

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 28, 2023

A virtual / conference call meeting of the North Cass Water Resource District was held on November 28, 2023, at 8:00 a.m.

Present were Robert Thompson, Manager; Ken Lougheed, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; and Duane Breitling, Cass County Commissioner. Chairman Wes Ecker was absent.

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 October 24, 2023, meeting, as presented.

Drain #18 channel cleanout in Sections 16, 17 and 18 of Noble Township

Brady Woodard reported the contractor has completed the Drain #18 channel cleanout in Sections 16, 17 and 18 of Noble Township. Manager Lougheed noted there may still be sediment obstructing water flow east of Section 16 in Noble Township. Mr. Woodard will check into the matter.

Drain #23 – slide on the road side of the channel in Section 12 of Gardner Township

Mr. Woodard said the contractor completed the Drain #23 slide repair on the road side of the channel in Section 12 of Gardner Township.

Drain #23 – culverts failing between Sections 1 and 12 in Gunkel Township and between Sections 6 and 7 in Gardner Township

Kurt Lysne stated Moore Engineering, Inc. is coordinating the design of culvert replacements and associated intersection improvements regarding the Drain #23 failing culverts between Sections 1 and 12 of Gunkel Township and Sections 6 and 7 in Gardner Township with Cass Rural Water Users District to avoid impacting their nearby existing pipeline. Once the design is complete, Moore Engineering, Inc. will obtain quotes from contractors for the project.

Discussion was held on right of way for Drain #23. The Board directed Moore Engineering, Inc. to discuss right of way along Drain #23, including right of way needed for the project, with property owners.

Drain No. 26 Improvements 2023

Mr. Lysne reported Moore Engineering, Inc. is working on the hydraulic modeling and design of the Drain No. 26 Improvements 2023 project.

Drain #32 – berm washout in Section 32 of Noble Township

Mr. Woodard stated the Drain #32 berm washout in Section 32 of Noble Township has been repaired. An erosion control blanket was installed to help prevent future washouts of the berm.

Drain #55 – berm repair in the southeast corner of Section 21 in Bell Township

Mr. Woodard said the Drain #55 berm in the southeast corner of Section 21 in Bell Township was repaired. An erosion control blanket was also installed in this area.

Application to Install a Subsurface Water Management System No. 202327 for Kyle Oetker in the NE 1/4 of Section 34 in Wisner Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 202327*, filed November 1, 2023, by Applicant Kyle Oetker. Under the Application, Applicant seeks to install a 155-acre drain tile system in the NE 1/4 of Section 34 in Wisner Township, Cass County, North Dakota. The project will include a single pump outlet located along the north boundary of the NE 1/4 in Section 34; the pump will discharge into the south road ditch along 23rd Street SE; the discharge will flow east in the south road ditch along 23rd Street SE, along the north boundary of the NE 1/4 in Section 34, under 172nd Avenue SE, and along the north boundary of Section 35.

According to County tax roll information, Kyle and Danielle Oetker own the NE 1/4 of Section 34 in Wisner Township where Applicant intends to install the tile system. With regard to downstream properties, Wayne Diekrager owns the NW 1/4 of Section 35, and Heiden Family LLLP owns the NE 1/4 of Section 35.

Manager Thompson moved, and Manager Lougheed seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202327*, filed November 1, 2023, for Kyle Oetker regarding a proposed tile system in the NE 1/4 of Section 34 in Wisner Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 202327*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Wisner Township's right of way.
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 remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from the project outlet.

5. 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 NE 1/4 of Section 34 in Wisner Township under any blanket easements, or otherwise beyond the Water Users District's existing easement(s).
6. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 202327* 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.

With regard to condition #4, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written permission from the Wisner Township Board of Township Supervisors to discharge into or otherwise utilize any of the Township's 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. 202327*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, Wisner Township, Wayne Diekrager, Heiden Family LLLP, 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 Thompson and seconded by Manager Loughheed to approve payment of the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Thompson and Loughheed. Chairman Ecker was absent. The motion passed.

Office staffing

The Board thanked Nina Stone for her hard work and dedication to the Cass County Water Resource Districts and wished her well in her new endeavor. Brief discussion was held on future staffing needs for the Cass County Water Resource Districts.

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