

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING
NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE PAGE FIRE HALL
PAGE, NORTH DAKOTA
FEBRUARY 28, 2023

A virtual / conference call meeting of the North Cass Water Resource District was held on February 28, 2023, at 1:00 p.m.

Present were Wes Ecker, Chairman; 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, Lyndon Pease and Brady Woodard, Moore Engineering, Inc.; Tom Soucy, Cass County Highway Department; and those whose names appear on the attached roster.

Agenda and Minutes

It was moved by Manager Thompson, seconded by Manager Lougheed and unanimously carried to approve the order of the agenda, as presented, and the minutes of the January 24, 2023, meeting.

Elm River – North Dakota Stream Crossing Standards for road openings in Page, Rich and Broadlawn Townships

Kurt Lysne and Lyndon Pease discussed a culvert study that was completed to determine which culverts meet North Dakota Stream Crossing Standards for road openings along the Elm River in Page, Rich and Broadlawn Townships. Moore Engineering, Inc. determined the minimum size culvert that would need to be installed at each of the identified crossings that do not currently meet North Dakota Stream Crossing Standards. Mr. Pease noted the study and its results are being shared with township officials and the public for informational purposes and are not a proposed project. A *Technical Memorandum* discussing the study and its results is on file at the Water Resource District office. Mr. Lysne noted any future road raises in the study area would require the study to be updated. The study also functions as a hydraulic study that would likely be accepted by FEMA in the event of a disaster declaration. The township officials and property owners in attendance discussed the study in more detail in relation to current conditions.

A property owner inquired if the new suggested culverts would be restricted to the current elevation. Mr. Pease noted the study contemplated culverts at their current depth. The study would need to be reanalyzed if the elevation of any culvert were to be changed significantly.

Brief discussion was also held on the improvement projects at Elm River Dams No. 1, No. 2 and No. 3. Mr. Pease noted the projects will be further discussed at the Elm River Joint

Water Resource District informational meeting on Thursday, March 2, 2023, at the Galesburg Fire Hall.

Application to Install a Subsurface Water Management System No. 20233 for Bruce Brand in the NE 1/4 of Section 9 in Gunkel Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20233*, filed January 26, 2023, by Applicant Bruce Brand. Under the Application, Applicant seeks to install a 149-acre drain tile system in the NE 1/4 of Section 9 in Gunkel Township, Cass County, North Dakota. The project will include a single pump outlet near the northeast corner of the NE 1/4 in Section 9; the pump will discharge directly into Cass County Drain No. 41, a legal assessment drain owned and operated by the North Cass Water Resource District.

According to Cass County tax roll information supplied by Applicant, the Deborah A. Brand Revocable Living Trust owns the NE 1/4 of Section 9 in Gunkel Township.

Manager Lougheed moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20233*, filed January 26, 2023, for Bruce Brand regarding a proposed tile system in the NE 1/4 of Section 9 in Gunkel Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20233*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Cass County Drain No. 41.
2. Applicant will set and install any drain tile pump at least 25 feet from the top of the back slope of Cass County Drain No. 41, with a pipe buried from the pump to Drain No. 41.
3. 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.
4. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
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 9 in Gunkel 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. 20233* 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 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. 20233*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, the Deborah A. Brand Revocable Living Trust, 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.

Weed, cattail, tree and brush control

Discussion was held on the bids received for aerial and ground spraying for weed, cattail, tree and brush control on North Cass Water Resource District facilities. Brady Woodard indicated he has discussed the bids with the Cass County Weed Control Officer and the chemicals listed in the bids will be effective on water resource district facilities if sprayed properly. Discussion was also held on controlling spotted hemlock in Cass County. The Board tabled the matter and directed Mr. Woodard to continue working with the Cass County Weed Control Officer and bring more information to the next meeting for further discussion.

Bills

It was moved by Manager Thompson and seconded by Manager Loughheed to approve payment of Check #4438, the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Ecker, Thompson and Loughheed. The Chairman declared the motion passed.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Wes Ecker
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer