

**DIVERSION AUTHORITY  
Land Management Committee  
City Commission Room  
Fargo City Hall  
Thursday, December 19, 2013  
2:00 p.m.**

Committee Members Present: Fargo Mayor Dennis Walaker, Moorhead Mayor Mark Voxland, Oxbow Mayor Jim Nyhof, Cass County Commission Representative Darrell Vanyo, Clay County Commission Representative Jon Evert, Cass County Joint Water Resource District Representative Rodger Olson, Fargo City Administrator Pat Zavoral, Moorhead City Administrator Michael Redlinger, Clay County Administrator Brian Berg, Moorhead City Engineer Bob Zimmerman, Fargo City Engineer April Walker, Dirk Draper - CH2M (Ex-Officio).

Others Present: Eric Dodds - AE2S, Lyndon Pease - Moore Engineering, US Army Corps of Engineers Project Managers Terry Williams and Brett Coleman, Cass County Joint Water Resource District Representative Mark Brodshaug.

The meeting was called to order by Chair Dennis Walaker.

Agenda Review

There were no additions or amendments to the agenda.

Approve November 14, 2013 Minutes

Darrell Vanyo moved the minutes from the November 14, 2013 meeting be approved. Jon Evert seconded the motion. All the members voted aye and the motion was declared carried.

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

Mark Brodshaug said CCJWRD representatives attended the recent community meeting with Oxbow residents which included a good Q&A session with those being displaced. A survey is being done of owners of the properties being acquired to gather feedback for purposes of prioritization, he said. One property on the updated Land Management Summary is an agricultural property being acquired, he said, which was offered for sale at auction a couple weeks ago. It is in the probable alignment of the diversion south of Fargo where it will likely cross the Wild Rice River, he said, which at some point will make it a critical parcel for construction. Negotiations are underway for another agricultural property, he said, and the purchase of both will likely close in January. Appraisals will begin after the first of the year on the other listed properties, he said, most of which are residences. He said the appraisal process is underway for the golf course, which is a priority due to its high value and the unique circumstances.

Darrell Vanyo said opportunities such as the property acquired at a land auction may come up without much advance warning and it would be advantageous to provide guidance for the CCJWRD should this occur in the future. The recommendation of the Finance Committee, he said, is to name a small group, comprised of Pat Zavoral, Mike Montplaisir and himself, who could expedite or set the process in motion if opportunities arise on short notice. The Finance Committee, he said, also discussed

utilizing executive sessions for the Diversion Authority in cases where details or strategies are best not made public during negotiations.

In response to a question from Jon Evert about whether the intention is to purchase parcels for land swaps, Darrell Vanyo said the primary interest is to obtain land within the footprint.

Rodger Olson said perhaps the message presented to affected landowners is that there is a willing buyer for their land. He said if they find replacement land they are interested in, they could ask for assistance in acquiring replacement land at a fair price.

Pat Zavoral said the Diversion Authority approved a \$70 million budget for 2014 with \$38 million of that allocated for land acquisition. Matching funds are available from the State of North Dakota, he said; however, buildings are not eligible for a match, only land. He said CCJWRD is given the authority to act on purchases, and the Land Management Committee and Diversion Authority have the opportunity to confirm acquisitions. From the Finance Committee's perspective, he said, prioritization will be done based on the budget adopted by the Diversion Authority. The priority in this first year will be the purchase of Oxbow property, he said, and the next priority will be incidental acquisitions within the footprint or that are important to the diversion. He said the staging area comes later.

Darrell Vanyo moved that, in order to expedite any land acquisitions that come up quickly, the Finance Committee be the vehicle for providing guidance to the CCJWRD, with Mike Montplaisir, Pat Zavoral and Darrell Vanyo being direct contacts. Rodger Olson seconded the motion. All the members voted aye and the motion was declared carried.

Jim Nyhof said there is a property in Oxbow within the footprint of the road which may need early acquisition. It appears the three properties that were acquired through hardship acquisitions may not all be needed for the project, he said. Also, he said, Oxbow homeowners have expressed concerns about whether adequate contractors will be available when needed. He said a meeting is being arranged with the Homebuilders Association for discussion.

Eric Dodds said two of the three hardship acquisitions will be listed with a realtor and the status of the third depends on the final layout of the road.

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

Lyndon Pease said most of the access work done over the last few months has been taking place in Oxbow/Hickson/Bakke. Utility surveys are nearly complete for that design process, he said, with the remaining geotechnical work limited to the installation of two of three pieces of instrumentation monitoring equipment. Access to conduct surveys will be needed for four additional properties near the Wild Rice River dam, near Highway 14, he said, and will be part of the environmental mitigation. The Corps and technical team are developing a plan to address the potential need for access in the entire staging area, he said, which could be a significant portion of the project.

### Other Business

Darrell Vanyo said each entity is handling buyouts differently and asked whether the group saw a need for consistency. He said he received a letter requesting moving expenses.

April Walker said it is important for different entities to maintain the ability to use various programs based on different funding sources to achieve buyouts. Fargo's program is voluntary, she said, with one of the incentives being \$5,000 for relocation, which differs from the Hazard Mitigation Grant Program. The ability to retain autonomy and execute buyouts in the most efficient manner is important, she said.

Dennis Walaker said this is the last meeting for Moorhead Mayor Mark Voxland and, on behalf of the Committee, thanked him for his participation on this Committee and for his part in the overall diversion project.

Dirk Draper requested guidance on managing acquired agricultural property. He said there is an agreement with the property management firm Coldwell Banker to manage properties; however, that property management firm does not have resources for managing agricultural land.

Rodger Olson cautioned that it is important during this process to be sensitive if it is decided to rent out acquired agricultural land. It would be good to have a previous renter's status hold some weight in the RFP process, he said.

Mark Brodshaug said retaining a management company to handle the specialized issues that come with farmland is a good idea.

Chairman Dennis Walaker asked Mr. Brodshaug to look into finding a company that could manage farm land and bring a recommendation to this committee.

In response to a question from Brian Berg about who would manage rural homes acquired with agricultural land, Eric Dodds said residences will be auctioned off and land acquired will have a flowage easement placed on it prior to re-sale.

There will not be a meeting in January unless it is determined to be necessary. The next meeting will be Thursday, February 13, 2014 at 2:00 p.m.

The meeting adjourned at 2:48 p.m.