

CASS COUNTY JOINT WATER RESOURCE DISTRICT
VIRTUAL / CONFERENCE CALL SPECIAL MEETING
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
1201 MAIN AVENUE WEST
WEST FARGO, NORTH DAKOTA
DECEMBER 4, 2024
10:00 A.M.

A virtual / conference call special meeting of the Cass County Joint Water Resource District was held on December 4, 2024, at 10:00 a.m.

Present were Keith Weston and Rick Steen, Southeast Cass Water Resource District; Gerald Melvin, Maple River Water Resource District; Jacob Gust, Rush River Water Resource District; Melissa Hinkemeyer, Director, Secretary; Elizabeth Smith, Administrative Assistant; Sean Fredricks, Chris McShane, and Lukas Andrud, Ohnstad Twichell, P.C.; Rob Stefonowicz, Larkin Hoffman; Jodi Smith, Jessica Warren, and Madeline Daudt, Metro Flood Diversion Authority (MFDA); Eric Dodds, Dean Vetter, and Sabrina Tusa, AE2S; Scott Stenger and Dale Ahlsten, ProSource Technologies, LLC. Manager Ken Lougheed, North Cass Water Resource District, was absent.

Approval of agenda

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

Metro Flood Diversion Project – Executive Session for purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation and contract negotiations 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:

It was moved by Manager Gust and seconded by Manager Melvin to close the meeting at 10:08 a.m. for purposes of discussing contract negotiation strategies, litigation strategies, and attorney consultation regarding ongoing litigation and contract negotiations 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:

- Cass County Joint Water Resource District v. Charles Christianson, Shirley Christianson, et al, Civ. No. 09-2023-CV-01694 (OIN 2022); and
- Cass County Joint Water Resource District v. Rodney A. Mathison, Cherie K. Mathison, et al, Civ. No. 09-2024-CV-02120 (OIN 1891).

Upon roll call vote, the following Managers voted in favor: Weston, Gust, Steen, and Melvin. Manager Lougheed was absent. The motion carried unanimously.

The executive session was attended by Managers Weston, Gust, Steen, and Melvin, Melissa Hinkemeyer, Elizabeth Smith, Sean Fredricks, Chris McShane, Lukas Andrud, Rob Stefonowicz, Jodi Smith, Jessica Warren, Madeline Daudt, Eric Dodds, Dean Vetter, Sabrina Tusa, Scott Stenger, and Dale Ahlsten.

The executive session adjourned at 10:47 a.m. and the regular meeting was reconvened and opened to the public.

Metro Flood Diversion Project - Acquisition review and approval

Vice Chairman Weston asked if any members of the Board wished to offer any motions regarding the following matters:

- Cass County Joint Water Resource District v. Charles Christianson, Shirley Christianson, et al, Civ. No. 09-2023-CV-01694 (OIN 2022); and
- Cass County Joint Water Resource District v. Rodney A. Mathison, Cherie K. Mathison, et al, Civ. No. 09-2024-CV-02120 (OIN 1891).

Manager Steen moved to approve a settlement with the Christiansons, as follows:

- Christianson will convey to the Cass County Joint Water Resource District (the "District") flowage easement interests over OIN 2022, consisting of approximately 1.7 acres, as depicted in the District's appraisal, and to be defined more fully by survey to be completed by the District.
- The District will pay the Christiansons a total of \$6,800 upon closing of the real estate transaction contemplated under the parties' settlement agreement, as outlined above.
- Following the closing of the of the real estate transaction contemplated under the parties' settlement agreement, the parties will execute and file a stipulation to dismiss the eminent domain action, Cass County Joint Water Resource District v. Charles Christianson, Shirley Christianson, et al, Civ. No. 09-2023-CV-01694.
- The District will reimburse the Christiansons for reasonable attorneys' fees and costs, not to exceed \$25,000.

Manager Gust seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Melvin moved to approve a settlement with Rodney and Cherie Mathison, as follows:

- The Mathisons will convey to the Cass County Joint Water Resource District (the "District") flowage easements interests over OIN 1891, consisting of approximately 17.45 acres, as defined by survey.
- The District will pay the Mathisons a total of \$755,000 upon closing of the real estate transaction contemplated under the parties' settlement agreement for OIN 1891, as outlined above, inclusive of the RHDP.
- The District will have the right to enter upon OIN 1891 upon execution of the parties' settlement agreement and before closing for purposes of conducting cultural surveys.
- The District will reimburse the Mathisons for reasonable and eligible relocation costs and expenses in accordance with the Uniform Relocation Act, which may include residential moving and closing costs.
- Following the closing of the of the real estate transaction contemplated under the

parties' settlement agreement, the parties will execute and file a stipulation to dismiss the eminent domain action, Cass County Joint Cass County Joint Water Resource District v. Rodney Mathison and Cherie Mathison, et al, Civ. No. 09-2024-CV-02120.

- The District will reimburse the Mathisons' reasonable attorneys' fees and costs, not to exceed \$40,000.

Discussion:

Manager Steen stated additional discussion and clarification regarding this settlement offer was very helpful and pertinent to the Board's decision regarding the matter. The Board indicated that they will continue to ask for clarification and additional information when needed regarding property acquisition matters for the Metro Flood Diversion Project.

Vice Chairman Weston seconded the motion. Upon roll call vote, the following Managers voted in favor: Steen, Melvin, Weston. The following Managers voted against the motion: Gust. Manager Lougheed was absent. Vice Chairman Weston stated the motion passed.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Gust, seconded by Manager Melvin, and unanimously carried to adjourn the meeting.

APPROVED:

Ken Lougheed
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary