

Metro Flood Diversion Authority Land Management Committee Meeting Minutes

3:00 PM – October 23, 2024

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on October 23, 2024. The following members were present: Mary Scherling, Cass County Commissioner; Nathan Boerboom, Fargo Division Engineer; Matt Stamness, Cass County Engineer; Brenda Derrig, Assistant Administrator, City of Fargo; Jenny Mongeau, Clay County Commissioner; Kevin Campbell, Clay County Commissioner; Chuck Hendrickson, Moorhead City Council; Duane Breitling, Cass County Commissioner; Bob Zimmerman, Moorhead City Engineer and Jake Gust, Cass County Joint Water Resource District.

Member(s) absent: Michelle Turnberg, Fargo City Commissioner.

1. INTRODUCTION

Mrs. Scherling called the meeting to order at 3:00 PM. Roll call was taken, and a quorum was present.

2. APPROVE THE MEETING MINUTES FROM THE JULY 2024 MEETING

MOTION PASSED

Ms. Mongeau moved to approve the minutes from July 24, 2024, and Mr. Stamness seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mr. Campbell moved to approve the order of the agenda as presented and Mr. Stamness seconded the motion. On a voice vote, the motion carried.

4. RIMP UPDATE

Ms. Smith provided an overview and refresher on the Rural Impact Mitigation Program (RIMP), its intent and eligibility.

Overview

- One goal of the RIMP is to ensure that construction of the FM Area Diversion will not harm the economic vitality of the local farm and rural business community.
- The RIMP is for situations where a suitable replacement farmstead is not available for the displaced farm business to relocate.
- Eligible farmsteads receive a forgivable loan to assist with covering the "gap" between the cost of rebuilding a comparable farmstead and the depreciated value of the existing farmstead.

Eligibility

- The farmstead or rural business must be displaced by the comprehensive project.
- A suitable replacement farmstead or business is not available for the displaced farmstead or rural business as determined by the acquiring agency.

- The property owner must operate a farmstead or business from the displacement site.
- The replacement site must be constructed on a site in the vicinity of the comprehensive project, generally considered within the counties of Cass, Richland, Barnes or Traill counties in North Dakota and Clay, Wilkin, Becker or Norman counties in Minnesota.

5. GUIDANCE DOCUMENT FOR MITIGATION OF IMPACTED PRIVATE STRUCTURE SITES IN THE UMA

Mr. Dodds provided an update on the above-referenced mitigation document and asked for the committee’s approval to recommend it to the board for final approval.

Background and Key Points

The MFDA, via the Cass County Joint Water Resource District (CCJWRD) and the Moorhead Clay County Joint Powers Authority (MCCJPA) is required to acquire flowage easements and mitigate structures in the Upstream Mitigation Area (UMA) of the comprehensive FM Area Diversion project in accordance with the permit conditions established by US Army Corps of Engineers (USACE), Minnesota Department of Natural Resources (MDNR), North Dakota Department of Water Resources (NDDWR), the Buffalo Red River Watershed District (BRRWD), and in accordance with floodplain administration rules by the Federal Emergency Management Agency (FEMA).

In addition, the Settlement Agreement states, “If requested by a landowner as an alternative to an acquisition of property rights, the Metro Flood Diversion Authority (the “Authority”) will use its best efforts to fund, and may approve, flexible compensation/mitigation efforts within the staging area to compensate landowners for, or prevent water damage to, their properties.”

In consideration of the Settlement Agreement and the permit conditions, the MFDA worked to establish additional guidance for mitigating impacts to properties within the UMA. The attached Guidance Document was prepared to help define “flexible compensation/mitigation” and the overarching implementation process for mitigating private properties in conjunction with the Property Rights Acquisition and Mitigation Plan (PRAM). It is recognized that each property is unique and will require a customized mitigation solution. The Guidance Document focuses on existing Private Structure Sites on parcels impacted by Mitigation Zones 2, 3, and 4 since these structures may be allowed to remain in place under certain conditions, whereas all structures in Mitigation Zone 1 must be removed.

6. EXCESS LAND RECOMMENDATIONS

Ms. Smith introduced the following OINs and asked for approval to sell the parcels per the Excess Lands Policy.

OIN 1080Y is located on the unprotected side of the SE-2B area associated with the Comprehensive Project. A flowage easement and a TCE will need to be reserved on this parcel. The proposed sale price is \$53,000. Based on the pertinent facts presented, it is recommended to declare OIN 1080Y as “Excess Land” and proceed with the process outlined in the Policy.

OIN 1926 is located on 50th St SE approximately one mile east of I-29 in the Upstream Mitigation Area associated with the Comprehensive Project. The proposed sale price is \$65,700 based on \$5,500/acre for flowage easement encumbered recreational land. Based on the pertinent facts presented, it is recommended to declare OIN 1080Y as “Excess Land” and proceed with the process outlined in the Policy.

MOTION PASSED

Mr. Breitling moved to approve the sale of OIN 1080Y and OIN 1926 per the Excess Land Policy and Mr. Stamness seconded the motion. On a roll call vote, the motion carried.

OIN 837 is located along the east side of Cass County Hwy 17 between 49th Street SE and 50th Street SE. The parcel is in the UMA. The former structures on this parcel have been removed. The proposed sale price is \$7,500 based on a \$4,500 per acre rate. Based on the pertinent facts presented above, it is recommended to declare OIN 837 as “Excess Land” and proceed with the process outlined in the Policy.

MOTION PASSED

Mr. Breitling moved to approve the sale of OIN 837 per the Excess Land Policy and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.

OIN 2185 is located off 50th St SE in the Upstream Mitigation Area associated with the project. This former residential property has had all structures removed from the property as part of the project. The proposed sale price is \$10,500 based on a \$4,500 per acre rate. Based on the pertinent facts presented above, it is recommended to declare OIN 2185 as “Excess Land” and proceed with the process outlined in the Policy.

MOTION PASSED

Mr. Stamness moved to approve the sale of OIN 2185 per the Excess Land Policy and Ms. Derrig seconded the motion. On a roll call vote, the motion carried.

9. OTHER BUSINESS

Mrs. Scherling was recognized for her commitment to the Metro Flood Diversion Authority and her years of service to the Cass County Commission.

10. NEXT MEETING

To be determined.

11. ADJOURNMENT

The meeting adjourned at 3:46 PM.