

DRAFT

MEETING MINUTES
SARGENT COUNTY WATER RESOURCE BOARD AGENDA
Executive Session – Monday, July 1st 2024
Sargent County Courthouse - Forman, North Dakota
1:00 p.m.

Drain 11 Project and Lawsuit

The District Court recently issued an Order regarding the defendants' motion for attorneys' fees and issued an Amended Judgment in the eminent domain lawsuit. The Court ruled from the bench at the hearing on June 24 and denied the recent motion that sought to require the Board to pay the defendants' attorneys' fees from the general fund as opposed to the Drain 11 fund. In the Court's written Order, the Court awarded the defendants \$118,908.62 in fees, payable to the Braaten Law Firm within 30 days. The Court's Amended Judgment included the updated attorneys' fees award.

At the Board's special meeting on February 28, 2024, the Board approved a motion as follows:

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with the Beck and Bosse landowners, for the same consideration previously deposited with the District Court and withdrawn by those landowners for the right of way sought in the eminent domain action;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.

The Board conducted this special meeting to discuss the Court's recent Order and Amended Judgment, including an Executive Session for purposes of attorney consultation.

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

Manager Wyum moved, and Manager Speich seconded the motion, to close the meeting, and to participate in an executive session, at approximately 1:05 p.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, Katie Schmidt, and Stephen Hilfer; and the Board's engineers Nathan Trosen and Josh Hassell.

The executive session adjourned at approximately 1:32 p.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 Stein moved to amend the motion approved by the Sargent County Water Resource District on February 28, 2024, in this matter to increase the attorneys' fees payment from \$105,000 to \$118,908.62, as Ordered by the District Court. Manager Zetocha seconded the motion. Upon roll call vote, Chairman Siemieniewski and Managers Stein, Zetocha, and Wyum voted yes. Manager Speich voted no. The motion carried.

Manager Wyum next moved to direct Secretary-Treasurer Willprecht to issue a check made out to Braaten Law Firm in the amount of \$118,908.62. Manager Zetocha seconded the motion. Upon roll call vote, Chairman Siemieniewski and Managers Stein, Zetocha, and Wyum voted yes. Manager Speich voted no. The motion carried.

Secretary-Treasurer Willprecht will prepare the check and provide it to Ohnstad Twichell to complete payment to the Braaten Law Firm.

The meeting adjourned at 1:36 p.m.