

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

July 26th, 2018

SPECIAL MEETING MINUTES

PRESENT: Chairman Jerry Hieb, Manager Bruce Anderson, Greg & Ann Lewis

Chairman Hieb called the Special Meeting to order for covering the single item on the agenda, which is the Lewis Flowage Easement at 10:10 a.m.

Mr. Lewis provided hard copies of easements for Chairman Hieb and Manager Anderson to review. Mr. Lewis explained they brought three copies, the "original" purchase agreement that was signed last year, the one copy with the green underline is one copy that has items marked that were not in the "original" agreement, the last copy with the red underline has the changes made for review.

Mr. Lewis also stated if you look through the green underlined copy you will see there are a lot of boxes marked that were not in the "original". Mr. Lewis relayed that the terms we have agreed to in the purchase agreement are going to be the terms of the easement.

After going through the paperwork some corrections were made, the correct townships the project is in were made. Mr. Lewis also stated that he agreed to a Flowage Easement, not a permanent easement and that was changed to the life of the project. He also stated in the Consideration category it is common to use the one-dollar number, Mr. Lewis added the actual consideration amount because he could not find it listed anywhere in the agreement. Manager Anderson stated that Mr. Fredricks mentioned to the BCWRD that a purchase agreement is not recordable, the Flowage easement is recordable. Manager Anderson did not have an issue with permanent being changed to flowage. He then asked Mr. Lewis if the description is correct? After review Mr. Lewis stated that it looks right. There was some discussion on the metes & bounds staying at 50ft, Mrs. Lewis stated she decided to not do the amendment, so this goes back to the area shown in exhibit A.

There was discussion on the changing of words in some categories, Mr. Lewis stated that he has provided names and phone numbers of his tenants/renters of his land within the easement property. They went through the different categories on every page and discussed changes.

Discussion on updating of the final abstracts came up. Mr. Lewis read that in the "original" agreement the BCWRD will update the abstracts, and when you add this flowage easement in there it will need to be updated again. He wants the BCWRD to update the final abstract at the District's cost. Chairman

Hieb stated that the Hobart Lake Outlet Project shouldn't cause anybody along the way to pay more to sell their property – if it does then we shouldn't have done this project.

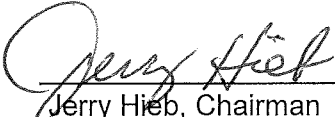
The Maintenance category came up in discussion. Mr. Lewis wants this taken out of the flowage easement, Manager Anderson relayed that Mr. Fredricks and Mr. Hassell are protecting our rights as a water board and must put these kinds of measures in the easements. Mr. Lewis stated that he understood that, but he feels it is taking his rights away as a landowner. He wants it taken out in its entirety, his attorney told him to not agree to this measure. After lengthy discussion Chairman Hieb and Manager Anderson agreed to take out the Maintenance section.

Chairman Hieb stated that there are only some word changes and the removal of the Maintenance section. He also relayed that at the July 9th meeting it was stated that what was decided on today would be sent to Mr. Fredricks. Mr. Lewis did ask that the easement with the changes marked in red be sent, and if Mr. Fredricks has changes that they be highlighted for the Lewis' to review.

There was also some discussion to the incurring cost of these changes and numerous easements, Chairman Hieb stated in the past the BCWRD has negotiated payment for legal fees – he then stated as a last resort the BCWRD should consider paying the Lewis lawyer bill.

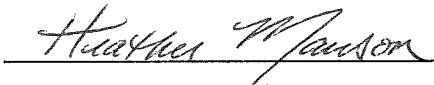
Meeting was adjourned at 11:45 a.m.

APPROVE:



Jerry Hieb, Chairman

ATTEST:



Heather Manson

Heather Manson
Secretary-Treasurer