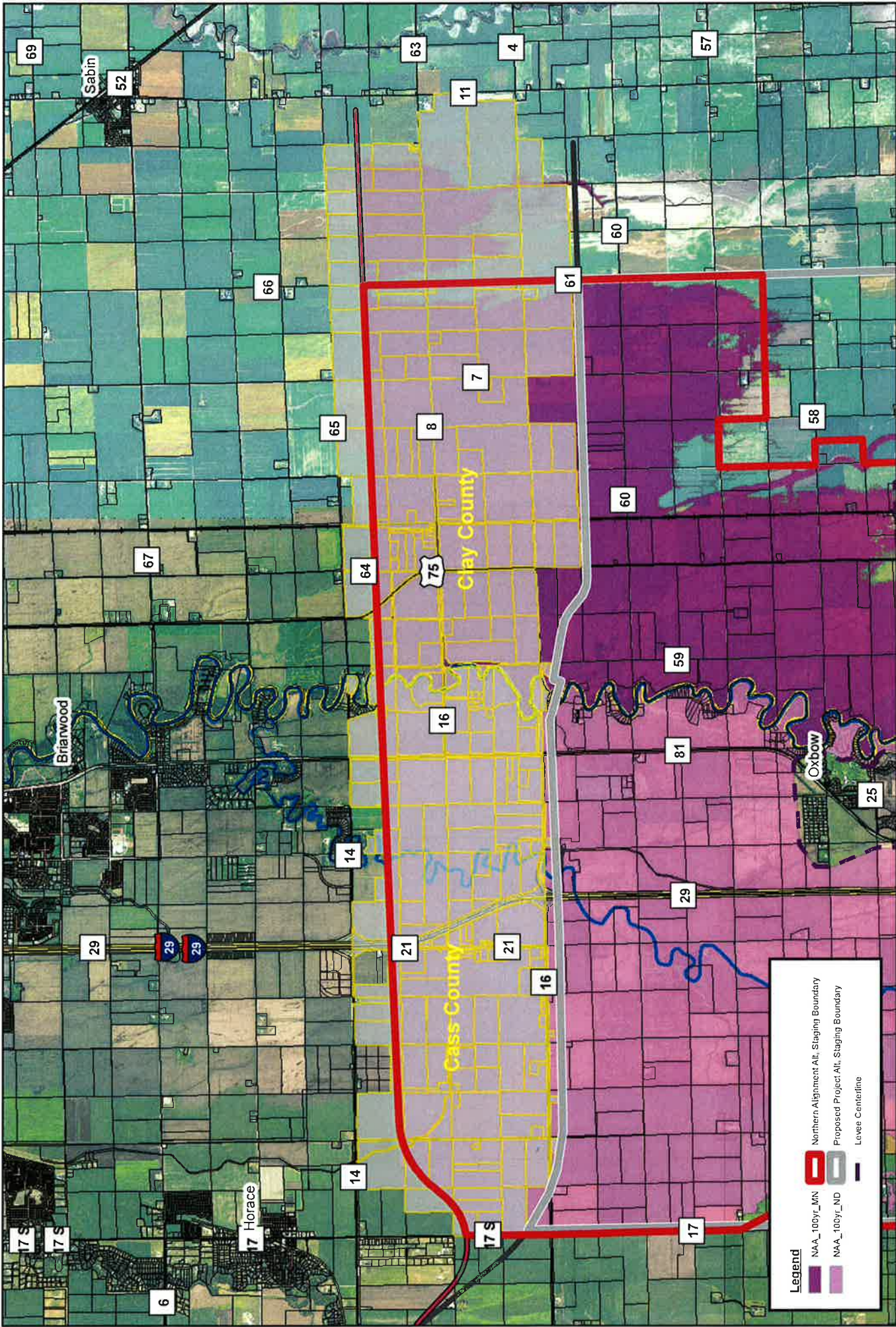
Eric Dodds said the Corps has released the cemetery study and it was sent to all the cemeteries. He said it is available online at fmdiversion.com. At the last meeting, he said, there was discussion about membership for a committee to further address the wants of local sponsors. He said there is still interest in getting the right membership in place; however, it may be best to get further through the Minnesota EIS process before working too much further in defining that.

Right of Entry Status & Cultural Resources Easement Acquisition Update

Lee Beauvais said there is not a lot of activity during the active crop growing season. He said the USGS is taking measurements periodically in the Maple River area where the aqueduct structure will ultimately be. He said the purpose of that work is to create better measurements for the final design of the structure. He said the rights of entry needed by September are ongoing, with the surveys starting again once the crops are off the land.

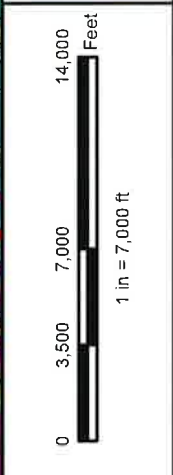
The meeting adjourned at 2:20 p.m.

The next meeting will be Thursday, July 9, 2015 at 2:00 p.m.



- Legend**
- NAA_100yr_MN Northern Alignment Alt. Staging Boundary
 - NAA_100yr_ND Proposed Project Alt. Staging Boundary
 - Levee Centerline

**PROPERTIES INUNDATED BETWEEN ALIGNMENTS
FARGO-MOORHEAD FLOOD RISK MANAGEMENT PROJECT
CASS COUNTY, ND & CLAY COUNTY, MN**



Created By: KMV Date Created: 06/20/15 Date Saved: 06/22/15 Date Plotted: 06/19/15 Date Exported: 06/22/15
 Horizontal Datum: NAD 1983 BLW Zone 14N RUS Vertical Datum: NAVD 1983
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