



**DIVERSION AUTHORITY
Land Management Committee
City Commission Room
Fargo City Hall
Tuesday, December 15, 2015
2:30 p.m.**

1. Agenda review
2. Approve November 24, 2015 minutes
3. CCJWRD Land Management Report
4. Property Management Update
5. Property Acquisition & Relocations
6. Other business
7. Next meeting January 13, 2016

**DIVERSION AUTHORITY
Land Management Committee Minutes
City Commission Room
Fargo City Hall
Tuesday, November 24, 2015
4:00 p.m.**

Land Management Committee Members Present: Fargo Mayor Tim Mahoney, Oxbow Mayor Jim Nyhof, Cass County Commission Representative Darrell Vanyo (via conference call), Clay County Commission Representative Jenny Mongeau, Cass County Joint Water Resource District Representative Rodger Olson, Buffalo-Red River Watershed District Representative Gerald Van Amburg, Fargo City Commission Representative Dave Piepkorn, Cass County Administrator Keith Berndt, Clay County Administrator Brian Berg, Moorhead City Engineer Bob Zimmerman.

Others present: Bruce Grubb - Interim Fargo City Administrator, Eric Dodds - AE2S, Scott Stenger – ProSource.

Agenda Review

There were no additions or amendments to the agenda.

Approve November 10, 2015 Minutes

Dave Piepkorn moved the minutes from the November 10, 2015 meeting be approved. Rodger Olson seconded the motion. All the members present voted aye and the motion was declared carried.

Property Acquisitions

Robert L. and Judith Anderson

Eric Dodds said this property was discussed at the last meeting and there were some concerns regarding the analysis of comparable properties done and that work has been revisited.

In response to a question from Dave Piepkorn regarding the possibility of jeopardizing a relationship with the state of Minnesota by moving forward with the purchase of this property, Bob Zimmerman said the conversation that he had with a staff person, which may or may not represent the entire agency, did not raise any red flags and in his personal opinion, he feels that the action on this purchase would be very hard to criticize.

Brian Berg moved to recommend the CCJWRD execute a purchase agreement with Robert L. and Judith Anderson in the amount of \$214,000.00. Dave Piepkorn seconded the motion. On call of the roll Berg, Piepkorn, Vanyo, Zimmerman, Van Amburg, Berndt, Olson, Bittner and Mahoney voted aye. The motion was declared carried.

Paul and Valerie Benson

Eric Dodds said this is a property that the architect has taken a look at and reviewed the unit cost ranges and has concluded that unit costs and replacement home value is consistent with previous unit costs and are considered within the curve.

Mark Bittner moved to recommend the CCJWRD execute a purchase agreement with Paul and Valerie Benson in the amount of \$551,500.00 as just compensation for real property, execution of a replacement housing agreement with an estimated payment of \$244,571.00 for decent, safe, sanitary and comparable replacement housing and payment for the replacement lot in the amount of \$139,000.00, which will be fully reimbursed to the CCJWRD per the Oxbow MOU Amendment. Darrell Vanyo seconded the motion. On call of the roll Bittner, Vanyo, Berg, Zimmerman, Mongeau, Van Amburg, Nyhof, Berndt, Olson and Mahoney voted aye. Dave Piepkorn voted nay. The motion was declared carried.

Kilbourne Group (Skakey's Pizza Buildings)

Dave Piepkorn moved to recommend the CCJWRD execute a purchase agreement with the Kilbourne Group in the amount of \$1,031,000.00 as just compensation for real property and recommend to the CCJWRD the sale of remnant property from the former Fargo Public Schools property to the Kilbourne Group in the amount of \$1,401,000.00. Brian Berg seconded the motion. On call of the roll Piepkorn, Berg, Vanyo, Zimmerman, Mongeau, Nyhof, Van Amburg, Berndt, Olson, Bittner and Mahoney voted aye. The motion was declared carried.

David Hasbargen and Wayne Zimmerman

Eric Dodds said these residents are electing to take a buyout to move out of Oxbow and will not be rebuilding in Oxbow. He said this buyout is for the home and three vacant parcels that include landscaping and other features.

In response to a question from Tim Mahoney as to the reasoning for the additional \$70,000.00 in the home appraisal amount, Eric Dodds said bottom line is that they have seen several instances throughout this process where the appraisals maybe have some errors or have some things that could easily be challenged. He said in this case the homeowners are wanting to settle this as quickly and easily as possible and he is highly encouraging this offer.

Rodger Olson moved to recommend the CCJWRD execute a purchase agreement with David Hasbargen and Wayne Zimmerman in the amount of \$1,222,600.00 as just compensation for real property. Mark Bittner seconded the motion. On call of the roll Olson, Bittner, Vanyo, Berg, Zimmerman, Mongeau, Nyhof, Van Amburg, Berndt and Mahoney voted aye. Dave Piepkorn voted nay. The motion was declared carried.

Randy and Lisa Cramer

Eric Dodds said this is a vacant lot in Oxbow which was determined through an extraordinary assumption that the property was no longer buildable during the appraisal process. He said that assumption was challenged by the homeowner and through additional research it was determined that the lot is buildable and usable. After lengthy negotiations with the property owners they arrived at a counter offer of \$125,000.00 for the property.

In response to a question from Mark Bittner wondering if this lot meets the river setback requirements, Scott Stenger, Prosource, said FEMA has determined the minimum elevation for the foundation. He said in the area of this lot where the home would likely be built it is one to two feet underneath that minimum elevation; therefore, the existing platted lot would be buildable today. He said there is not an ordinance or requirements that it could not be built on, as long as it meets the minimum elevation that was changed January 15, 2015.

Darrell Vanyo moved to recommend the CCJWRD execute a purchase agreement with Randy and Lisa Cramer in the amount of \$125,000.00 as just compensation for real property. Rodger Olson seconded the motion. On call of the roll Vanyo, Olson, Berg, Zimmerman, Nyhof, Van Amburg, Berndt, Bittner and Mahoney voted aye. Jenny Mongeau and Dave Piepkorn voted nay. The motion was declared carried.

Jenny Mongeau moved the meeting be adjourned. Keith Berndt seconded the motion. All the members voted aye and the motion was declared carried.

The meeting adjourned at 4:32 p.m.

The next meeting will be Tuesday, December 15, 2015 at 2:30 p.m.