

MINUTES

**North Dakota State Water Commission
Telephone Conference Call Meeting
Bismarck, North Dakota**

April 7, 1992

The North Dakota State Water Commission held a telephone conference call meeting in the Missouri River Room, State Capitol, Bismarck, North Dakota, on April 7, 1992. Chairman, Lieutenant Governor, Lloyd Omdahl, called the meeting to order at 3:00 PM, and requested Assistant State Engineer, Charles Rydell, to call the roll and present the agenda. The Chairman declared a quorum was present.

Assistant Attorney General, Kris Moelter, explained Sections 44-04-19, Open Governmental Meetings; 44-04-19.1, Open Records and Open Meetings - Exemptions for Attorney Work Product and Attorney Consultation; and 44-04-20, Notice of Public Meetings Required - Exceptions - Schedule Set by Statute, Ordinance, or Resolution. Ms. Moelter indicated public notice of this meeting was not given in advance, since the meeting was called for the purpose of attorney consultations with the State Water Commission regarding the issues of the West Fargo State Bank lawsuit. Ms. Moelter stated attorney consultations with a public agency is exempt from the provisions of Section 44-04-19 of the North Dakota Century Code. Chairman Omdahl declared this telephone conference call meeting closed.

MEMBERS PRESENT:

Lieutenant Governor Lloyd Omdahl
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Jacob Gust, Member from West Fargo
Lorry Kramer, Member from Minot
Daniel Narlock, Member from Grand Forks
Norman Rudel, Member from Fessenden
Jerome Spaeth, Member from Fargo
Charles Rydell, Assistant State Engineer, North Dakota State
Water Commission, Bismarck

MEMBERS ABSENT:

Joyce Byerly, Member from Watford City
Marjorie Farstveet, Member from Beach

OTHERS PRESENT:

State Water Commission Staff Members
Kris Moelter, Assistant Attorney General
Julie Krenz, Assistant Attorney General

The meeting was recorded to assist in compilation of the minutes.

SOUTHWEST PIPELINE PROJECT - WEST FARGO STATE BANK LAWSUIT (SWC Project No. 1736) At the April 2, 1992 meeting, the State Water Commission passed a motion to appeal the judge's decision of March 3, 1992 to the North Dakota Supreme Court awarding \$32,000 and approximately \$16,000 interest to the West Fargo State Bank, relating to the Southwest Pipeline Project Contract 2-3A. The Commission directed the State Engineer and the Assistant Attorney General to proceed with filing the Notice to Appeal and continue negotiations for settlement with the West Fargo State Bank.

Kris Moelter discussed with the Commission members negotiations with the West Fargo State Bank attorney and indicated the bank has offered to settle the Southwest Pipeline Project lawsuit for \$36,000. Of this amount, \$32,000 is for the principal and \$4,000 interest. Ms. Moelter stated this is the bank's firm offer, and she advised that the State Water Commission accept the bank's negotiated offer of \$36,000 to settle the lawsuit.

Commissioner Gust briefed the Commission members on discussions between the President of the West Fargo State Bank and himself. He said this is an acceptable negotiated offer. He also stressed the importance of providing pertinent information to the State Water Commission prior to the Commission making its decision on issues.

It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission accept the negotiated settlement to pay the West Fargo State Bank \$32,000 and \$4,000 in interest, not to exceed \$36,000, relating to the Southwest Pipeline Project Contract 2-3A.

Commissioners Gust, Kramer, Narlock, Rudel, Spaeth, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

Chairman Omdahl directed the State Engineer and Assistant Attorney General to provide a press release following receipt of the Satisfaction of Judgement.


April 7, 1992

It was moved by Commissioner Spaeth,
seconded by Commissioner Rudel, and
unanimously carried, that the State
Water Commission telephone conference
call meeting adjourn at 3:10 PM.



Lloyd B. Omdahl
Lieutenant Governor-Chairman

SEAL



David A. Spryoczynatyk
State Engineer and
Chief Engineer-Secretary

April 7, 1992