

MEETING MINUTES
SARGENT COUNTY WATER RESOURCE BOARD AGENDA
Executive Session - Thursday, February 28th, 2024
Sargent County Courthouse - Forman, North Dakota
8:30 a.m.

The Board conducted a special meeting to discuss the Drain 11 project, including an Executive Session to discuss the litigation matter.

Sean Fredricks indicated that, by law, he would have to read a script regarding the Board's Executive Session, and will record his reading of the script; in addition, the Board will have to record the Executive Session.

Manager Stein moved, and Manager Wyum seconded the motion, to close the meeting, and to participate in an executive session, at approximately 8:35 a.m., for purposes of attorney consultation regarding ongoing litigation related to the Drain 11 project, in accordance with N.D. Cent. Code § 44-04-19.1(2), (5), and (9), in the following matter:

Sargent County Water Resource District v. Gregory S. Beck, et al, Civil File No.
41-2021-CV-00034, N.D. Supreme Court No. 20220357.

Upon roll call vote, the motion carried unanimously.

The executive session was attended by Chairman Luke Siemieniewski; Board members Todd Stein, Roger Zetocha, Bruce Speich, and Michael Wyum; the Board's Secretary-Treasurer Wendy Willprecht; the Board's attorneys, Sean Fredricks, Chris McShane, and Stephen Hilfer; and the Board's engineers Nathan Trosen and Josh Hassell.

The executive session adjourned at approximately 9:10 a.m., and the Board returned to the public Teams meeting, open to the public, and invited members of the public back into the Board's conference room.

Chairman Siemieniewski asked if any members of the Board wished to offer any motions.

Manager Wyum moved to direct the Board's counsel to execute a Stipulation to Dismiss, with defense counsel, in the case entitled *Sargent County Water Resource District v. Gregory S. Beck, et al*, Civil File No. 41-2021-CV-00034, including the following terms:

1. Authorization for the Chair and Secretary-Treasurer to sign easements with the Beck and Bosse landowners, for the same consideration previously deposited with the District Court and withdrawn by those landowners for the right of way sought in the eminent domain action;
2. A refund to the Board of the \$52,917 previously deposited with the District Court as consideration regarding the right of way sought from the Mathews/Delahoyde landowners in the eminent domain action;
3. Payment of attorneys' fees as ordered by the District Court, not to exceed \$105K.

Manager Zetocha seconded the motion. Upon roll call the motion carried unanimously. The meeting adjourned at 9:16 a.m.

APPROVED:

LUCAS SIEMIENIEWSKI, CHAIRMAN

ATTEST:

WENDY WILLPRECHT SECRETARY-TREASURER