



**DIVERSION AUTHORITY
Land Management Committee
City Commission Room
Fargo City Hall
Thursday, October 10, 2013
2:00 p.m.**

1. Agenda review
2. Approve September 12, 2013 minutes
3. Hardship Acquisition Program Update Attachment #1
4. Crop Insurance Update
5. Management of Acquired Properties Policy
6. CCJWRD Land Acquisition Report
7. OHB Ring Levee Project Update
8. Right of Entry Status & Cultural Resources Easement Acquisition Update
9. Other business
10. Next meeting Thursday, November 14, 2013

**DIVERSION AUTHORITY
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City Commission Room
Fargo City Hall
Thursday, September 12, 2013
2:00 p.m.**

Committee Members Present: Oxbow Mayor Jim Nyhof, Cass County Commission Representative Darrell Vanyo, Cass County Joint Water Resource District Representative Rodger Olson, Buffalo-Red River Watershed District Representative Gerald Van Amburg, Fargo City Administrator Pat Zavoral, Cass County Administrator Keith Berndt, Moorhead City Administrator Michael Redlinger, Clay County Administrator Brian Berg, Director of Engineering Mark Bittner, Moorhead City Engineer Bob Zimmerman, City Engineer April Walker (alternate), Dirk Draper (Ex-Officio).

Others present: U.S. Army Corps of Engineers Project Managers Brett Coleman and Terry Williams, Mark Brodshaug – Cass County Joint Water Resource District, Lyndon Pease – Moore Engineering.

The meeting was called to order by Darrell Vanyo.

Agenda Review:

There were no additions or amendments to the agenda.

Approve August 8, 2013 Minutes:

Pat Zavoral moved the minutes of the August 8, 2013 meeting be approved as written. Keith Berndt seconded the motion. All the members voted aye and the motion was declared carried.

Hardship Acquisition Program Update:

Eric Dodds said two properties that were in negotiations have had appraisals completed and reviewed, with purchase agreements ready to be presented to the Diversion Authority. One property is on the Minnesota side near Oxbow at 387 170th Avenue, Moorhead, he said, and the second is in Oxbow at 346 Schnell Drive. The MN property has a purchase price of \$505,500.00 plus \$7,500.00 in relocation expenses, for a total purchase price of \$513,000.00, he said, and a purchase offer on the second is \$268,000.00 plus \$6,000.00 in moving expenses for a total of \$274,000.00.

In response to a question from Mark Bittner about whether part of the MN purchase is agricultural and what will happen with those acres, Mr. Dodds said yes, part of the four parcels involved are agricultural with some of it being farmed. It is still undecided, he said, whether the land could be rented or sold to adjacent property owners with flowage easements applied.

Keith Berndt moved the purchase agreements be forwarded to the Diversion Authority with a recommendation for approval. Jim Nyhof seconded the motion. All the members voted aye and the motion was declared carried.

Pat Zavoral said there was discussion at the Finance Committee meeting about developing a general policy to sell property that is not needed.

Darrell Vanyo said the future of Oxbow/Hickson/Bakke was unknown when the first hardship cases were acquired and now that some will be protected by a ring dike there may be opportunities to sell the acquired property.

Jim Nyhof said homes have not sold in Oxbow since 2009; however, following the announcement of a ring levee for protection, three have sold. He said there may be opportunities for land swaps as well.

Eric Dodds said two acquired properties are within the footprint and being rented with leases until January and February, 2014. A third hardship acquisition is being prepped for rental, he said.

Darrell Vanyo suggested waiting on the third property being prepared for rental, in case an opportunity for a sale could be arranged.

Pat Zavoral moved the Committee work toward selling the acquired properties not impacted by the route or the levee. Rodger Olson seconded the motion. All the members voted aye and the motion was declared carried.

Other Acquisitions

Chairman of the Cass County Joint Water Resource District Mark Brodshaug said the Joint Board signed a purchase agreement for a bank-owned house in Oxbow. He said the house has flood damage and is not rentable or suitable for selling. The intent is to demolish it this fall, he said.

CCJWRD Land Acquisition Operating Principles

Mark Brodshaug reviewed the operating principles, goals and guidelines for the land acquisition process. He said a top priority is to make the process as user-friendly as possible for the individuals that land is being purchased from. Even though they may not be happy, he said, making certain they understand the process and working around their schedules where possible is important. Since there will be various ways the CCJWRD will be reporting to a number of different committees, a standardized reporting form is being developed, he stated.

Jim Nyhof said there are 40 homes in Oxbow that will need appraisals in short order. He said it would be best to start the appraisal process soon on the homes with the most flood risk. He suggested an appraisal on the golf course very soon as well, due to there being some issues that will take some time.

Dirk Draper said work is being done to assign the golf course appraisal to an appropriate appraisal firm. The contract with the Joint Board is being finalized, he said, and acquisitions would take place after the Environmental Assessment is completed.

Eric Dodds said that while the exact alignment of the ring levee may not be finalized, it is understood the homes on Schnell Drive will need to be acquired, and from that standpoint there is no reason to wait with those appraisals. The actual acquisitions likely will take place in stages, he said.

Right-of-Entry Status and Cultural Resources Easement Acquisition Update

Lyndon Pease said the cultural surveys along the diversion, which were not completed last summer and fall, will be completed this fall. Most of the rights-of-entry have been focused around the Oxbow/Hickson/Bakke ring levee design, he said, with access granted by about 80 percent of the landowners. Those remaining parcels that have not granted access are scheduled to go to district court in early October, he said. Topographical and geotechnical surveys in that area will continue into early winter, he said.

In response to a question from Pat Zavoral about the treatment of cemeteries that may be in the staging area or the footprint of the diversion, Terry Williams said the feasibility study included a listing of affected cemeteries and the projected water depth. She said the options are: to do nothing if a cemetery is already inundated and the additional water makes no difference; construct ring levees; or relocate cemeteries. They would be analyzed on a case by case basis, she said.

Darrell Vanyo said he continues to get questions about cemeteries and any information, even preliminary, that could be shared would be helpful.

Other Business

Mitigation Options: Rodger Olson said that when it comes to making policies for land being acquired, the committee needs to be mindful of farmers who are operating the land, or have to give up land, and what options there may be to mitigate impacts. For example, there may be an area of excess land an adjacent farmer is interested in, he said, although it may be best if it went to a farmer who gave up more. He suggested being proactive, yet not competitive when it comes to mitigation options like looking at land advertised for sale.

Darrell Vanyo said it would be helpful if all involved could watch for opportunities.

Oxbow/Bakke/Hickson Design Team Update: Brett Coleman said coordinating all the pieces in Oxbow/Hickson/Bakke is underway. It is early in the process and as the design progresses things will become more formalized, he said. Some questions presented in face-to-face meetings will more accurately be answered as the design is worked through and more information is gathered, he said. There are some community members on the design team and they will be looked at to relay information and seek input from the communities of Oxbow/Hickson/Bakke, he said.

The next meeting will be Thursday, October 10, 2013 at 2:00 p.m.

The meeting adjourned at 2:40 p.m.

Hardship Acquisition Program Update

October 2013

New Items:

- No new hardship acquisition program applications have been received since May 2013.

Old Items:

- Ten hardship applications have been received since the program started in June 2012.
- Pending Acquisitions:
 - 346 Schnell Drive, Oxbow, ND: Closing is planned for spring 2014.
 - 387 170th Ave SW, Moorhead, MN: Closing is planned for November 2013.
- Acquired Properties:
 - 744 Riverbend Road, rented beginning February 15, 2013 for 12 months.
 - 105 Oxbow Drive, rented beginning April 15, 2013 for 9 months.
 - 121 Oxbow Drive, closed on July 31, and is being prepped for rental or sale
- A property management firm (Coldwell Banker) has been retained to administer renting the properties.
- The Corps has offered to conduct its 'Takings Analysis' on properties scheduled for hardship application in the event that acquisition requirements are not clear.
- Typical land acquisition process will take 7-13 months per the Land Management Plan. The steps include: surveys, title search, appraisal, negotiations, closing.