

MINUTES OF CASS COUNTY JOINT WATER RESOURCE DISTRICT MEETING
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
FEBRUARY 13, 2025
8:30 A.M.

A meeting of the Cass County Joint Water Resource District was held on February 13, 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-Treasurer; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean Fredricks, Lukas Andrud, and Katie Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Lyndon Pease, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Rob Stefonowicz, Larkin Hoffman; Duane Breitling, Cass County Commissioner; Jodi Smith, Jessica Warren, and Madeline Daudt, Metro Flood Diversion Authority (MFDA); Eric Dodds and Dean Vetter, AE2S; Ken Helvey and Katie Laidley, SRF Consulting Group, Inc.; Oly Olafson, HDR, Inc.; and Leo Richard, Stanley Township property owner.

Approval of agenda

It was moved by Manager Steen, 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 Gust, and unanimously carried to approve the minutes of the January 13, 15, and 23, 2025, meetings, as presented.

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 Gust and seconded by Manager Weston to close the meeting at 8:36 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. Michael T. Hanson, First United Bank f/k/a Ramsey National Bank, et al, Civ. No. 09-2023-CV-04012 (OIN 8920).

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, Elizabeth Smith, Rita Nelson, Sean Fredricks, Lukas Andrud, Katie Schmidt, Rob Stefanowicz, Jodi Smith, Madeline Daudt, Eric Dodds, Dean Vetter, Ken Helvey, and Katie Laidley.

The executive session adjourned at 8:58 a.m. and the regular meeting was reconvened and opened to the public.

Metro Flood Diversion Project – Acquisition review / approval continued

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

- Cass County Joint Water Resource District v. Michael T. Hanson, First United Bank f/k/a Ramsey National Bank, et al, Civ. No. 09-2023-CV-04012 (OIN 8920).

Manager Steen moved to approve a settlement with Michael T. Hanson (“Hanson”), as follows:

- Hanson will convey to the Cass County Joint Water Resource District (the “District”) flowage easement interests over OIN 8920, consisting of approximately 3.84 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 Hansons a total of \$770,000 upon closing of the real estate transaction contemplated under the parties’ settlement agreement, as outlined above, inclusive of the replacement housing differential payment (“RHDP”).
- Hanson will vacate the property no later than September 2, 2025.
- 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. Michael T. Hanson, First United Bank f/k/a Ramsey National Bank, et al, Civ. No. 09-2023-CV-04012.
- The District will reimburse Hanson for reasonable attorneys’ fees and costs, not to exceed \$75,000.

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

Metro Flood Diversion Project – Excess lands

A motion was made by Manager Steen and seconded by Manager Weston to approve the Purchase Agreement for OIN 2185 with Corey Lindeman regarding the Metro Flood Diversion Project. 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 Maple River Dam tree and debris removal project in the backwater pool of the Maple River Dam has been going very well. The contractor should have the project completed by the end of February or the first week in March.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Mr. Lysne updated the Board on the Conditional Letter of Map Revision (CLOMR) and permitting for the RCPP – Rush River Watershed Project. Moore Engineering, Inc. has had preliminary meetings with FEMA and the Department of Water Resources to discuss the CLOMR and construction permit for the Project.

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

Mr. Lysne briefly updated the Board on the status of the RCPP Upper Maple River Watershed Plan. The NRCS is making small adjustments to the Plan. Once the NRCS is complete with their adjustments to the Plan, they will then forward the Plan to the National Watershed Management Center for their review.

Sheldon Flood Protection Project No. 2019-01

Mr. Lysne briefly updated the Board on the status of the Sheldon Flood Protection Project No. 2019-01. Mr. Lysne reported Moore Engineering, Inc. is finalizing the bid package.

Brookstone Companies Townhome Project

Brief discussion as held on the Brookstone Companies Townhome Project. The Water Resource District Engineer does not have any concerns about this project impacting Water Resource District facilities.

A motion was made by Manager Steen and seconded by Manager Weston to receive and file the Brookstone Companies Townhome Project notice. Upon roll call vote, the motion carried unanimously.

Administrative Items

The Director reported Amy Hepper accepted the Accountant/Treasurer position as offered and will be starting next week.

Bills

It was moved by Manager Steen and seconded by Manager Melvin to approve Check #15398 and 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.

Meeting Owl

The Secretary proposed purchasing a Meeting Owl to be utilized by all the Water Resource Districts for meetings outside of the Cass County Highway Department. A motion was made by manager Weston and seconded by Manager Steen to approve the purchase of the Owl Labs Meeting Owl 3 device.

Discussion: Discussion was held on whether there are any annual fees associated with the purchase of the device. There are no additional fees beyond the purchase price.

Manager Steen stated the accessibility of this device is a great idea and would make meetings outside of the Highway Department building easier to conduct

Upon roll call vote, the motion carried unanimously.

March Meeting

Discussion was held on the dates of the March meetings. The Board directed the Secretary to cancel the March 13, 2025, meeting if there are no Diversion items to be considered.

Adjournment

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

APPROVED:

Ken Lougheed
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary