

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 4, 2022

A virtual / conference call special meeting of the Cass County Joint Water Resource District was held on May 4, 2022, at 8:30 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, Luke Andrud, Katie J. Schmidt, Andrew D. Cook and Stephen Hilfer, Ohnstad Twichell, P.C.; Rob Stefonowicz, Larkin Hoffman Attorneys; Eric Dodds and Dean Vetter, AE2S; Oly Olafson, Lee Kaffar, Wade Whitworth and Kelsey Lee, HDR, Inc.; Ken Helvey and Lisa Kilde, SRF Consulting Group, Inc.; Duane Breitling and Mary Scherling, Cass County Commissioners; Joel Paulsen, Diversion Authority Executive Director; Jodi Smith, Diversion Authority Director of Lands; Leo Richard and Kristie Sauvageau, Stanley Township property owners.

Metro Flood Diversion Project – Executive Session for purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation, all related to right of way and property acquisitions necessary to accommodate the Metro Flood Diversion Project, in accordance with N.D. Cent. Code §§ 44-04-19.1(2), (5), and (9)

It was moved by Manager Gust and seconded by Manager Weston to close the meeting at 8:31 a.m. for the purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation, all related to right of way and property acquisitions necessary 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. Gene J. Sauvageau and Brenda J. Sauvageau, et al, Civil File No. 09-2021-CV-03297 (OIN 1107);
2. Cass County Joint Water Resource District v. David Delaney, et al, Civil File No. 09-2021-CV-03301 (OIN 1202); and
3. Flowage Easement negotiation strategies

Upon roll call vote, the following Managers voted in favor: Jacobson, Olson, Lougheed, Weston and Gust. The motion carried unanimously.

The executive session was attended by Managers Jacobson, Olson, Lougheed, Weston and Gust, Carol Harbeke Lewis, Melissa Maertens, Sean Fredricks, Luke Andrud, Chris

McShane, Katie Schmidt, Andrew D. Cook, Stephen Hilfer, Rob Stefonowicz, Joel Paulsen, Jodi Smith, Mary Scherling, Duane Breitling, Eric Dodds, Dean Vetter, Ken Helvey and Lisa Kilde.

The executive session adjourned at 9:28 a.m. and the regular meeting was reconvened and opened to the public.

Metro Flood Diversion Project – acquisition review / approval

Manager Olson moved to declare the necessity to acquire real property identified as OIN 1107 in fee simple for the FM Area Diversion Project, and to instruct legal counsel to amend the Complaint in Civil Number 09-2021-CV-03297 to acquire the entire property identified as OIN 1107 in fee simple by eminent domain. Manager Gust seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Lougheed moved to declare the necessity to acquire real property identified as OIN 1202 in fee simple for the FM Area Diversion Project, and to instruct legal counsel to amend the Complaint in Civil Number 09-2020-CV-02308 to acquire the entire property identified as OIN 1202 in fee simple by eminent domain. Manager Weston seconded the motion. Upon roll call vote, the motion carried unanimously.

Adjournment

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

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer