

Moorhead - Clay County Joint Powers Authority



Thursday November 21st, 2024

MCCJPA Board Agenda

Agenda

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Agenda Action
- 4) Approval of Minutes, October 24th, 2024 [pg. 2-5](#) Action
- 5) Citizens to be heard
- 6) Project Updates
 - a. Property Acquisition Status Report (Eric) [pg. 6-13](#)
 - b. MN Litigation Action Update (Chris) [pg. 14-15](#)
- 7) Relocation Reimbursement
 - a. OIN 1665 Buth Relocation Reimbursement (Ken) [pg. 16-28](#) Action
- 8) Acquisition
 - a. Solar Garden Release Agreement (Chris) [pg. 29-36](#) Action
- 9) Property Management
 - a. 2025 Farmland Lease Rates (Madeline) [pg. 37](#) Action
- 10) Adjourn

Moorhead - Clay County Joint Powers Authority (MCCJPA)

Thursday, October 24, 2024, 11:00 a.m.

Clay County Courthouse, Third Floor Meeting Rooms

In Person Meeting with Microsoft Teams Option Available

MINUTES

1) CALL TO ORDER

The meeting was called to order by Chair Campbell at 11:01 a.m.

2) ROLL CALL

City of Moorhead: Mayor Shelly Carlson – Arrived at 11:12 a.m. and Attended via teams at:
3836 21st Ave South Moorhead, MN 56560

Council Member Chuck Hendrickson

Council Member Larry Seljevold

Clay County: Commissioner Kevin Campbell

Commissioner Jenny Mongeau

BRRWD: Member Gerald Van Amburg – Attending via Teams at: 4518 5th St South
Moorhead, MN 56650

Others Present or on Microsoft Teams:

Jodi Smith, Lands & Compliance Director, Madeline Daudt, Land Specialist, and Jessica Warren,
Compliance Specialist, Diversion Authority

Attorneys, Chris McShane, and Kathryn McNamara, Ohnstad Twichell Law

Eric Dodds and Dean Vetter, AE2S

Dale Ahlsten, Scott Stenger, ProSource

Katie Laidley and Ken Helvey, SRF Consulting

Stephen Larson and Sarah Hellem, Clay County staff

3) APPROVAL OF AGENDA

**Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve the agenda.
Motion carried.**

4) APPROVAL OF MINUTES

**Council Member Seljevold moved, and Council Member Hendrickson seconded, to approve the
minutes from September 26, 2024. Motion carried.**

5) CITIZENS TO BE HEARD

There were no citizens to be heard.

6) PROJECT UPDATES

a. Property Acquisition Status Report

Eric Dodds, AE2S, referred to the packet and discussed the map stating green is good. The property acquisition progress stating the construction footprint is 97.7% complete, an increase of 0.7% from last month. The upstream mitigation area (UMA) footprint is at 54.6% complete, an increase of 1% from last month. The Property Acquisition Progress by Location was briefly discussed with the Southern Embankment being 93.2% complete, UMA being 54.6% complete

and the Environmental Monitoring Easement being 77% complete. The Drayton Dam, In-Town Levees, Stormwater Diversion Channel, and Oxbow Hickson-Bakke are 100% complete. The Property Acquisition Progress by MCCJPA is 59.9% complete, with no change from last month. The Southern Embankment & Associated Infrastructure remains at 71.1%, with no change, the Upstream Mitigation Area is 47% complete, with no change, the UMA – Wolverton remains at 7.1%, with no change, and the Environmental Monitoring Easements remain at 82.5%, with no change. The Landowner Overview was discussed which shows owner groups and parcels broken down for the construction and UMA footprint with 97% of the owner groups complete for the Construction Footprint and 55.2% for the UMA Footprint.

The key activities are to continue negotiating settlement agreements for existing eminent domain actions. In the last month, successfully closed on 16 parcels/4 owners, 4 parcels in the construction footprint, 6 parcels in the UMA footprint and 6 parcels with environmental monitoring easements. Continuing the process of disposing of excess lands – 28 parcels/313.37 acres have been approved as excess lands, 10 parcels/188.66 acres are moving through the policy and 18 parcels/124.71 acres have been sold or pending closing. Initiating the process for farmland leases in 2025. Continuing the process of releasing TCEs. And for Minnesota properties, vacate dates for owners of occupied structures are April 1, 2025, for Clay County and June 1, 2025, for Wilkin County.

b. MN Litigation Action Update

Chris McShane, Ohnstad Twichell, stated we are in the process of getting final hearing set in Wilkin County. Then we'll start the property inspections with the Commissioners. Because one of the Commissioners is an attorney that has represented one of the landowners, we will need to secure an additional Commissioner. Once the additional Commissioner is appointed, inspection dates can be set for those properties.

Mr. McShane discussed also having been involved in settlement negotiations with landowners on the Minnesota side.

7) LAND AGENT REPORTS

Katie Laidley, SRF Consulting, stated we did send out the offers for Wolverton and we are working with those landowners on those negotiations. We are trying to gain some traction on relocation with landowners that are represented. And as always, we are still reaching out to those landowners and their representation as well.

Dale Ahlsten, ProSource, stated we've been working to support mediation settlements and assisting the legal group with any condemnation needs they might have. We've been doing some field access relocation work. And in the interim closing out files that have been completed to ensure that we have all the necessary documentation.

8) ACQUISITION

a. Willem Settlement Agreement Revision

Jodi Smith, Diversion Authority, stated there is a modification that is needing approval. A \$500/month lease back was originally put into the agreement for the structures of the improvements on the property. We're not purchasing the property from the owner, we're simply obtaining a Flowage Easement, so the verbiage of the \$500/month lease back will be removed from the agreement. The vacate date will remain as is.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the revised settlement terms for OINs 1794 1795 1861 and 1830. Motion Carried.

b. Ness Settlement Agreement Revision

Ms. Smith stated there is a modification that is needing approval. A \$500/month lease back was originally put into the agreement for the structures of the improvements on the property. We're not purchasing the property from the owner, we're simply obtaining a Flowage Easement, so the verbiage of the \$500/month lease back will be removed from the agreement. The vacate date will remain as is.

Commissioner Mongeau moved, and Council Member Hendrickson seconded, to approve the revised settlement terms for OINs 1670N, 1822N, 1272N, 5061, 1671, 1672,1822, 1670, 1796, 1826, 1824 and 1817. Motion Carried.

9) RELOCATION REIMBURSEMENT

a. OIN 1665 Buth Reimbursement Request

Ken Helvey, SRF Consulting, stated this is a reimbursement request and recommendation for Morgan Buth and David Dobis. This request is payment for their time relative to moving personal property from their old location to their new location.

Commissioner Mongeau questioned the length of time it's taking for these owners to move and expressed being uncomfortable approving this request today and asked for additional clarification and information on how to submit for reimbursement. Mr. Helvey stated once an owner is given notice to move, they need to move within that period of time. There are some limits to when you can file a claim. The recommendation is coming before the Board today, because this number, as it stands, is pretty consistent with what we're seeing across the board.

Commissioner Mongeau discussed possibly delaying this item until the next Board meeting in November. Commissioner Campbell asked if there was any harm in holding this item off until the next month. Ms. Smith stated the owners have already closed, so we can work over the next month to gather additional information to be able to answer the questions that surround this relocation. Council Member Hendrickson agreed with Commissioner Mongeau and stated wanting an itemized list of entries.

Commissioner Campbell stated we don't need a motion to table this item, we'll just ask that the agents bring this item forward again next month with the additional information that's being requested.

Madeline Daudt, Diversion Authority, asked for clarification on redacted information within the Board packets. Commissioner Mongeau discussed not wanting to jeopardize anyone's privacy, therefore, certain information can be redacted.

Discussion ensued regarding documentation for claiming mileage.

Commissioner Campbell stated, with that, we'll plan on reviewing OIN 1665 at the November meeting.

b. OIN 1305 Mortenson Reimbursement Request

Ms. Laidley stated we do have a partial reimbursement request for Michele Mortenson on her Replacement Housing Differential Payment (RHDP) in the amount of \$63,361.00. Ms. Mortenson is constructing a new site, and it has been confirmed that construction has been moving along on the property.

Commissioner Campbell asked if this was a partial payment. Ms. Laidley confirmed and stated that it's from the maximum RHDP.

Commissioner Mongeau moved, and Council Member Seljevold seconded, to approve the reimbursement request for OIN 1305 in the amount of \$63,361.00. Motion Carried.

10) PROPERTY MANAGEMENT

a. OIN 1861 Tree Removal Agreement

Madeline Daudt, Diversion Authority, stated this is a tree removal agreement for OIN 1861, the USACE will be out there removing trees along the SE-4 project limits and a small portion of that is outside of the footprint. The property owner is accommodating to this request.

Council Member Hendrickson moved, and Council Member Seljevold seconded, to approve the Tree Removal Agreement for OIN 1861. Motion carried.

11) CONTRACTING ACTION

a. Contracting Actions for MCCJPA

Jessica Warren, Diversion Authority, stated this is Pifers to start working on leases for 2025. There is no fee attached to this, but they do take 8% off the gross rental revenue, which matches what they did last year.

Commissioner Campbell asked if this was an extension of the contract for 2025. Ms. Warren confirmed and stated the percentage didn't change from last year.

Council Member Seljevold moved, and Council Member Hendrickson seconded, to approve Pifers Task Order 1 Amendment 5. Motion carried.

Ms. Smith stated that in preparation for next month, we will be bringing the lease for the board to consider for approval for the 2025 rental agreements.

13) ADJOURN

The meeting was adjourned at 11:31 a.m.

Stephen Larson, MCCJPA Secretary

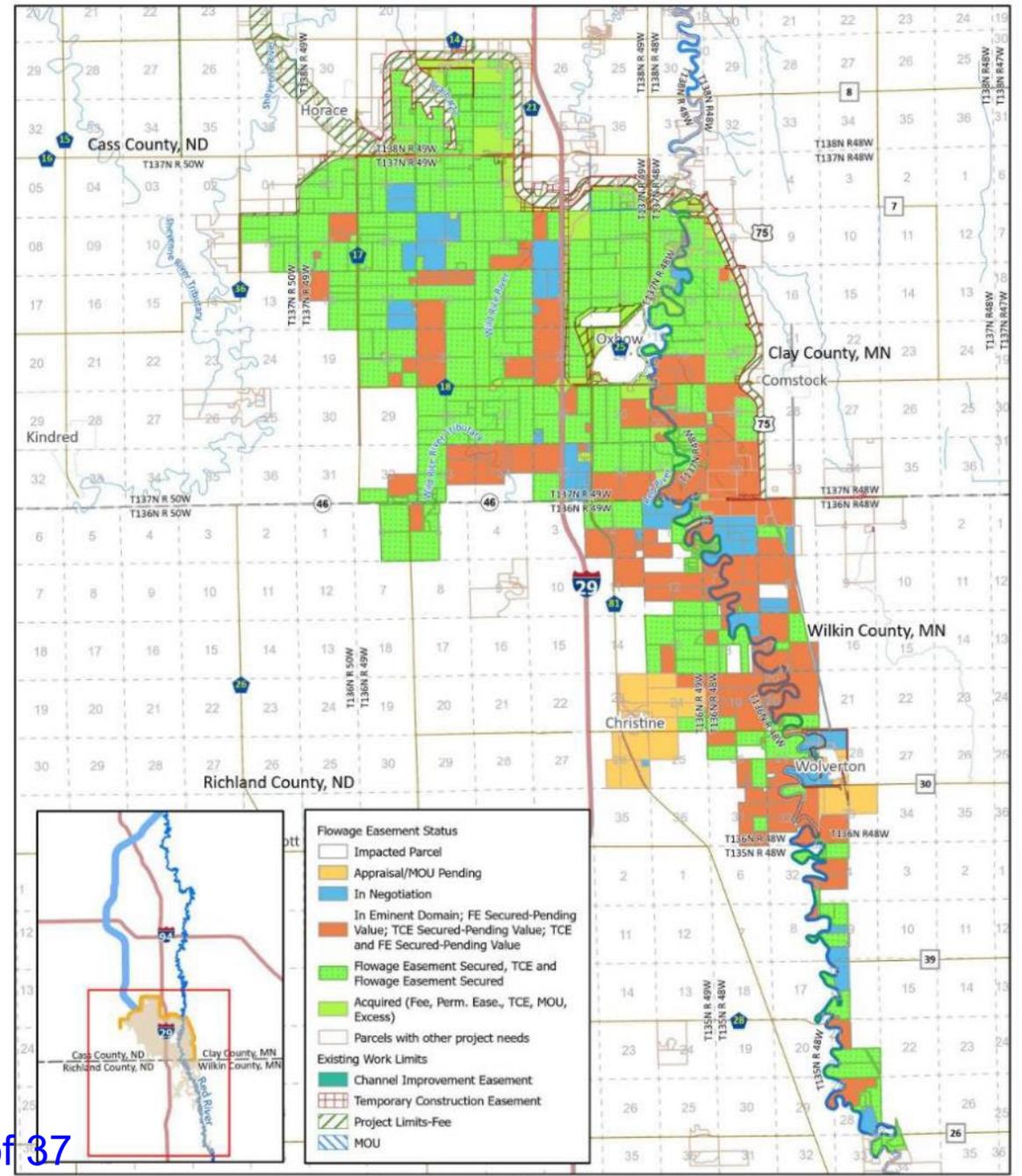
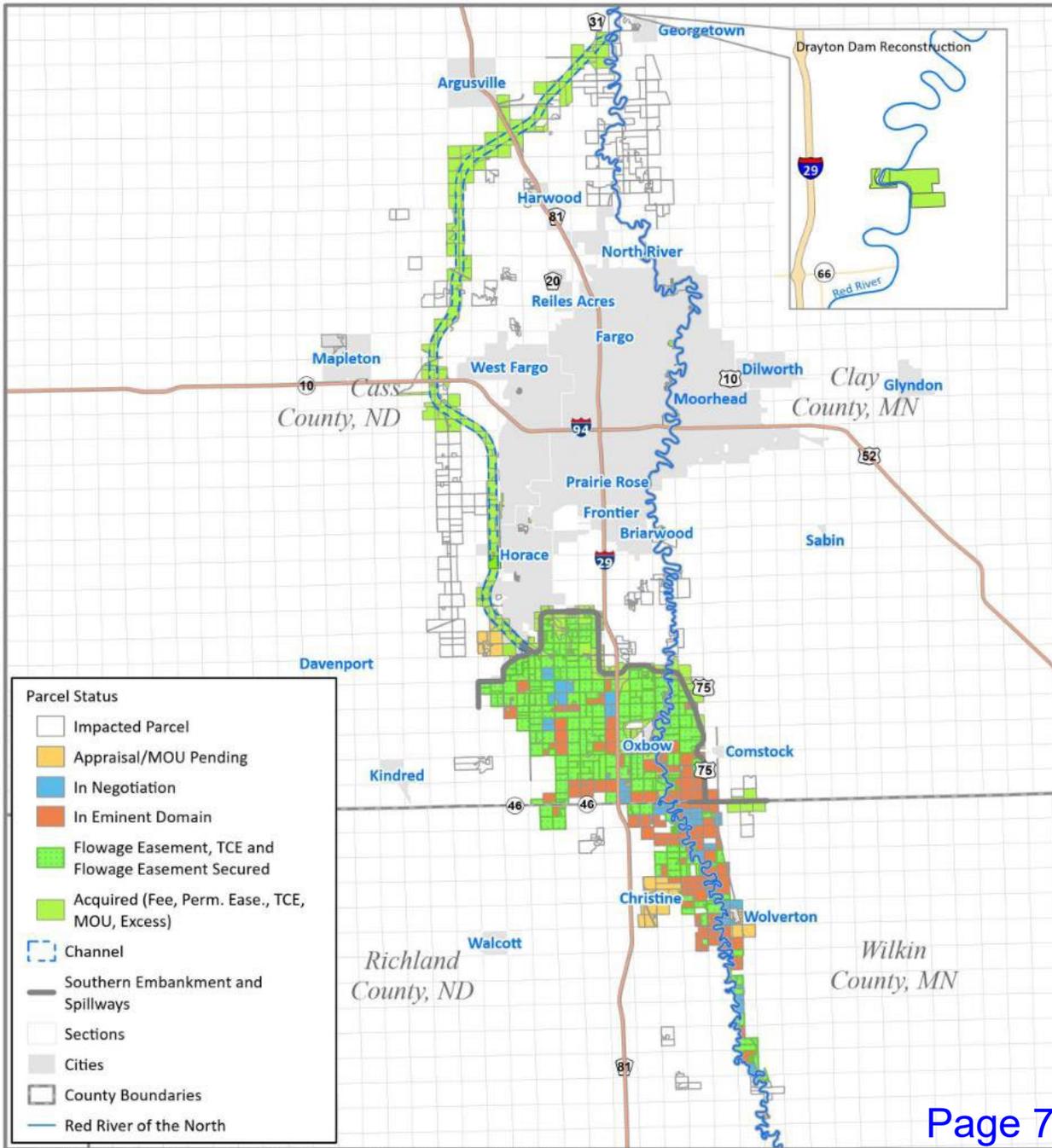


METRO
FLOOD
DIVERSION
AUTHORITY

Lands Status Report

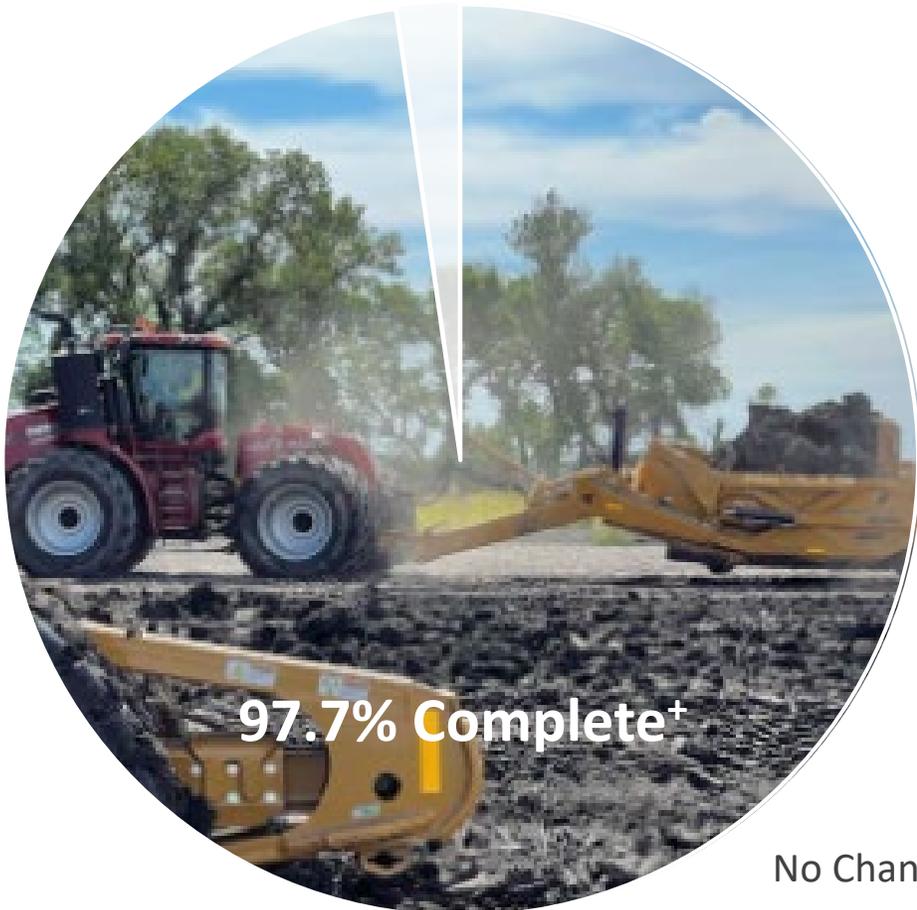
November 2024





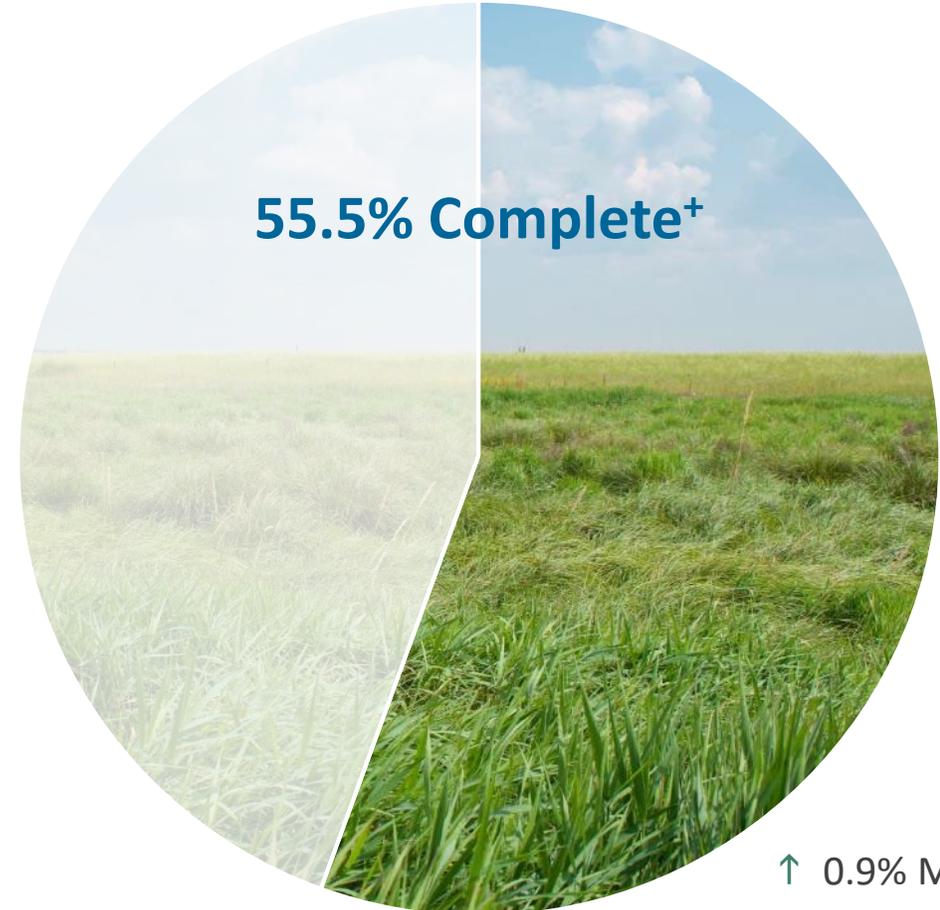
Property Acquisition Progress

Construction Footprint*



No Change

UMA Footprint**

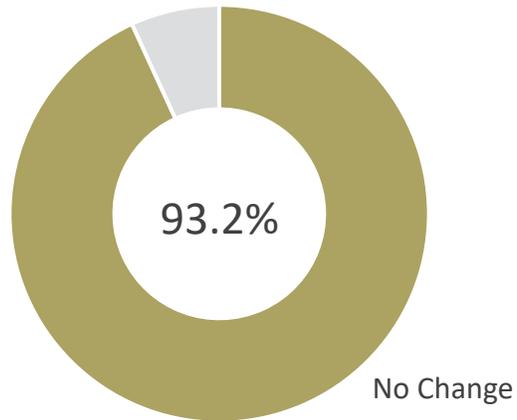


↑ 0.9% MoM

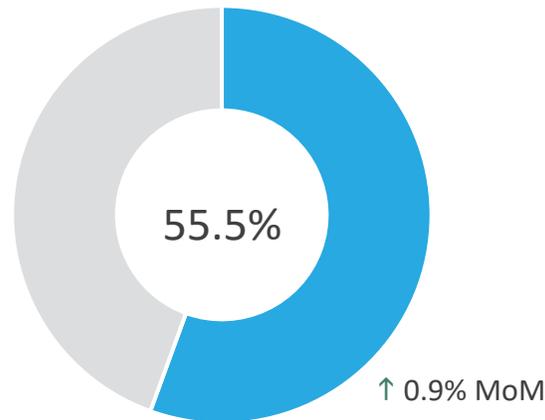
* Includes SWDCAI, SEAI, In-Town, Oxbow and Drayton

** Includes parcels for Christine and Wolverton
As of November 4, 2024

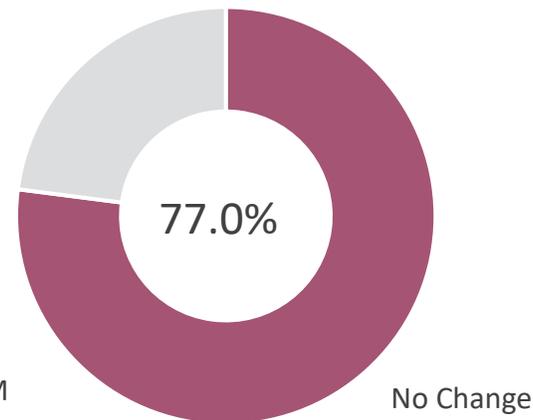
Property Acquisition Progress by Location



Southern Embankment & Associated Infrastructure



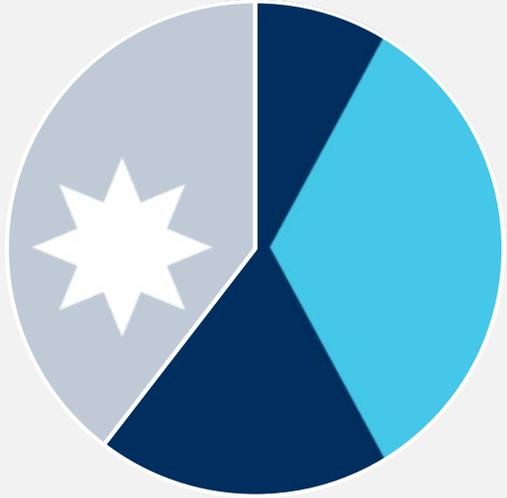
Upstream Mitigation Area



Environmental Monitoring Easements

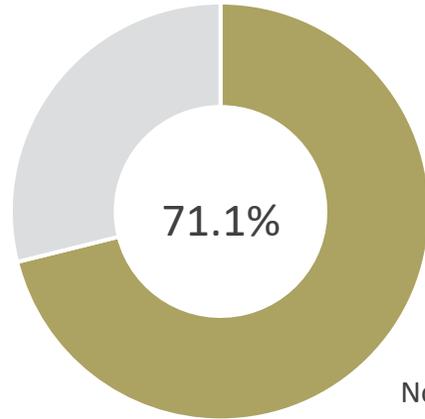


Property Acquisition Progress by MCCJPA



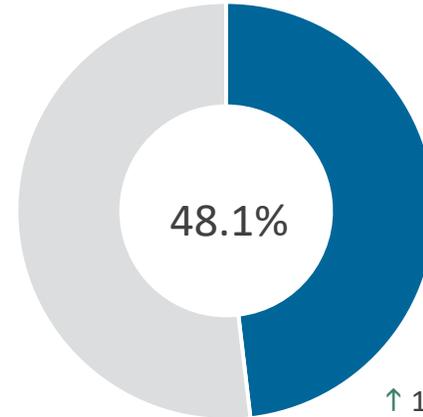
60.4% Complete

↑ 0.5% MoM



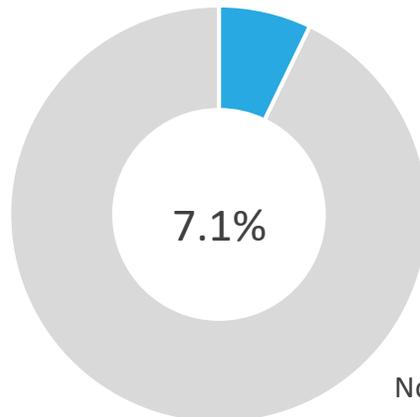
Southern Embankment &
Associated Infrastructure

No Change



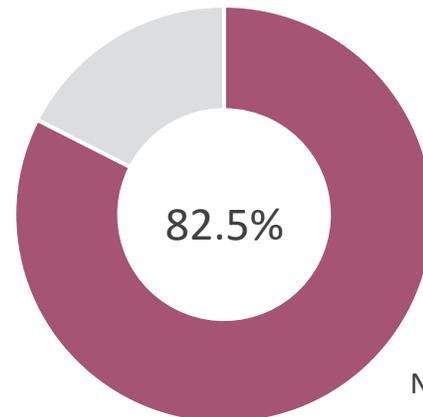
Upstream
Mitigation Area

↑ 1.1% MoM



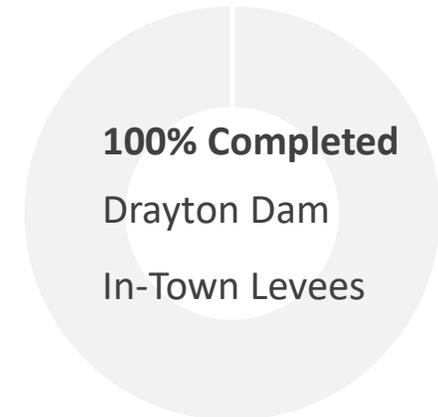
UMA-Wolverton

No Change



Environmental
Monitoring Easements

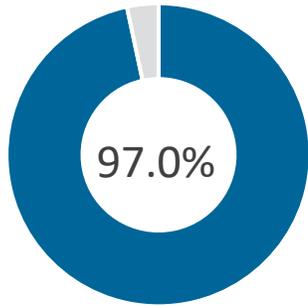
No Change



100% Completed
Drayton Dam
In-Town Levees

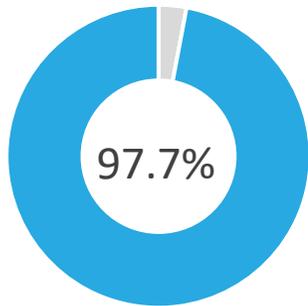
Landowner Overview

Construction Footprint*



298 Owner Groups
 264 in ND & 35 in MN⁺
 289 settlements achieved
 10 in litigation

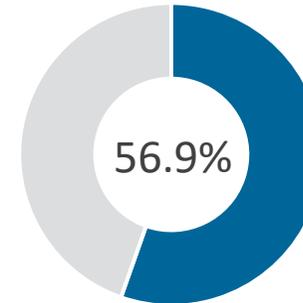
97% of owner groups have settled



576 Parcels
 563 settlements achieved
 13 in litigation

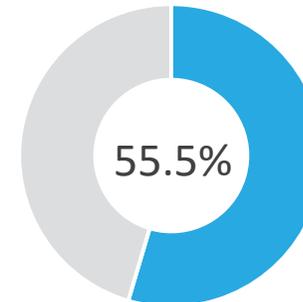
97.7% of parcels have been acquired

UMA Footprint**



290 Owner Groups
 221 in ND & 71 in MN⁺
 165 settlements achieved
 56 ongoing negotiations
 77 in litigation

56.9% of owner groups have settled



650 Parcels
 361 settlements achieved
 127 ongoing negotiations
 162 in litigation

55.5% of parcels have been acquired

* Includes SWDCAI, SEAI, In-Town, Oxbow and Drayton

⁺ Some owner groups have property in both states

- **Continued negotiating settlement agreements for existing eminent domain actions**
- **In the last month, successfully closed on 4 parcels / 4 owners in the UMA**
- **Continuing the process of disposing of Excess Lands**
 - 30 parcels / 333.18 acres have been approved as Excess Lands
 - 8 parcels / 196.71 acres are moving through the Policy
 - 22 parcels / 136.47 acres have been sold or pending closing
- **Starting to receive appraisal reports for Christine area flowage easements**
- **Continued work on farmland leases for 2025**
- **Reminder: The vacate dates for occupied Minnesota properties**
 - Deadline in Clay County = April 1st, 2025
 - Deadline in Wilkin County = June 1st, 2025

CCJWRD

- Providing relocation advisory and claim preparation services for people that are moving
- Assisting with mediations and settlement negotiations
- Processing RIMP reimbursement requests
- Preparing to receive appraisals and make offers for Sheyenne River Benching Project
- Starting to make offers for flowage easements in Christine
- Assisting with Waiver Valuations
- Working on utility site acquisitions

MCCJPA

- Providing relocation advisory and claim preparation services to people that are moving
- Working on flowage easement acquisitions in Wolverton
- Assisting with mediations and settlement negotiations

MN Litigation Actions Summary Sheet

11/11/2024

Action #	OIN	Project	County	Acquisition Status	Necessity Hearing	Commissioner's Hearing	Property Owner	Prior Owner	Property Owner Legal Rep	Land Agent (Land Firm)	MCCIPA Legal Rep
1	1272	SE-5	Wilkin	Settlement has been reached	3/26/2024		CITY OF MOORHEAD	MATTHEW & RACHEL NESS	Aaland Law Office	Ken Helvey (SRF)	Larkin Hoffman Rob Stefonowicz
2	1670	SE-4	Clay	Settlement has been reached	3/27/2024		CLAY COUNTY	LARRY NESS	Aaland Law Office	Ken Helvey (SRF)	Larkin Hoffman Rob Stefonowicz
	1796	UMA	Clay	Settlement has been reached	3/27/2024		JUDITH NESS		Aaland Law Office	Ken Helvey (SRF)	Larkin Hoffman Rob Stefonowicz
	1826	UMA	Clay	Settlement has been reached	3/27/2024		LARRY & JUDITH NESS		Aaland Law Office	Ken Helvey (SRF)	Larkin Hoffman Rob Stefonowicz
	1824	UMA	Clay	Settlement has been reached	3/27/2024		LARRY NESS		Aaland Law Office	Ken Helvey (SRF)	Larkin Hoffman Rob Stefonowicz
3	5061 1671 1672	UMA	Clay	Settlement has been reached	3/27/2024		MATTHEW & RACHEL NESS		Aaland Law Office	Ken Helvey (SRF)	Larkin Hoffman Rob Stefonowicz
4	1822	SE-4	Clay	Settlement has been reached	3/27/2024		CLAY COUNTY	LARRY NESS	Aaland Law Office	Ken Helvey (SRF)	Larkin Hoffman Rob Stefonowicz
5	1794	UMA	Clay	Settlement has been reached	3/27/2024		RICHARD ALLEN WILLEM		Aaland Law Office	Dale Ahlsten (ProSource)	Larkin Hoffman Rob Stefonowicz
	1861	SE-4	Clay	Settlement has been reached	3/27/2024		CLAY COUNTY	RICHARD ALLEN WILLEM	Aaland Law Office	Dale Ahlsten (ProSource)	Larkin Hoffman Rob Stefonowicz
	1830	UMA	Clay	Settlement has been reached	3/27/2024		RICHARD ALLEN WILLEM		Aaland Law Office	Dale Ahlsten (ProSource)	Larkin Hoffman Rob Stefonowicz
	1795	UMA	Clay	Settlement has been reached	3/27/2024		RICHARD & JUDITH WILLEM & C/O ERNEST WILLEM		Aaland Law Office	Dale Ahlsten (ProSource)	Larkin Hoffman Rob Stefonowicz
6	1318	UMA	Wilkin	Settlement has been reached	12/17/2024		HANSON RIVER FARMS LLLP		NA	Ken Helvey (SRF)	Ohnstad Twichell Chris McShane
	9157	UMA	Wilkin	Settlement has been reached	12/17/2024		NILS C HANSON		NA	Ken Helvey (SRF)	Ohnstad Twichell Chris McShane
7	1845	SE-4	Clay	Aquired - Pending Value	3/25/2024		CLAY COUNTY	MARK & BARBARA ASKEGAARD	Aaland Law Office	Dale Ahlsten (ProSource)	Ohnstad Twichell Chris McShane
8	1820	SE-5	Clay	Aquired - Pending Value	3/25/2024		CLAY COUNTY	CAROL LARSON RLT	NA	Dale Ahlsten (ProSource)	Ohnstad Twichell Chris McShane
9	1261 1269	UMA	Wilkin	Aquired - Pending Value	3/26/2024		CITY OF MOORHEAD (1261N) LUTHER BLILLIE (1269)		Aaland Law Office	Dale Ahlsten (ProSource)	Ohnstad Twichell Chris McShane
10	1270 9152	SE-5	Wilkin	Aquired - Pending Value	3/26/2024		CITY OF MOORHEAD	MARK & BARBARA ASKEGAARD	Aaland Law Office	Dale Ahlsten (ProSource)	Ohnstad Twichell Chris McShane
11	1250	SE-4	Wilkin	Aquired - Pending Value	3/26/2024		CITY OF MOORHEAD	PAUL & JAMES QUINNILD	Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
12	1257	SE-4	Wilkin	Aquired - Pending Value	3/26/2024		CITY OF MOORHEAD	DANIEL & JAYNE OLSGAARD	Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
13	1276 1277	UMA	Wilkin	Aquired - Pending Value	3/26/2024		GARY & NANCY ISRAELSON		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
	8356	SE-5	Wilkin	Aquired - Pending Value	3/26/2024		CITY OF MOORHEAD	GARY & NANCY ISRAELSON	Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
14	1315 1316 1317	UMA	Wilkin	Aquired - Pending Value	3/26/2024		JAMES NESS		Aaland Law Office	Reed Scherbel (SRF)	Larkin Hoffman Rob Stefonowicz
15	1833	SE-4	Clay	Aquired - Pending Value	3/27/2024		CLAY COUNTY	NESS FAMILY FARM LLP	Aaland Law Office	Reed Scherbel (SRF)	Larkin Hoffman Rob Stefonowicz
	1827	UMA	Clay	Aquired - Pending Value	3/27/2024		NESS FAMILY FARM LLP		Aaland Law Office	Reed Scherbel (SRF)	Larkin Hoffman Rob Stefonowicz
16	1841	UMA	Clay	Aquired - Pending Value	7/26/2024		PHYLLIS M NELSON		Aaland Law Office	Ken Helvey (SRF)	Ohnstad Twichell Chris McShane
17	1689 1868 1690 1785	UMA	Clay	Aquired - Pending Value	7/26/2024		RHODA K UELAND		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
18	9233	UMA	Clay	In Eminent Domain	12/9/2024		RACHEL A MORGAN TRUST		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
19	5190	UMA	Wilkin	In Eminent Domain	12/17/2024		JOSEPH HULNE		NA	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
20	7102	UMA	Wilkin	In Eminent Domain	12/17/2024		MYRON P IHLAND		Aaland Law Office	Dale Ahlsten (ProSource)	Ohnstad Twichell Chris McShane

MN Litigation Actions Summary Sheet

11/11/2024

Action #	OIN	Project	County	Acquisition Status	Necessity Hearing	Commissioner's Hearing	Property Owner	Prior Owner	Property Owner Legal Rep	Land Agent (Land Firm)	MCCJPA Legal Rep
21	5177	UMA	Wilkin	In Eminent Domain	12/17/2024		LEROY V & LINDA L DEUTSCHER		Aaland Law Office	Ken Helvey (SRF)	Ohnstad Twichell Chris McShane
22	1312	UMA	Wilkin	In Eminent Domain	12/17/2024		PAUL L & LILA JOHNSON		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
23	1324	UMA	Wilkin	In Eminent Domain	12/17/2024		JOSHUA & KARLI HITT		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
24	1310 9153	UMA	Wilkin	In Eminent Domain	12/17/2024		MICHAEL F & DARLA L RUFER		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
25	1297	UMA	Wilkin	In Eminent Domain	12/17/2024		DAVID & FRANK ISRAELSON		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
26	1294 1265 1266	UMA	Wilkin	In Eminent Domain	12/17/2024		DAVID ISRAELSON		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
27	5206 5208	UMA	Wilkin	In Eminent Domain	12/17/2024		ND ELLICKSON TRUSTEE, ETAL		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
28	5170 5174	UMA	Wilkin	In Eminent Domain	12/17/2024		GARY D & JANIS R JOHNSON		NA	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
29	1303 9120	UMA	Wilkin	In Eminent Domain	12/17/2024		GRANT ISRAELSON		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
30	1267 1268	UMA	Wilkin	In Eminent Domain	12/17/2024		KELLY S & STEFANIE BLILIE		Aaland Law Office	Dale Ahlsten (ProSource)	Ohnstad Twichell Chris McShane
31	1237 1256	UMA	Wilkin	In Eminent Domain	12/17/2024		DAVID ALAN NESS		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
32	5173 5169	UMA	Wilkin	In Eminent Domain	12/17/2024		BRUCE NELSON		NA	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
33	1253 1262 7203	UMA	Wilkin	In Eminent Domain	12/17/2024		RON KRAGERUD		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
34	5188	UMA	Wilkin	In Eminent Domain	12/17/2024		DANIEL CAROL HANNEMAN		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
35	1306	UMA	Wilkin	In Eminent Domain	12/17/2024		DAVID ISRAELSON		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
36	5182 5183 5185	UMA	Wilkin	Eminent Domain Authorized			MARK MILLER		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
	7107 7108	UMA	Wilkin	Eminent Domain Authorized			MARK & LISA MILLER		Aaland Law Office	Reed Scherbel (SRF)	Ohnstad Twichell Chris McShane
37	1307	UMA	Wilkin	Eminent Domain Authorized			KYLE R NORDEN		Aaland Law Office	Katie Laidley (SRF)	Ohnstad Twichell Chris McShane
38	1271 1308 1309 1299	UMA	Wilkin	Eminent Domain Authorized			TIMOTHY A NESS TRUST		Aaland Law Office	Ken Helvey (SRF)	Ohnstad Twichell Chris McShane
	1238 1239 1298 1249 1258 1259 1260	UMA	Wilkin	Eminent Domain Authorized			TIMOTHY & MONA NESS TRUSTEES		Aaland Law Office	Ken Helvey (SRF)	Ohnstad Twichell Chris McShane

Total OINs = 82

Total Actions = 38

Moorhead - Clay County Joint Powers Authority



DATE: 11/21/2024

Item number: 7.a

Subject: OIN 1665 Buth Reimbursement Request

Recommendation/Actions Needed

Recommend the board approve the reimbursement request in the amount of \$12,069.54 or actual moving costs, and the reimbursement of \$174.95 for propane in tank on date of move.

Background/Key Points:

Please find below a summary of the Relocation and Replacement Housing Reimbursement requests.

	OIN	Name	Program Area	Payment Type	Amount
1.	OIN 1665	Morgan Buth & David Dobis	UMA	Moving Cost Relocation Reimbursement	\$12,069.54
2.	OIN 1665	Morgan Buth and David Dobis	UMA	Propane Reimbursement	\$174.95
*Invoice Receipts will be available upon request				Total Claim	\$12,244.49

We recommend that the MCCJPA approve the Moving Cost Relocation reimbursement request as summarized above. The owners have provided supplemental documentation to support the move costs request. These documents are available upon request- in addition to the previously submitted claim for reimbursement.

Additionally, when the Buth/ Dobis family moved there was propane remaining in the tank. They are seeking reimbursement of the value of this propane of \$174.95.

Attachments:

- Supporting documents

Compensation Buckets for Acquisition

Just Compensation

- Cash payment to owner for necessary rights to the property
- Appraisal sets minimum settlement amount
- Need to consider Minimum Compensation statute in MN

Relocation (Residential)

- Governed by the Uniform Relocation Act (URA)
- Actual costs to move
 - Physical move
 - Disconnections and Reconnections
 - Multiple ways to claim this benefit
 - Replacement Housing Payment
 - Owner occupants
 - Price differential payment based on the market value of a comparable property (RHDP)
 - Increased mortgage interest costs
 - Incidental costs related to closing
 - Tenants
 - Rental assistance payment based on comparable rental property

Relocation (Non-Residential)

- Governed by the Uniform Relocation Act (URA)
- Actual moving costs
 - No maximum payment
 - Actual cost of physical move
 - Disconnections and reconnections
 - Multiple ways to claim benefit
- Re-establishment
 - Maximum payment of \$50k (FM Area Diversion Project (MN and ND))
 - Increased costs of operation
 - Modification to the replacement property to accommodate the business
 - Multiple other categories

RIMP

- Rural Improvement Mitigation Program (RIMP)
- Special program created by the MFDA
- Provides assistance to rebuild displaced farmsteads and rural businesses
- Payment in the form of a forgivable loan

Settlement Agreement

- Commitment made by the MFDA with upstream stakeholders
- Covers the cost of utility services beyond the Uniform Relocation Act



October 16, 2024

SRF No. 13820.0029C

MOORHEAD CLAY COUNTY JOINT POWERS AUTHORITY
Attn: Kevin Campbell
C/o Cass County
PO Box 280
Moorhead, MN 56560

SUBJECT: ACTUAL MOVE COSTS CLAIM
MORGAN BUTH AND DAVID DOBIS
16716 3RD STREET SOUTH, MOORHEAD, MN
PARCEL # 1665

Dear Mr. Campbell:

Transmitted herewith is the relocation claim covering the actual move costs benefits for the above-referenced owner occupants. We have reviewed the documentation submitted by the claimants and have made recommendations for payment according to applicable relocation regulations.

SRF is recommending payment as follows:

ACH Transfer to Morgan Buth and David Dobis \$12,069.54

Please don't hesitate to contact us if you have any questions regarding this relocation.

Sincerely,

SRF CONSULTING GROUP, INC.

A handwritten signature in black ink, appearing to read "Ken Helvey". The signature is stylized and fluid.

Ken Helvey
Senior Project Director- Real Estate Services
Enclosures

www.srfconsulting.com

Case Plaza, One North Second Street, Suite 102 | Fargo, ND 58102-4801 | 701.237.0010

Equal Employment Opportunity / Affirmative Action Employer

EXHIBITS

- 1) SUMMARY
- 2) CLAIM FORM FOR ACTUAL MOVING COSTS
- 3) NARRATIVE ON ACTUAL MOVING COSTS, INDIVIDUALIZED COMMENTS, AND RELATED DOCUMENTATION
- 4) CERTIFICATION OF CLAIM

SUMMARY

Occupant (Claimant) Name: Morgan Buth and David Dobis

Project Site Address: 16716 3rd Street South, Moorhead, MN

Occupancy Description: Homeowner

Type of Benefits This Claim: 180-Day Homeowner Actual Move Costs Claim

Claim Summary:

Actual Move Cost	\$12,069.54
Incidental Closing Costs Payment	\$ 4,009.00
Interest Differential Payment	\$86,351.88
Total Amount of This Claim:	\$102,430.42
Payments Received	\$ 90,360.88
Total Due at This Time:	<u>\$ 12,069.54</u>

SRF is recommending payment as follows:

ACH Transfer to Morgan Buth and David Dobis \$12,069.54

**Please consult your Relocation Counselor for help in preparing and submitting this claim.
Instructions for submitting your claim for residential moving expenses.**

CCJWRD will allow residential moving expenses to a displaced individual or family based on a fixed room schedule or reimbursement for actual costs incurred. As a displacee you will be asked to select the method most suitable to your needs.

Fixed Payments

Payment is computed on the number of rooms contained in your residence exclusive of typical closets, porches, pantries, bathrooms, hallways, entrances or any unfurnished rooms. A basement may be considered as one room unless it has been separated into livable rooms such as: bedrooms or recreation rooms. Outbuildings actually in use for storage purposes may be counted as one room.

Actual Costs

Under this method CCJWRD may allow reimbursement for **reasonable** and **necessary** (as determined by the agency) expenses incurred in moving your personal property for a distance not to exceed 50 miles. This is not an adjustment for inconveniences which have occurred or for time lost at your regular occupation. Said moving expenses will be paid upon compliance with the following instructions:

1. When you are moved by a professional moving company, pay the charges and obtain a receipted bill. This statement must contain the rate per hour charged, number of hours worked and number of men and van(s) employed. The receipt must be marked "Paid in Full" and signed by a representative of the company. Consult your relocation advisor for help and assistance prior to moving to ensure reimbursement is allowed.
2. If your personal property is moved by someone other than a professional moving company, you must submit an itemized statement showing the number of people hired, the rates per hour paid, date, and the total number of hours worked for each individual and the equipment used. An affidavit will then be prepared for your signature. Again, please consult your relocation advisor prior to moving by this method.
3. You must complete the bottom portion of the Claim Form in ink, making sure that your signature and current telephone number are included. Attach to the original copy of claim form all required information pertaining to your move and mail to the address shown on the lower left corner.
4. In the event you are financially unable to pay the moving company, special arrangements may be made with the relocation office to allow direct payment or an advance payment claim. This must be done well in advance of the moving date.

I certify that all items of personalty (to the best of my knowledge) have been removed from the subject property, including **all hazardous and environmentally sensitive materials such as batteries, tires, paints, solvents, insecticides, fertilizers, fluorescent lights, etc.**

Person submitting claim _____ Date _____

Relocation Counselor  _____ Date 10/16/24

ACTUAL MOVING AND RELATED EXPENSES

Applicable relocation regulations require public agencies to pay the moving and related expenses incurred by the people it displaces for public projects. Eligible actual moving and related expenses include those incurred to disconnect and reconnect, to disassemble and reassemble, to pack and unpack, and to cart the household's personal property from the project site to the replacement dwelling chosen by the displaced household. Also eligible for repayment are the costs incurred to insure the move and, at the discretion of the Displacing Agency, to store any personal property which cannot be immediately reestablished at the chosen replacement. The only two limiting conditions on the payment made for these moving-related expenses are that the amounts paid be reasonable and necessary. Further, it is up to the Displacing Agency to determine whether these two qualifications have been met.

Compensation for actual moving expenses is generally determined by securing two bids or estimates of the cost for a professional moving company to conduct the move and allowing the lower amount as payment to the mover. (This assumes that the transfer will take place within a 50-mile radius.) The relocation rules permit payment for an actual move expense of a "low-cost" move (\$2,500 or less) to be based on one move cost proposal estimate provided by a professional moving company or qualified staff person.

The displaced household may also choose to move themselves under this Actual Move Expense provision, keep records of their actual costs via time cards, pre-approved rates, and invoices, and be reimbursed directly for their reasonable and necessary documented costs actually incurred. This option, however, because it requires so much effort to document all of the move costs incurred by the household, is seldom chosen by the displacee.

Under an Actual Move Expense claim, reconnect costs for personal property such as telephone and cable TV are also allowable, so long as the system being installed is the same or similar to the one which was in use at the project site. Actual invoices are submitted for these costs.

To summarize, then, a displaced person can be paid for his/her actual costs to move the personal property. An actual moving and related expense claim requires documentation in the form of actual invoices for services rendered.

The next page to this claim itemizes the invoices of the claimant's professionals hired to handle each aspect of the transfer and totals them to show the amount of payment being recommended to the claimant for an actual moving expense entitlement.

ACTUAL MOVING AND RELATED EXPENSES

OIN: 1665

Occupant Name: Morgan Buth and David Dobis

1. Actual Move of General Personal Property:	\$11,776.76
2. Internet Reconnection:	\$ 100.00
3. Move & Reconnection of Water Softener:	\$ 178.50
4. Packing Tape:	\$ 14.28

Total Amount of Claim: \$12,069.54

Amount Due: \$12,069.54

Remarks:

1. Enclosed, please find a documented self-move log from Morgan Buth and David Dobis for the move of their general property to the replacement location. Payment is \$30.00 an hour based off the North Dakota Living Wage calculator for the man hours. Morgan Buth and David Dobis submitted for 383 hours for a total of \$11,490.00. They also submitted for reimbursement of their mileage. 428 miles x \$0.67 (IRS allowable rate for 2024) = \$286.76. Total reimbursement for the move is \$11,776.76.
2. Morgan Buth and David Dobis submitted a chat string from Midco documenting the amount of \$100.00 for their internet reconnection.
3. Morgan Buth and David Dobis submitted a paid invoice from Lindsay's Crystal Pure Water Inc. in the amount of \$178.50 for the move and reconnection of their water softener.
4. Morgan Buth and David Dobis submitted a receipt from Amazon in the amount of \$14.28 for packing tape purchased to tape boxes for the move of their personal property.

These are eligible expenses according to the Uniform Relocation Act of 1970, as amended, Section 24.301(a-g). SRF Consulting Group, Inc. considers these recommended costs both reasonable and necessary.

SRF is recommending payment as follows:

ACH Transfer to Morgan Buth and David Dobis \$12,069.54

Documentation Attached:

1. Documented Self-Move Log
2. Midco Chat & Receipt
3. Lindsay's Crystal Pure Water Inc. Paid Invoice
4. Amazon Receipt

Buth/Dobis				
Monday, October 7, 2024				
Actual Move Costs				
		Claimed	Recommended	
Vendor	Description	Amount	Amount	Invoice Number
Amazon	Packing tape	\$ 14.28	\$14.28	#114-3359973-0609813
Lindsay's Crystal Pure Water Inc./Eco Water System	Move & Reconnection of water softener	\$ 178.50	\$178.50	
Midco	Internet Reconnection	\$ 100.00	\$100.00	
	Expenses	\$292.78	\$292.78	

CERTIFICATION OF CLAIM

I, the undersigned, do hereby certify the following:

1. That I have personally met with the project occupants(s) and have inspected the residential claim presented herein;
2. That to the best of my knowledge and belief the statements contained in this report and upon which the opinions herein are based, are true and correct;
3. That this claim has been made in conformity with and is subject to the requirements of the Uniform Relocation Assistance and Real Properties Acquisition Act of 1970 as amended and the regulations of the Department of Transportation;
4. That neither myself, the company, nor the employees have a present interest or a contemplated interest in the residence involved or relationship with the occupants therein; and
5. That neither the employment to make the claim nor the compensation for it are contingent upon the amount of eligible relocation compensation estimated herein.
6. That all displacee data was considered and analyzed for completeness and correctness, and that all contacts with displacee have been documented.



Ken Helvey
SRF Consulting Group, Inc.

Date 4/23/24



CHS Dakota Plains Ag
 PO BOX 265
 KINDRED ND 58051

Invoice #: G47 -BD7630
 Invoice Date: 2/5/2024
 Ship Date: 2/5/2024

Bill To: DAVID DOBIS
 16716 3RD ST S

Ship To: DAVID DOBIS
 16716 3RD ST S

MOORHEAD MN 56560-7805

MOORHEAD MN 56560-7805

Customer #: 224428

RUP#:

Exp Date:

Quantity	Item #	Description	Ref#	Price	Prepaid	Total
212.10	GALS 7000090010	LP GAS HEAT MN		1.65	\$288.20	\$349.97

Comments:

**Paying 50% of this bill for
 reimbursement
 \$174.98**

Invoice Amount:	\$349.97
+Sales Tax:	\$0.00
+Excise/Road Tax:	\$0.00
+Tonnage Tax:	\$0.00
+MN Gross Sales/Acra Fee (1.03%)	\$0.00
Invoice Total:	\$349.97
- Prepayments:	\$288.20
- Payments:	\$61.77

D-Ticket #:

Due By: 3/20/2024 \$0.00

Blend #:

A finance charge at a periodic rate of 1.5 % will be charged on all past due accounts.

Analysis:

Farm:

Signature: _____

Field:

"I certify that the purchased items are for horticultural or agricultural production and are exempt from sales tax. I agree to reimburse the seller for sales tax if used or consumed otherwise."

Crop:

INVOICE COPY - Statement will follow.

Receipt/Check #: SI4241/142

See Reverse Side For Important Information

We appreciate your business!

Moorhead - Clay County Joint Powers Authority



DATE: 11/21/2024

Item number: 8.a

Subject: Solar Garden Release Agreement

Recommendation/Actions Needed

Recommend the board approve Amendment to General Release Agreement between Novel Energy Solutions L.L.C. and the Metro Flood Diversion Authority, the Moorhead-Clay County Joint Powers Authority, and the City of Moorhead.

Background/Key Points:

The attached amendment release is between Novel Energy Solutions L.L.C., Novel Blilie Solar, LLC, and MN Wolter CSG, LLC (“Releasor”) and the Metro Flood Diversion Authority and its member entities specifically including the City of Moorhead and the Moorhead Clay County Joint Powers Authority (“Releasee”).

The Releasor is a solar developer who wishes to construct a solar photovoltaic system on the Blilie property. The Releasee wishes to introduce additional flood water of the same Blilie property as part of the operation of the Fargo-Moorhead Metropolitan Flood Risk Management Project (“Project”).

The Releasor releases, discharges and holds the Releasee harmless from any and all claims, liabilities, damages, causes of action, known or unknown, which Releasor may have against Releasee arising out of or relating to the operation of the Project. In exchange for the release of Claims, Releasee will provide Releasor with the necessary documentation to construct the solar photovoltaic system.

Attachments:

- Amendment to General Release

AMENDMENT TO GENERAL RELEASE

This Amendment to General Release (the “Amendment”) is made on the 29th day of August, 2024, by and between Novel Energy Solutions L.L.C., a Minnesota limited liability; and MN Wolter CGS, LLC, a Minnesota limited liability company (“Releasor”), and the Metro Flood Diversion Authority, a North Dakota political subdivision; the Moorhead-Clay County Joint Powers Authority, a Minnesota joint powers authority; and the City of Moorhead, Minnesota, a municipal corporation and political subdivision of the State of Minnesota (“Releasee”) (collectively, the “Parties”).

WHEREAS, the Releasee is in the process of developing the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the “Comprehensive Project”); and

WHEREAS, part of the Comprehensive Project involves the acquisition of real property interests that are needed for construction and operation of the Comprehensive Project; and

WHEREAS, the City of Moorhead commenced an action in Wilkin County District Court, No. 84-CV-23-500 (the “Action”), to condemn certain real property interests on which the Releasor has a lease agreement to construct a solar photovoltaic system (the “Leased Property”) and named the Releasor as parties in the action; and

WHEREAS, on March 21, 2024, the Parties, aside from the City of Moorhead, entered a General Release regarding the release by Releasor of Releasee for claims, liabilities, damages, and causes of action which Releasor may have against Releasee arising out of or relating to the operation of the Comprehensive Project; and

WHEREAS, in exchange for the above-described release, Releasee provided the necessary documentation to the Releasor to construct the solar photovoltaic system; and

WHEREAS, the City of Moorhead has now acquired the Leased Property through the Action, and as a result, the Parties desire to add the City of Moorhead as a party and signatory to the General Release.

NOW, THEREFORE, the Parties agree that the City of Moorhead shall be added as a party and signatory to the General Release, shall be included within the collective group of entities defined as Releasee, and shall be afforded all rights, and bound to all obligations, described for the Releasee in the General Release.

(Signatures appear on the following page.)

Novel Energy Solutions L.L.C.

By: Cliff Kaehler
Name: Cliff D. Kaehler
Its: Authorized Signatory

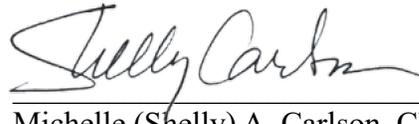
Novel Blilie Solar, LLC

By: Cliff Kaehler
Its: Authorized Signatory

MN Wolter CSG, LLC

By: Cliff Kaehler
Its: Authorized Signatory

Metro Flood Diversion Authority



Michelle (Shelly) A. Carlson, Chair



Robert Wilson, Co-Deputy Executive Director



Michael Redlinger, Co-Deputy Executive Director

Attest:



Dawn Lindblom, Secretary

**Moorhead-Clay County Joint Powers
Authority**

Kevin Campbell, Chair

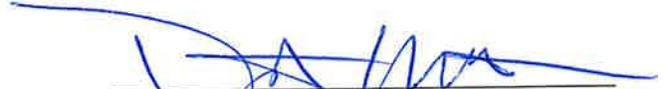
Attest:

Stephen Larson, Secretary

City of Moorhead, Minnesota

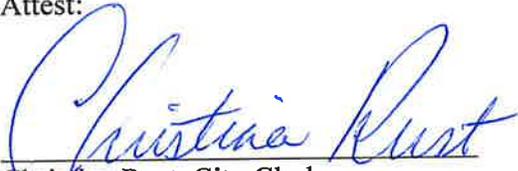


Michelle (Shelly) A. Carlson, Mayor



Dan Mahli, City Manager

Attest:



Christina Rust, City Clerk



March 21, 2024

To Whom it May Concern:

This General Release (“Release”) is made on — day of March, 2024 by and between Novel Energy Solutions L.L.C., a Minnesota limited liability company; Novel Blilie Solar, LLC, a Minnesota limited liability company; and MN Wolter CSG, LLC, a Minnesota limited liability company (“Releasor”) and, Metro Flood Diversion Authority, a North Dakota political subdivision its Member Entities – specifically including the City of Moorhead, a Minnesota political subdivision - and the Moorhead, Clay County Joint Powers Authority, a Minnesota Political Subdivision, (“Releasee”).

1. The Member Entities of the Metro Flood Diversion Authority are, the City of Fargo a North Dakota political subdivision, Cass County, a North Dakota political subdivision, Cass County Joint Water Resource District, a North Dakota political subdivision, the City of Moorhead, a Minnesota Political Subdivision and Clay County, a Minnesota political subdivision.
2. Releasor and Releasee are not parties to any prior agreement. Releasee is named in the Condemnation action identified as Wilkin County Civil Number 84-CV-23-500 as a party with a property interest in the Blilie land. Releasor and Luther Blilie and Shelly Blilie, as husband and wife, and Kelly Blilie and Stefanie Blilie, husband and wife executed a lease agreement on July 25, 2020.
3. Releasor is entering into this Release voluntarily and is represented by legal counsel.

Releasor is a solar developer who wishes to construct a solar photovoltaic system on the leased area. Releasee wishes to introduce additional flood waters on the Blilie’s land, as part of the operation of the Fargo- Moorhead Metropolitan Area Flood Risk Management Project. . Releasor hereby acknowledges and agrees that an impact to the system may occur as a result of the additional flood waters and Releasor has been provided all information it deems necessary to make a determination of the impact to the system.

4. Releasor hereby releases, discharges, and holds Releasee harmless from any and all claims, liabilities, damages, causes of action, known or unknown, which Releasor may have against Releasee arising out of or relating to the operation of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. (“Claims”).
5. In exchange for the release of Claims, Releasee will provide Releasor with the necessary documentation to construct the solar photovoltaic system.
6. This Release shall be binding upon the parties. The individual or individuals signing on behalf of Releasor have the authority to release the Claims and have not assigned or transferred any Claims



to another party. This release constitutes the entire agreement between the parties and supersedes all prior oral or written agreements or understandings between the parties concerning the subject matter of this release. This Release may not be altered, amended or modified, except by written document signed by the parties. The terms of this Release shall be governed by and construed in accordance with the laws of the state of Minnesota.

Novel Energy Solutions L.L.C.

By: 
Name: Cliff Kaehler
Its: CEO

Metro Flood Diversion Authority

By:
Name:
Its:

By:
Name:
Its:

Moorhead Clay County JPA

Novel Blilie Solar, LLC,

 Cliff Kaehler, Authorized Signatory

MN Wolter CSG, LLC

 Cliff Kaehler, Authorized Signatory

4871-9985-6303, v. 2

Moorhead - Clay County Joint Powers Authority



DATE: 11/21/2023

Item number: 9 a

Subject: 2025 Farmland Lease Rates

Recommendation/Actions Needed

Recommend the board approve the 2025 Farmland Rental Rates.

Background/Key Points:

Pifer's Land Management, the MCCJPA's farmland management consultant has indicated the following:

With the SE-4 construction in full swing in 2025, we are recommending a rental rate of \$150/acre and \$225/acre for organic, as access will be possible but more challenging.