

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
JUNE 25, 2024
8:00 A.M.

A virtual / conference call meeting of the North Cass Water Resource District was held on June 25, 2024, at 8:00 a.m.

Present were Ken Lougheed, Chairman; Robert Thompson, Manager; Jay Colwell, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, and Brady Woodard, Moore Engineering, Inc.; Duane Breitling, Cass County Commissioner; Blaine Laaveg, Cass County Highway Department; and Kevin Hochhalter, Arthur Township property owner.

Approval of Agenda and Minutes

It was moved by Manager Thompson, seconded by Manager Colwell and unanimously carried to approve the order of the agenda and the minutes of the May 28, 2024, meeting, as presented.

Drain #13 – erosion at the bridge between Sections 10 and 15 in Wisner Township

Brady Woodard and Blaine Laaveg discussed erosion occurring at the bridge over Drain #13 between Sections 10 and 15 in Wisner Township. There is a slope failure to the north of the bridge and a slide on the northeast corner of the bridge. The erosion has not affected the roadway or bridge at this time, and the Cass County Highway Department continues to monitor the area.

The Board directed Moore Engineering, Inc. to prepare a proposal for surveying regarding the erosion at the bridge over Drain #13 between Sections 10 in 15 in Wisner Township for discussion at the next meeting.

The Cass County Highway Department will mark the area for increased safety and will research if erosion has been previously noted in this area.

Drain #23 – culvert replacement and associated intersection improvements project between Sections 1 and 12 in Gunkel Township and between Sections 6 and 7 in Gardner Township

Mr. Woodard reported Moore Engineering, Inc. is designing the culvert replacement and associated intersection improvements project between Sections 1 and 12 in Gunkel Township and between Sections 6 and 7 in Gardner Township regarding Drain #23. Moore Engineering, Inc. will also prepare a cost estimate for the project. Right of way on

Drain #23 has been acquired in the project area. Right of way acquisition continues for the remainder of Drain #23. Sean Fredricks stated that easements are being acquired instead of fee title property, so as not to be in violation of any mortgages the property owners may have.

Mr. Fredricks noted an attorney at Ohnstad Twichell, P.C. represents Jay and Victoria Colwell and Cuyler and Ruth Colwell in other matters, wholly unrelated to Drain #23. Under the North Dakota Rules of Professional Conduct for attorneys, Ohnstad Twichell's representation of North Cass Water Resource District and Jay and Victoria Colwell and Cuyler and Ruth Colwell is a technical conflict of interest under Rule 1.7. Rule 1.7 allows Ohnstad Twichell to represent all parties following consent by all parties.

A motion was made by Manager Thompson and seconded by Chairman Lougheed to approve and authorize the Chairman to sign the *Consent Letters* regarding Ohnstad Twichell, P.C.'s representation of North Cass Water Resource District and Jay and Victoria Colwell, as well as Cuyler and Ruth Colwell regarding Drain #23. Manager Colwell abstained from the vote. Upon roll call vote, the motion carried unanimously.

Complaint for Water-Related Issues from Kevin Hochhalter against Gebeke Farms for unpermitted drainage in the NE 1/4 of Section 28 in Arthur Township

Kevin Hochhalter discussed a *Complaint for Water-Related Issues* against Gebeke Farms for unpermitted drainage in the NE 1/4 of Section 28 in Arthur Township. Kurt Lysne requested from the Board authorization for Moore Engineering, Inc. to conduct a survey and investigation of the *Complaint*. Moore Engineering Inc. will provide a summary report based on the investigational findings at the next meeting.

It was moved by Manager Thompson and seconded by Manager Colwell to authorize Moore Engineering, Inc. to conduct a survey and investigation of the *Complaint for Water-Related Issues* filed from Kevin Hochhalter against Gebeke Farms for unpermitted drainage in the NE 1/4 of Section 28 in Arthur Township. Upon roll call vote, the motion carried unanimously.

Mr. Fredricks noted an attorney at Ohnstad Twichell, P.C. represents Gregory K. Gebeke and Debra R. Gebeke in other matters, wholly unrelated to the *Complaint*. Under the North Dakota Rules of Professional Conduct for attorneys, Ohnstad Twichell's representation of North Cass Water Resource District and Gregory K. Gebeke and Debra R. Gebeke is a technical conflict of interest under Rule 1.7. Rule 1.7 allows Ohnstad Twichell to represent both parties following consent by both parties.

A motion was made by Manager Colwell and seconded by Manager Thompson to approve and authorize the Chairman to sign the *Consent Letter* regarding Ohnstad Twichell, P.C.'s representation of North Cass Water Resource District and Gregory K. Gebeke and Debra R. Gebeke regarding the *Complaint for Water-Related Issues* against Gebeke Farms for unpermitted drainage in the NE 1/4 of Section 28 in Arthur Township. Upon roll call vote, the motion carried unanimously.

Cass County Planning – Steinbergerville 2.0 Subdivision

A motion was made by Manager Thompson, seconded by Manager Colwell, and unanimously carried to authorize the Secretary to submit comment on the Steinbergerville 2.0 Subdivision application to Cass County Planning, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

2023 Audit

The Secretary briefly discussed the 2023 Audit report of the North Cass Water Resource District. Manager Colwell made a motion, and Manager Thompson seconded to approve the 2023 Audit of the North Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

2025 budget and 2024 maintenance levy assessments

Manager Colwell moved to approve the North Cass Water Resource District 2025 budget, as presented. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Thompson and seconded by Manager Colwell to approve the North Cass Water Resource District 2024 maintenance levy assessments, at the following levels:

- Drain #13: \$0.50
- Drain #24: \$0.50
- Drain #24C: \$0.01
- Drain #25: \$4.00
- Drain #26: \$2.50
- Drain #41: \$4.00
- Drain #55: \$3.00
- Drain NC-1 (Drains #16, #18, #31, and #42): \$4.00
- Drain NC-2 (Drains #19, #22, #23, and #32): \$4.00

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Colwell and seconded by Manager Thompson to approve the payment of the wire transfers and electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Elm River Dam Nos. 1, 2 and 3 construction update

Manager Thompson updated the Board on the construction progress of Elm River Dam Nos. 1, 2 and 3. All three dams have been dewatered and the contractor is pouring the concrete on the Elm River Dam No. 1 principal spillway.

Drain #42 – slide on east side of Cass County Highway 31

Mr. Woodard discussed a slide on Drain #42 on the east side of Cass County Highway 31. Manager Colwell moved and Manager Thompson seconded to authorize Moore Engineering, Inc. to survey the Drain #42 channel from Cass County Highway 31 to the outlet and bring back repair options, including cost estimates, for discussion at a future

meeting.

Drain #23 – slide in the NW 1/4 of Section 10 in Wiser Township

Manager Lougheed reported the slide on Drain #23 in the NW 1/4 of Section 10 in Wiser Township is moving into the roadway. The Board directed Moore Engineering, Inc. to investigate the Drain #23 slide in the NW 1/4 of Section 10 in Wiser Township and bring back repair options, including cost estimates, for discussion at a future meeting.

Adjournment

There being no further business to be considered by the Board, Manager Thompson motioned, and Manager Colwell seconded to adjourn the meeting. The motion carried unanimously.

APPROVED:

Ken Lougheed
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary