

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
AUGUST 23, 2022

A virtual / conference call meeting of the North Cass Water Resource District was held on August 23, 2022, at 8:00 a.m.

Present were Wes Ecker, Chairman; Robert Thompson, Manager; Ken Lougheed, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Melissa Hinkemeyer, Administrative Assistant; Sean Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mary Scherling and Duane Breitling, Cass County Commissioners; Tom Soucy and Blaine Laaveg, Cass County Highway Department.

Agenda and Minutes

It was moved by Manager Thompson, seconded by Manager Lougheed and unanimously carried to approve the order of the agenda and the minutes of the July 26, 2022, meeting, as presented.

Drain #18 extension in Sections 7 and 8 of Kinyon Township

Alexa Ducioame updated the Board on the Drain #18 extension project in Sections 7 and 8 of Kinyon Township. The contractor anticipates beginning the project this fall. Ms. Ducioame stated there is a power pole that needs to be relocated for the construction and maintenance of the project, at an estimated cost of \$2,500.

It was moved by Manager Lougheed and seconded by Manager Thompson to approve relocation of a power pole regarding the Drain #18 extension in Sections 7 and 8 of Kinyon Township. Upon roll call vote, the motion carried unanimously.

Ms. Ducioame reported the fee to terminate the CRP on the Easement property owned by Louis Rosenau regarding the project is approximately \$1,409.56. It was moved by Manager Thompson and seconded by Manager Lougheed to approve the payment of the CRP termination fee on Easement property owned by Louis Rosenau regarding the Drain #18 extension project in Sections 7 and 8 of Kinyon Township. Upon roll call vote, the motion carried unanimously.

State Water Commission Individual Rural and Farmstead Ring Dike Program

Sean Fredricks discussed the State Water Commission Individual Rural and Farmstead Ring Dike Program. Jack J. Korthof submitted a \$1,000 deposit to proceed with the request to the State Water Commission to participate in the Program and construct a ring

dike on his property in Section 13 of Wisner Township. Mr. Fredricks noted the Water Resource District helps administer cost-share for the project between the State Water Commission and property owners. Mr. Fredricks stated he drafted a *Ring Dike Cooperation Agreement* with Mr. Korthof regarding the project for consideration by the Board. Discussion was held on the outstanding permits that are required for the property owner to be in compliance with local authorities before proceeding with the project. Mr. Fredricks noted the *Ring Dike Cooperation Agreement* indicates the property owner has the responsibility to “comply with all applicable laws and obtain all requisite permits and approvals regarding the project.”

A motion was made by Manager Thompson and seconded by Manager Lougheed to approve the *Ring Dike Cooperation Agreement* with Jack J. Korthof for property in Section 13 of Wisner Township. Upon roll call vote, the motion carried unanimously.

The Water Resource District Engineer will contact Mr. Korthof to begin the process. Mr. Korthof will need to have detailed plans prepared for the project and obtain all necessary permits and approvals related to the project.

Application to Install a Subsurface Water Management System No. 202216 for Jim Wieland in the W 1/2 of Section 9 in Hunter Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 202216*, filed August 3, 2022, by Applicant Jim Wieland. Under the Application, Applicant seeks to install a 300-acre drain tile system in the W 1/2 of Section 9 in Hunter Township, Cass County, North Dakota. The project will include a single pump outlet near the south boundary of the SW 1/4 of Section 9; the pump will discharge directly into the South Branch of the Elm River.

According to County tax roll information, Wieland Legacy Partnership LLLP owns the W 1/2 of Section 9 in Hunter Township.

Manager Thompson moved, and Manager Lougheed seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202216*, filed August 3, 2022, for Jim Wieland regarding a proposed tile system in the W 1/2 of Section 9 in Hunter Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 202216*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the South Branch of the Elm River.
2. Applicant will turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the North Cass Water Resource District.
3. Applicant will re-establish any areas disturbed installing or maintaining Applicant’s tile system.

4. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in the W 1/2 of Section 9 in Hunter Township under any blanket easements, or otherwise beyond the Water Users District's existing easement(s).
5. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 202216* in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Hunter Township Board of Township Supervisors if Applicant's outlet or any other project components will be within any township road right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board will provide copies of the Board's *Notice of Decision, Subsurface Water Management Permit No. 202216*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, Hunter Township, and Cass Rural Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Bills

It was moved by Manager Lougheed and seconded by Manager Thompson to approve payment of the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Ecker, Thompson and Lougheed. The motion carried unanimously.

Elm River Dam No. 3 Improvements Project

Manager Thompson discussed the Elm River Dam No. 3 Improvements Project. The project addresses a failing principal spillway culvert and erosion above the culvert which is compromising the earthen embankment at the dam. Manager Thompson proposed replacing the principal spillway pipe with a concrete pipe rather than a galvanized steel pipe and to lower the pipe based on the Elm River Joint Water Resource District Engineer's recommendation.

It was moved by Manager Thompson and seconded by Manager Loughheed to recommend to the Elm River Joint Water Resource District that the Elm River Dam No. 3 principal spillway pipe be replaced with a concrete pipe and lowered to an elevation recommended by the Elm River Joint Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Legislative update

Mr. Fredricks briefly updated the Board on legislative items regarding water resource districts.

Culvert replacement between Sections 13 and 18 in Bell Township

Discussion was held on a culvert replacement between Sections 13 and 18 in Bell Township. The culvert was recently replaced however it does not appear to be draining a significant amount of water. Blaine Laaveg indicated the previous culvert in that location was full of debris and the replacement culvert was installed at the same elevation as the previous culvert. Discussion was held on the drainage patterns in the area and it was determined the culvert was installed properly.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Thompson, seconded by Manager Loughheed and unanimously carried to adjourn the meeting.

APPROVED:

Wes Ecker
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer