

MINUTES OF CASS COUNTY JOINT WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
HERITAGE CONFERENCE ROOM  
WEST FARGO, NORTH DAKOTA  
JANUARY 9, 2025  
8:30 A.M.

A meeting of the Cass County Joint Water Resource District was held on January 9, 2025, at 8:30 a.m.

Present were Ken Lougheed, North Cass Water Resource District; 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; Leilei Bao, Treasurer; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks, Chris McShane, Lukas Andrud, Katie Schmidt, and John Shockley, Ohnstad Twichell, P.C.; Brady Woodard, Josh Hassell, and Chad Engels, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jodi Smith, Jessica Warren, Madeline Daudt, and Tom Fuchs, Metro Flood Diversion Authority (MFDA); Eric Dodds, Dean Vetter, and Sabrina Tusa, AE2S; Dale Ahlsten, ProSource Technologies, LLC; Katrina Olson, Jacobs; Leo Richard, Stanley Township property owner.

**Approval of agenda**

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

**Minutes**

It was moved by Manager Melvin, seconded by Manager Weston, and unanimously carried to approve the minutes of the December 19, 2024, meeting, as amended.

**Reorganization of the Board for 2025**

It was moved by Manager Gust and seconded by Manager Steen to appoint the following individuals to serve in the designated capacities for calendar year 2025:

|                    |               |
|--------------------|---------------|
| Ken Lougheed       | Chairman      |
| Keith Weston       | Vice Chairman |
| Melissa Hinkemeyer | Secretary     |
| Leilei Bao         | Treasurer     |

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Steen and seconded by Manager Gust to appoint the following individuals to serve in the designated capacities for calendar year 2025:

|              |  |
|--------------|--|
| Rick Steen   | Diversion Authority Representative                                     |
| Ken Lougheed | Diversion Authority Alternate Representative                           |
| Rick Steen   | Diversion Authority Planning Committee                                 |
| Ken Lougheed | Diversion Authority Planning Committee Alternate Representative        |
| Jacob Gust   | Diversion Authority Land Management Committee Representative           |
| Keith Weston | Diversion Authority Land Management Committee Alternate Representative |
| Rick Steen   | Diversion Authority Finance Committee Representative                   |
| Jacob Gust   | Diversion Authority Finance Committee Alternate Representative         |

It was moved by Manager Weston and seconded by Manager Steen to appoint the following individuals to serve in the designated capacities for calendar year 2025:

|               |   |
|---------------|---|
| Gerald Melvin | North Dakota Water Coalition representative           |
| Jacob Gust    | North Dakota Water Coalition alternate representative |

Upon roll call vote, the motion carried unanimously.

**Review of Contracts for Engineering Services**

Chad Engels briefly reviewed the *Third Amendment to the Agreement between Owner and Engineer for Professional Services* with Moore Engineering, Inc. regarding engineering services for Cass County Joint Water Resource District. The *Agreement* has expired, and Mr. Engels requested the Board consider renewing the *Agreement*.

A motion was made by Manager Steen and seconded by Manager Weston to approve and authorize the Chairman to sign the *Third Amendment to the Agreement between Owner and Engineer for Professional services* with Moore Engineering, Inc. regarding engineering services for Cass County Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Steen and seconded by Manager Melvin to approve the Moore Engineering, Inc. 2025 billing rates as presented for engineering services for Cass County Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Weston and seconded by Manager Steen to approve and authorize the Chairman to sign the *Frist Amendment* to the *Agreement between Owner and Engineer for Professional services* with Houston Engineering, Inc. regarding engineering services for Cass County Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Melvin to approve the Houston Engineering, Inc. 2025 billing rates as presented for engineering services for Cass County Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

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

It was moved by Manager Weston and seconded by Manager Gust to close the meeting at 8:58 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 matter:

Cass County Joint Water Resource District v. Chad E. Patrick, et al, Civ. No. 39-2023-CV-00088 (OIN 1478).

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

The executive session was attended by Managers Lougheed, Weston, Gust, Melvin, and Steen, Melissa Hinkemeyer, Leilei Bao, Elizabeth Smith, Sean Fredricks, Chris McShane, Luke Andrud, Katie Schmidt, John Shockley, Jodi Smith, Madeline Daudt, Eric Dodds, Dean Vetter, Sabrina Tusa.

The executive session adjourned at 9:09 a.m. and the regular meeting was reconvened and opened to the public.

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

Chairman Lougheed asked if any members of the Board wished to offer any motions regarding the following matter:

Cass County Joint Water Resource District v. Chad E. Patrick, et al, Civ. No. 39-2023-CV-00088 (OIN 1478).

Manager Steen moved to approve a settlement with Chad E. Patrick (“Patrick”), as follows:

- Patrick will convey to the Cass County Joint Water Resource District (the “District”) flowage easement interests over OIN 1478, consisting of approximately 1.285 acres, to be defined more fully by survey to be completed by the District.
- The District will pay Patrick a total of \$30,000 upon closing of the real estate transaction contemplated under the parties’ settlement agreement, as outlined above; the \$30,000 is inclusive of all attorneys’ and appraisal fees.
- 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. Chad E. Patrick, et al, Civ. No. 39-2023-CV-00088.

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

### **Maple River Dam - General operation and maintenance updates**

Brady Woodard updated the Board on the activities at the Maple River Dam. Mr. Woodard reported the contractor for the Maple River Dam tree and debris removal project in the backwater pool of the Maple River Dam has started the project. Mr. Woodard will continue to work with land owners near the Maple River Dam and bring any updates back to the Board. The Board will review the funding of the project at the next meeting and consider extending the existing contract or entering into a new contract to continue this project.

### **Maple River Dam – Emergency Action Plan update**

Mike Opat reported the North Dakota Department of Water Resources approved cost-share for the surveying task regarding the Maple River Dam Emergency Action Plan update. Mr. Opat prepared Task Order No. 1 for Houston Engineering, Inc. regarding the Maple River Dam Emergency Action Plan for the Board to review at the next meeting.

### **Regional Conservation Partnership Program (RCPP) – Rush River Watershed**

Josh Hassell updated the Board on cost-share for the Conditional Letter of Map Revision and permitting for the RCPP – Rush River Watershed Project. Mr. Hassell noted the Project design is being reviewed by the Natural Resources Conservation Service (NRCS).

### **Regional Conservation Partnership Program (RCPP) – Upper Maple River Watershed**

Mr. Hassell briefly updated the Board on the status of the RCPP Upper Maple River Watershed Plan. Mr. Hassell is working with the NRCS to answer any questions they have as they work to update the cultural report in the Plan. The NRCS will then forward the Plan to the National Watershed Management Center for their review.

**Sheldon Flood Protection Project No. 2019-01**

Mr. Woodard briefly updated the Board on the status of the Sheldon Flood Protection Project No. 2019-01. Mr. Woodard reported they are sending the Project to bid.

**2024 Audit**

The Secretary and Treasurer received a cost proposal from the North Dakota State Auditor’s Office with a not to exceed amount of \$31,110 for the 2024 audits as well as a proposal regarding assistance with financial statements with a not to exceed amount of \$25,100. The State Auditor’s Office is aware of the Water Resource District’s timeline and is willing and able to assist.

It was moved by Manager Steen and seconded by Manager Weston to accept the proposal from the North Dakota State Auditor’s Office for the 2024 audits not to exceed \$31,110 and the preparation of the financial statements with a not to exceed amount of \$25,100. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Steen and seconded by Manager Melvin to approve payment of the wire transfers as presented. Upon roll call vote, the following Managers voted in favor: Lougheed, Gust, Steen, Weston and Melvin. The Chairman declared 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