

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
JULY 23, 2024
8:00 A.M.

A virtual / conference call meeting of the North Cass Water Resource District was held on July 23, 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.; Blaine Laaveg, Cass County Highway Department; Kevin Hochhalter, Arthur Township property owner; and Kent Severson, Gardner 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 June 25, 2024, meeting, as presented.

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

Brady Woodard discussed the cost estimate for drone work and surveying the erosion occurring at the bridge over Drain #13 between Sections 10 and 15 in Wisner Township. Mr. Woodard stated the estimated cost is \$15,000.

Manager Colwell moved to authorize Moore Engineering, Inc. to conduct drone work and surveying efforts from Cass County Highway 4 to the Drain #13 outlet regarding the erosion at the bridge over Drain #13 between Sections 10 in 15 in Wisner Township, not to exceed \$15,000. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Drain #19 – failing intercept culvert in Section 24 of Kinyon Township

Mr. Woodard discussed a failing intercept culvert at the half-mile line in Section 24 of Kinyon Township that discharges into Drain #19. The cost estimate to replace the 24-inch culvert with a flap gate is \$8,000. The Board noted the culvert is under a Kinyon Township road and in the past, the Board has not paid for culverts under township roads, however the Board has paid for flap gates for those culverts.

After much discussion, Manager Colwell made a motion to purchase and install the flap gate for the intercept culvert at the half-mile line in Section 24 of Kinyon Township that discharges into Drain #19, and authorize the Secretary to send a letter to Kinyon

Township indicating the Township will own the flap gate and will be solely responsible for operating and maintaining the flap gate and will be solely responsible for any and all liability associated with the flap gate. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

The Board will continue discussing policy regarding culvert purchases, installation and ownership regarding intercept culverts to Water Resource District legal assessment drains at a future meeting.

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. continues 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. Right of way acquisition along Drain #23 continues. Right of way acquisition is nearly complete in the project area.

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

Mr. Woodard discussed a proposed repair of the slide on Drain #23 in the NW 1/4 of Section 10 in Wisner Township. A motion was made by Manager Colwell and seconded by Manager Thompson to authorize Moore Engineering, Inc. to hire a contractor to repair the Drain #23 slide in the NW 1/4 of Section 10 in Wisner Township, not to exceed \$30,000 and authorize the Chairman to sign the *Agreement* with the contractor regarding the project. If the contractor's estimate exceeds \$30,000, Moore Engineering, Inc. will need to return to the Board to discuss the estimates received for the project. Upon roll call vote, the motion carried unanimously.

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. Survey efforts of the Drain #42 channel from Cass County Highway 31 to the outlet are underway. Once the survey is complete, repair options, including cost estimates, will be brought back to the Board for discussion at a future meeting.

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

Kurt Lysne stated the 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 is currently underway and a report will be provided when the investigation is complete.

Application for Subsurface Water Management System No. 202414 for Doug Rensvold in the SW 1/4 of Section 10 in Noble Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 202414*, filed July 18, 2024, by Applicant Doug Rensvold. Under the Application, Applicant seeks to install a 143-acre drain tile system in the SW 1/4 of Section

10 in Noble Township, Cass County, North Dakota. The project will include two gravity outlets, both will discharge via pipelines that will run to the south, under Cass County Highway 2; both pipelines will daylight along the north boundary of NW 1/4 of Section 15, and both will discharge directly into Cass County Drain No. 31, a legal assessment drain owned and operated by the North Cass Water Resource District.

According to County tax roll information, R&R Inc., owns the SW 1/4 of Section 10 in Noble Township where Applicant intends to install the tile system. Doug and Nancy Rensvold own the NW 1/4 of Section 15 in Noble Township where Applicant's pipeline will daylight and discharge into Drain No. 31. Because the project will discharge directly into a legal assessment drain, no downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Manager Thompson moved, and Manager Colwell seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 202414*, filed July 18, 2024, for Doug Rensvold regarding a proposed tile system in the SW 1/4 of Section 10 in Noble Township; and to authorize the Secretary to sign *Subsurface Water Management Permit No. 202414*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Cass County Drain No. 31.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. 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 SW 1/4 of Section 10 in Noble Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 202414* 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written permission from the Cass County Highway Department to install pipeline or other project components in any of the County's Highway 2 right of way.
2. The Board recommends that Applicant obtain written permission from the owner

of any property not owned by Applicant where Applicant intends to install project components.

3. 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. 202414*, and Applicant's downstream flow map to the Department of Water Resources, the Cass County Highway Department, R&R Inc., 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.

Cass County Planning – Cameron Wischer Second Subdivision

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

Approve Pledge of Assets – Alerus Financial (as per agreement of March 7, 1996)

It was moved by Manager Thompson and seconded by Manager Colwell to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Thompson 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.

Tree removal on Water Resource District facilities

Mr. Woodard reported that he received estimates from a contractor to grind and remove trees in each of the North Cass Water Resource District facilities. The contractor will cut the larger trees and seal the stumps to help prevent regrowth. The estimates for tree removal will be reviewed by the Board at the next meeting.

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

Manager Thompson updated the Board on the construction progress of Elm River Dam Nos. 1, 2 and 3. Installation of the box culvert on Elm River Dam No. 1 is nearly complete. The Elm River Dam No. 2 site has been dewatered and the contractor estimates beginning work on Elm River Dam No. 2 around September 1st. The main pipe for the Elm River Dam No. 3 project is in transit.

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