



**Diversion Authority Land Management
Committee Meeting Minutes
3:00 PM Wednesday, November 18, 2020
Virtual Meeting
Fargo, North Dakota**

Permanent, Reliable Flood Protection

A virtual meeting of the Diversion Authority Land Management Committee was held on November 18, 2020. The following committee members were present: Mary Scherling, Cass County Commissioner; Bruce Grubb, Fargo City Administrator; Nathan Boerboom, Fargo Division Engineer; Rodger Olson, Cass County Joint Water Resource District; Kevin Campbell, Clay County Commissioner; Duane Breitling, Cass County Commissioner; Jenny Mongeau, Clay County Commissioner; Arlette Preston, Fargo City Commissioner and Bob Zimmerman, Moorhead City Engineer.

The following committee members were absent: Johnathan Judd, Mayor, City of Moorhead; Chuck Hendrickson, Moorhead City Council Member and Kory Peterson, Mayor, City of Horace.

1. MEETING TO ORDER

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

2. AGENDA REVIEW/APPROVAL

Mr. Breitling moved to approve the agenda as presented and Mr. Campbell seconded the motion. Motion carried.

3. APPROVAL OF MINUTES

Mr. Olson moved to approve the minutes from October 2020, and Mr. Grubb seconded the motion. Motion carried.

4. PROPERTY ACQUISITION STATUS REPORT

Mr. Dodds reported that progress continues to be made and 419 parcels have been acquired to date. Deposits have been given to the courts for 13 properties to proceed with LRED and 7 purchase agreements have been signed to date. Offers on the 26 Drain 27 parcels are anticipated to be completed by August 2021.

5. ENVIRONMENTAL MONITORING EASEMENT ACTION PLAN UPDATE

The US Army Corps of Engineers (USACE) requested in Spring 2019 that the Local Sponsor (Diversion Authority) of the FM Area Diversion Project obtain permanent easements on over 400 parcels to allow for on-going biotic and geomorphic monitoring surveys. The Cass County Joint Water Resource District (CCJWRD) has the responsibility for securing property rights for the Project in North Dakota, including the requested environmental monitoring easements. The Moorhead Clay County Joint Powers Authority (MCCJPA) has the responsibility for securing property rights for the Project in Minnesota, including the requested environmental monitoring easements. CCJWRD and MCCJPA have been working to obtain the access rights in accordance with the action plan dated October 25, 2019. This is an updated action plan that outlines the steps that will be followed to secure the remaining easements.

More than half of the easements have been secured, and rights-of-entry that expire December 31, 2021, have been secured on all but four of the remaining parcels. Three property owners of



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six parcel in Richland County are challenging the district court ordered right of entry. One parcel in Cass County is needed for biotic monitoring only so the right-of-entry has not been pressed. COVID-19 contributed to right-of-entry court hearings and USACE geomorphology surveys being postponed. USACE has requested the remaining easements by secured by February 2022.

6. UPDATE ON HORSE BARN AUCTION

The horse barn auction will open on January 11, 2021 and close on January 12, 2021. Bids will only be accepted via online on the Pifer's Auction website.

7. OUTREACH TO UPSTREAM PROPERTY OWNERS

All of the letters are out including the non-impacted parcels we well. The timing was beneficial and we can now focus on moving forward. Appraisals will be starting on the upstream parcels soon. The land agents have been returning calls to residents that have called with questions relating to their parcel(s).

Mr. Paulsen and Mr. Bakkegard have met with Stanley, Harwood, Holy Cross, Normana, Mapleton and Pleasant townships and are working with them to get the MOUs in place by January 2021.

8. UPDATE ON FLOWGE EASEMENT STUDY

Mr. Dodds noted that they are finalizing the contract with Crown Appraisals and it should be before the Committee at the December meeting. They are still expecting to get this done by the Fall of 2021.

9. RIMP FORGIVABLE LOAN PROGRAM ADMINISTRATION

1. The RIMP program includes offering a forgivable loan to displaced rural business and farmstead owners for the purpose of re-establishing the business or farm.
2. The Metro Flood Diversion Authority (the "DA") would provide the loan to the displaced rural business and farmstead owners secured by a mortgage in favor of the DA. CCJWRD and MCCJPA are members of the DA Joint Powers Authority and are responsible for the relocation of properties impacted by the Project. As such, the CCJWRD or MCCJPA will administer the forgivable loan program on behalf of the DA.
3. The following steps will be used to administer the forgivable loan program.
 - a. The Maximum Loan Amount will be based on a functional equivalent analysis and report compiled by Land Agent with support from MACI and other experts. The Maximum Loan Amount will be presented for approval to the CCJWRD or MCCJPA Board (depending on the location of the farmstead or business) by the Land Agent and AE2S.
 - b. Loan proceeds will be held in an Escrow Account at The Title Company with The Title Company serving as Escrow Agent.



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- c. The loan recipient will submit a Replacement Facility Improvements Plan for review. The Plan shall include:
 - i. Site plan showing the location and layout of proposed improvements
 - ii. Description of proposed facilities and how the proposed facilities are considered functionally equivalent to the existing facilities
 - iii. Cost estimate for the proposed facilities, inclusive of all buildings and improvements, site work, utilities, etc.
 - iv. Project financing plan that documents the ability of the loan recipient to financially complete the proposed improvements and outlines the source of funds and financing (RIMP loan proceeds, buyout funds, owner's funds, other loans, etc.).
- d. Land Agent and AE2S will review the Replacement Facility Improvements Plan for loan eligibility and conformance as a functionally equivalent facility.
- e. The Replacement Facility Improvements Plan will be presented to the CCJWRD or MCCJPA Board for approval.
- f. The loan recipient will construct the replacement facility improvements and submit RIMP Loan Disbursements Requests and lien waivers to Land Agent (monthly, or as needed to complete the construction). The attached RIMP Loan Disbursement Request form shall be used for requests.
- g. Land Agent, with support from AE2S will review the RIMP Loan Disbursement Requests for conformance with the Replacement Facility Improvements Plan.
- h. If the RIMP Loan Disbursement Request is determined to be in conformance with the Replacement Facility Improvements Plan, and if the request is within the Maximum Loan Amount, the Land Agent will request a release of the portion of the loan funds approved to be released from the Escrow Agent
- i. The Escrow Agent will pay the loan recipient the portion of the loan funds approved to be released from the Escrow Account.
- j. When the loan recipient claims that the replacement facility is complete, the loan recipient shall schedule a final walk through of the replacement facility with the Land Agent to confirm the replacement facility is complete. If the replacement facility is complete, the loan recipient shall submit a final RIMP Loan Disbursement Request to the Land Agent for review and processing.
- k. The 10-year term for forgiving the loan will be based on the date of the Loan Agreement (Mortgage).

10. COMMITTEE UPDATE FOR DA BOARD

Mrs. Scherling will provide an update to the Board at the meeting tomorrow.

11. CCJWRD UPDATE

Mr. Olson indicated that they continue to move forward and the land agents have been doing a good job of building relationships with landowners. Their calls have been returned in a timely manner and that has been appreciated.



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12. MCCJPA UPDATE

The MCCJPA did not meet last month and will be meeting tomorrow. Mr. Campbell indicated that they continue to make progress regarding the easements.

13. MetroCOG UPDATE

Mr. Schneider stated that the FM Greenway plan has been approved and the next steps are to coordinate with Diversion Authority for plans moving forward.

ADJOURNMENT

The meeting adjourned at 3:49 pm.