

**Notes: LSLID Board Meeting – January 21, 2025, at 10:00 AM**  
**Via Zoom Conference Call with viewing option at Scandia Valley Town Hall**

Attendees: Rick Rosar (Chair) Bob Ingle (Vice-Chair), Fred Comb (Treasurer/Finance), Patricia Tvedt (Secretary), Duane Hendricks (Director), Cindy Kevern (Administrator) and John Holper (attorney). Approximately 2 audience members attended the public portion of the meeting (approximately 2 guests virtually and 0 audience members at Scandia Valley Town Hall).

**1. Welcome**

Chair Rick Rosar opened the meeting at 10:03 AM by welcoming Board members and the audience. Each Board member introduced themselves and noted their location.

Rick noted that the agenda includes an item that will be discussed in a closed session with an attorney. During the closed session members of the audience will be asked to leave the conference room and to exit the online meeting.

An online audience member inquired about how to re-join the meeting after the closed session.

**2. Minutes of Board Meeting**

Secretary Pat Tvedt reviewed the minutes from the January 7, 2025, Board meeting. Pat stated that Board Members have had a chance to review them, and they have been posted to the website. Chair Rosar asked for a motion to approve the minutes. Rick Rosar made the motion and Bob Ingle seconded. Rick called for a Roll Call Vote.

Fred Comb	Yes
Bob Ingle	Yes
Pat Tvedt	Yes
Duane Hendricks	Yes
Rick Rosar	Yes

**3. High Water Project Update**

Chair Rosar and Administrator Cindy Kevern provided an update on the construction of the High-Water Outlet on Lake Shamineau.

- LSLID first became aware of the floating pipe issue in May of 2024, about nine months ago.
- The substantial completion date for the project was July 31, 2024, and the project remains incomplete and is currently inoperative. Landwehr has failed to complete the Project on time, and the Project continues to be plagued by numerous design and construction defects, all of which remain unresolved.
- Despite the Board’s substantial efforts, the dispute remains unresolved because of Houston’s and Landwehr’s continuing failure and refusal to complete the Project and repair all outstanding defects.
- It’s been 9 months since the pipe floated and the parties have yet to develop a solution.
- A conflict counsel attorney has been hired to assist with the analysis and resolution of the construction issues, and to negotiate with the parties to determine a plan and timeline to resolve the issue, and if necessary, move forward with legal action.

Cindy noted that the next item on the agenda today is a closed session under attorney-client privilege, pursuant to Minn. Stat. § 13D.05, subd. 3(b), to discuss possible litigation that may be pursued by the LID regarding the high-water project.

Cindy stated that this item will be discussed in closed session. The legal authority for closing this portion of the meeting is Minn. Stat. § 13D.05, subd. 3(b). The topic and purpose for this closed session is attorney consultation for litigation that may be pursued by the LID regarding the high-water project. Discussion of this item in an open meeting could adversely impact the LID’s litigation strategy, so confidentiality of the LID’s discussion with its attorney outweighs the purposes of the open meetings law and the public’s right to be informed. A closed session is therefore necessary and warranted. All of those who will be present in the closed session are reminded to limit their discussion during the closed session to the announced topic.

Cindy then stated that at this time, a motion would be to discuss the next topic in closed session rather than in an open meeting.

Rick Rosar made a motion to move to a closed session under attorney-client privilege, pursuant to Minn. Stat. § 13D.05, subd. 3(b), to discuss possible litigation pursued by the LID regarding the high-water project. Pat Tvedt seconded the motion.

Rick called for a Roll Call Vote.

Fred Comb	Yes
Bob Ingle	Yes
Pat Tvedt	Yes
Duane Hendricks	Yes
Rick Rosar	Yes

Chair Rick Rosar stated that the members of the public will need to leave the conference room and to exit the online meeting. Rick noted that he anticipates adjourning the closed session and reconvening in the open portion of the meeting in approximately 30 minutes at 10:45 am, or if the meeting was not reconvened at that time, to try again at 11:00 am.

### **The Board then met in closed session.**

To open the closed session, Rick Rosar stated that the time was approximately 10:18 a.m., on January 21, 2025. He also stated that this is a closed session pursuant to Minn. Stat. § 13D.05, subd. 3(b), for attorney consultation for anticipated litigation pursued by the LID regarding the high-water project. Everyone meeting in the closed session in Scandia Valley Town Hall and online stated their name for the record, and discussions proceeded.

At the end of the closed session, Rick Rosar stated for the record, the time is approximately 11:00 a.m., on January 21, 2025. Rick stated that they are now leaving the closed session.

### **The Board resumed the open session.**

Chair Rick Rosar noted that the public portion of the meeting was again opened. Rick asked for a motion regarding the next steps for the High-Water Project.

Patricia Tvedt made a motion to authorize the LSLID Chair, using funds within the Construction budget, to work with and authorize legal counsel to commence formal legal proceedings against Houston, Landwehr, and any other indispensable party to pursue LSLID's legal and equitable rights, remedies, and claims arising from the Dispute. Bob Ingle seconded the motion.

Rick called for a Roll Call Vote.

Fred Comb	Yes
Bob Ingle	Yes
Pat Tvedt	Yes
Duane Hendricks	Yes
Rick Rosar	Yes

#### **4. Other Business**

Rick Rosar noted that there are no Other Business items but would take questions from the audience.

- An audience member noted that the High-Water Project Update provided good information and hoped the same information would be posted on the website. Rick Rosar noted that minutes of the meeting would be posted and in the next few weeks, an email update would be sent out.

#### **5. Motion to Adjourn**

Chair Rosar adjourned the meeting at 11:06 am Central time.

Notes Submitted by: Secretary Patricia Tvedt