

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 18, 2022

A virtual / conference call meeting of the Cass County Joint Water Resource District was held on February 18, 2022, at 8:00 a.m.

Present were Dan Jacobson and Keith Weston, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Ken Lougheed, North Cass Water Resource District; Jacob Gust, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Melissa Maertens, Administrative Assistant; Sean M. Fredricks; Chris McShane, John T. Shockley, Luke Andrud and Katie J. Schmidt, Ohnstad Twichell, P.C.; Rob Stefanowicz, Larkin Hoffman Attorneys; Eric Dodds, Dean Vetter and Sabrina Tusa, AE2S; Dale Ahlsten, ProSource Technologies, LLC; Oly Olafson, Lee Kaffar, Wade Whitworth and Kelsey Lee, HDR, Inc.; Ken Helvey and Lisa Kilde, SRF Consulting Group, Inc.; Drew Nicklay, Ulteig Engineers, Inc.; Mary Scherling and Duane Breitling, Cass County Commissioners; Joel Paulsen, Diversion Authority Executive Director; Jodi Smith, Diversion Authority Director of Lands; Martin Nicholson, Diversion Authority; Leo Richard and Kristi Sauvageau, Stanley Township property owners.

**Agenda**

It was moved by Manager Lougheed, seconded by Manager Gust and unanimously carried to approve the order of the agenda, as presented.

**Metro Flood Diversion Project – Executive Session for purposes of discussing ongoing contract negotiations and attorney consultation regarding ongoing litigation associated with right of way acquisition to accommodate the Metro Flood Diversion Project, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9), regarding the following matters:**

It was moved by Manager Gust and seconded by Manager Weston to close the meeting at 8:12 a.m. for the purposes of discussing ongoing contract negotiations and attorney consultation regarding ongoing litigation associated with right of way acquisition to accommodate the Metro Flood Diversion Project, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5) and (9) regarding the following matters:

1. Cass County Joint Water Resource District v. Terry Sauvageau and Kristi Sauvageau, et al., Civil File No. 09-2021-CV-03293 (OINs 28 and 1098);
2. Cass County Joint Water Resource District v. Phyllis J. Brunelle, Julie A. Hoffman, and Steven R. Brunelle, Civil File No. 09-2021-CV-03301 (OINs 1108, 1109, and 1110);

3. Cass County Joint Water Resource District v. Claude Richard, et al., Civil File No. 09-2021-CV-03310 (OINs 1087, 1093, and 5002);
4. Cass County Joint Water Resource District v. Leo A. Richard and Shirley J. Richard, Civil File No. 09-2021-CV-03298 (OINs 27 and 1083); and
5. Cass County Joint Water Resource District v. Raymond Kvalvog, Mark Nyquist, and Farmers & Merchants National Bank n/k/a Aspire Financial, Civil File No. 09-2020-CV-03366 (OIN 9004)

Upon roll call vote, the motion carried unanimously.

The executive session was attended by Managers Jacobson, Olson, Lougheed, Weston and Gust, Carol Harbeke Lewis, Melissa Maertens, Sean M. Fredricks, Chris McShane, John T. Shockley, Lukas Andrud, Katie J. Schmidt, Rob Stefonowicz, Joel Paulsen, Jodi Smith, Martin Nicholson, Mary Scherling, Duane Breitling, Eric Dodds, Dean Vetter, Sabrina Tusa, Ken Helvey, Lisa Kilde, Oly Olafson and Wade Whitworth.

The executive session adjourned at 9:38 a.m. and the regular meeting was reconvened and opened to the public.

**Metro Flood Diversion Project – acquisition review / approval**

A motion was made by Manager Olson and seconded by Manager Lougheed to approve the *Purchase Agreement* for OINs 28 and 1086 regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Weston, seconded by Manager Olson and unanimously carried to adjourn the meeting.

APPROVED:

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Dan Jacobson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer