

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
NOVEMBER 26, 2024
8:00 A.M.

A virtual / conference call meeting of the North Cass Water Resource District was held on November 26, 2024, at 8:00 a.m.

Present were Ken Lougheed, Chairman; Robert Thompson, Manager; Jay Colwell, Manager; Melissa Hinkemeyer, Director, Secretary; Elizabeth Smith, 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; Kyle Litchy, Cass County Highway Department; Chris Murch, Arthur Township Chair; Kevin Hochhalter, Gregory Gebeke, Deb Gebeke, and Hannah Gebeke, Arthur Township Property Owners.

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 October 22, 2024, meeting, as presented.

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

Alexa Ducioame reported that Moore Engineering, Inc. is working on a model to help determine the origin of the erosion at the bridge over Drain #13 between Sections 10 and 15 in Wiser Township. The model will also help determine if the recommended repair will be sufficient.

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 reported that 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 is complete.

Drain #23 – Right of way acquisition

Mr. Woodard and 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 reported that the Drain #23 slide repair in the NW ¼ of Section 10 in Wiser Township was completed last month.

Drain #42 – Slides east of Cass County Highway 31

Ms. Ducioame discussed cost-share opportunities for the repair of Drain #42 slides east of Cass County Highway 31. The project may be eligible for Cass County Flood Sales Tax cost-share funding however the committee's next meeting is scheduled for April 2025. The Board directed Moore Engineering, Inc. to pause design work for the project until cost-share is available.

A motion was made by Manager Colwell and seconded by Manager Thompson to authorize the Chairman to sign a cover letter and approve submission of the cost-share requests to the North Dakota State Water Commission and the Cass County Flood Sales Tax Committee regarding the Drain #42 slide repairs east of Cass County Highway 31. 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 ¼ of Section 28 in Arthur Township

Discussion was held 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. Sean Fredricks reviewed the draft *Findings of Fact Conclusions of Law and Order* regarding the complaint. It was noted the Gebeke's have applied for a Surface Drain Permit from the North Dakota Department of Water Resources (NDDWR) regarding the activities detailed in the complaint. The Surface Drain Permit has not yet been processed by the NDDWR.

Discussion was held on how to proceed with this complaint in light of the Application for Surface Drain submittal. Manager Thompson suggested a June 15, 2025, deadline to close or fill the unpermitted and illegal ditch improvements in the south road ditch along 22nd Street SE on the NE ¼ of Section 28 in Arthur Township. The Board agreed.

A motion was made by Manager Colwell and seconded by Manager Thompson to approve and authorize the Chairman to sign the *Findings of Fact Conclusions of Law and Order* and to order the Gebeke Farms and Mr. William Schak to close or fill the unpermitted and illegal ditch improvements in the south road ditch along 22nd Street SE on the NE ¼ of Section 28 in Arthur Township by 5:00 p.m. on June 15, 2025.

Discussion: The Board encouraged the parties to come to a mutually agreeable solution.

Upon roll call vote, the motion carried unanimously.

The Board suggested the Gebeke's keep in contact with the NDDWR regarding the status of their Application for Surface Drain.

Policy regarding culverts under township roads that outlet into legal assessment drains

The Board discussed amending the policy from 1995 regarding payment for culverts under township roads that outlet into legal assessment drains.

A motion was made by Manager Colwell and seconded by Manager Thompson to amend the 1995 policy to state the North Cass Water Resource District will provide 50% cost-share of the purchase and installation of culverts under township roads that outlet into legal assessment drains so long as the culverts comply with North Dakota stream crossing standards. 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.

December Meeting

The Board discussed changing the date or location of their December meeting and decided not to make any changes. The next meeting will be held on December 24, 2024, at 8:00 a.m. at the Cass County Highway Department in West Fargo, North Dakota.

Elm River Dam Nos. 1, 2, & 3 improvement projects

Manager Thompson reported on the construction progress at Elm River Dam Nos. 1, 2, & 3. Mr. Woodard indicated the contractors should meet the December completion date.

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