

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
OCTOBER 22, 2024
8:00 A.M.

A virtual / conference call meeting of the North Cass Water Resource District was held on October 22, 2024, at 8:00 a.m.

Present were Ken Lougheed, Chairman; Robert Thompson, Manager; Jay Colwell, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Elizabeth Smith, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Josh Hassell, and Brady Woodard, Moore Engineering, Inc.; Duane Breitling, Cass County Commissioner; Nicole Olson, Worldwide Litigation Services; Kevin Hochhalter, Kenny Hochhalter, Gregory Gebeke, and Deb Gebeke, Arthur Township property owners.

Approval of Agenda and Minutes

It was moved by Manager Colwell, seconded by Manager Thompson, and unanimously carried to approve the order of the agenda and the minutes of September 24, 2024, meeting, as presented.

Drain #13 – Erosion at the bridge between Sections 10 and 15 in Wiser Township

Alexa Ducioame shared the results of the survey of the Drain #13 channel from the outlet to State Highway 81 and compared the results to the channel profile design. The survey results show some erosion at the outlet however the grade of the channel upstream of the outlet is near the original design profile. Ms. Ducioame shared drone footage of Drain #13. Discussion was held on possible causes of erosion on Drain #13.

The Board directed Moore Engineering, Inc. to prepare repair options and cost estimates for the erosion on Drain #13 at the bridge between Sections 10 and 15 in Wiser Township and the outlet for consideration 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

Brady Woodard received a quote from a contractor of \$130,000-\$150,000 for the Drain #23 culvert replacements and associated intersection improvements project between Sections 1 and 12 in Gunkel Township and between Sections 6 and 7 in Gardner Township. Mr. Woodard noted all right of way for the project has been secured.

Mr. Woodard noted the culverts would be ready in about 3 weeks. The Board discussed

the timing of the project as winter is nearing. The Board indicated they would like the project to be completed this year if possible and authorized Moore Engineering, Inc. to hire a contractor to begin the project.

Drain #23 – Right of way acquisition

Ms. Ducioame updated the Board on the status of right of way acquisition on Drain #23.

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

Mr. Woodard found an available contractor for the Drain #23 slide repair project in the NW 1/4 of Section 10 in Wiser Township. The contractor recently started the project.

Drain #42 – Slides east of Cass County Highway 31

Ms. Ducioame discussed two repair options for the Drain #42 slides east of Cass County Highway 31. The repair options include a sheet pile structure with rip rap and a rock chute structure. Cost estimates showed the rock chute is a more affordable option. The Board discussed the repair options and authorized Moore Engineering, Inc. to obtain a quote from a contractor for a rock chute structure regarding the Drain #42 slides east of Cass County Highway 31. The Board will review the contractor's quote at a future meeting.

Culvert issues between Sections 23 and 24 in Gunkel Township

Manager Colwell briefly discussed a request from Gunkel Township regarding sizing of a culvert between Sections 23 and 24 in Gunkel Township. Sean Fredricks noted the Water Resource District does not have jurisdiction as the culvert is not part of a legal assessment drain. The Board suggested Gunkel Township hire an engineering firm if they need assistance sizing a culvert as the Board lacks jurisdiction in this situation.

Weed control

Mr. Woodard reported Dakota Helicopters, Inc. is no longer able to fulfill their Agreement with the Cass County Water Resource Districts regarding weed control. DL Barkie Construction, Inc. submitted a quote for ground spraying of the Cass County Water Resource Districts facilities.

Mr. Woodard indicated that DL Barkie was spraying within the District recently to get ahead of adverse weather conditions. DL Barkie only sprayed areas that will be beneficial this late in the year.

Manager Colwell moved, and Manager Thompson seconded to approve and authorize the Chairman to sign the Agreement with DL Barkie Construction, Inc. regarding weed control on North Cass Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Bills

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

Hearing regarding the *Complaint for Water-Related Issues* from Kevin Hochhalter against Gebeke Farms for unpermitted drainage in the NE ¼ of Section 28 in Arthur Township

Following the September North Cass Water Resource District meeting, the Secretary provided a Notice of Decision to the parties of the *Complaint for Water-Related Issues* from Kevin Hochhalter against Gebeke Farms for unpermitted drainage in the NE ¼ of Section 28 in Arthur Township. The Gebeke's timely requested a hearing before the Board under N.D. Cent. Code § 61-32-07; and, today, the Board conducted a formal hearing on the Complaint. A court reporter recorded the hearing and once completed, the transcript will be on file at the Water Resource District office. The Board will issue an order regarding the Complaint at a future meeting.

Following the hearing discussion was held between the parties regarding possible resolutions to the drainage issue at hand, including possibly using a skid steer attachment to repair the affected area, with both parties present during the repair. The Board encouraged the parties to continue working together to find a mutually agreeable solution.

Adjournment

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

APPROVED:

Ken Lougheed
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary