

MINUTES OF NORTH CASS WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
HERITAGE CONFERENCE ROOM  
WEST FARGO, NORTH DAKOTA  
JANUARY 28, 2025  
8:00 A.M.

A meeting of the North Cass Water Resource District was held on January 28, 2025, at 8:00 a.m.

Present were Ken Lougheed, Chairman; Robert Thompson, Manager; Jay Colwell, Manager; Melissa Hinkemeyer, Director, Secretary; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, and Brady Woodard, Moore Engineering, Inc.; Kyle Litchy, Cass County Highway Department; Kevin Hochhalter, Gregory Gebeke, and Deb 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 the December 24, 2024, meeting, as presented.

**Reorganization of the Board for 2025**

It was moved by Manager Thompson, seconded by Manager Colwell, and unanimously carried to appoint the following individuals to serve in the designated capacities for calendar year 2025:

Ken Lougheed	Chairman
Robert Thompson	Vice Chairman
Melissa Hinkemeyer	Secretary/Treasurer
Ken Lougheed	Cass County Joint Water Resource District Representative
Robert Thompson	Cass County Joint Water Resource District Alternate Representative
Jay Colwell	Red River Joint Water Resource District Representative
Robert Thompson	Red River Joint Water Resource District Alternate Representative

Upon roll call vote, the motion carried unanimously.

**Designate depositories of North Cass Water Resource District public funds**

A motion was made by Manager Colwell and seconded by Manager Thompson to designate the following as depositories of North Cass Water Resource District public funds:

- Alerus Financial
- Bell Bank
- BankNorth (Casselton)
- Hometown Community Bank (Page)
- Security State Bank (Hunter)

Upon roll call vote, the motion carried unanimously.

**Approve the Pledge of Assets**

A motion was made by Manager Thompson and seconded by Manager Colwell to approve the following *Pledge of Assets*:

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

Upon roll call vote, the motion carried unanimously.

**Review of contract for legal services**

It was moved by Manager Colwell and seconded by Manager Thompson to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the 2025 billing rates, as presented. Upon roll call vote, the motion carried unanimously.

**Review of contract for engineering services**

It was moved by Manager Thompson and seconded by Manager Colwell to approve and authorize the Chairman to sign the *Third Amendment* to the *Agreement between Owner and Engineer for Professional Services* with Moore Engineering, Inc. and approve the 2025 billing rates as presented regarding engineering services for North Cass Water Resource District. Upon roll call vote, the motion carried unanimously.

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

Ms. Ducioame discussed a study for analysis of the erosion at the bridge between Sections 10 and 15 of Wisner Township. The analysis includes survey, modeling, and other work and the study is eligible for cost-share from the State Water Commission. Discussion was held with the Cass County Highway Department on the potential replacement of the bridge in coordination with a Water Resource District project to repair the erosion.

A motion was made by Manager Colwell and seconded by Manager Thompson to authorize Moore Engineering, Inc. to submit a cost-share application to the State Water Commission and proceed with the study of the erosion at the bridge between Sections 10 and 15 of Wisner Township regarding Drain #13 conditional on the approval of cost-share funding from the State Water Commission.

**Discussion:** Gregory Gebeke inquired if the Metro Flood Diversion Project will increase the amount of water flowing into Drain #13. Kurt Lysne stated that the Metro Flood Diversion Project will not impact Drain #13.

Upon roll call vote, the motion carried unanimously.

### **Drain #23 – Right of way**

Brady Woodard updated the Board on the status of right of way acquisition on Drain #23. Manager Colwell is willing to work with Mr. Woodard to continue discussions with property owners regarding right of way acquisition.

### **Drain #42 – Slides east of Cass County Highway 31**

Ms. Ducioame provided a cost-share update for the repair of the Drain #42 slides east of Cass County Highway 31. Moore Engineering, Inc. is working on cost-share applications to submit to the Cass County Flood Sales Tax committee for their meeting in April and to submit to the State Water Commission.

### **Costello Drain**

The Secretary reported that she has received a list of contacts that property owners provided as a part of an informal petition of support to the Water Resource Districts to turn the Costello Drain into a legal assessment drain. Discussion was held on next steps and funding for a potential Costello Drain project. The Board discussed the need for property owners to submit bond funds in order for the Water Resource District to be able to proceed with a project. The Board discussed hosting an informational meeting with nearby property owners to discuss the process of turning Costello Drain into a legal assessment drain.

A motion was made by Manager Colwell and seconded by Manager Thompson directing the Secretary to work with Moore Engineering, Inc. and invite property owners to the February 25, 2025, meeting to discuss the Costello Drain. 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**

The Board continues to encourage the Gebeke's to keep in contact with the North Dakota Department of Water Resources regarding the status of their Application for Surface Drain and continue working together with the Hochhalters as they approach the close or fill in date of June 15, 2025.

### **Application for Surface Drain No. 6626 for the Gebeke Brothers in the N 1/2 of Section 28 of Arthur Township – Solicitation of Views**

The Board discussed *Application for Surface Drain No. 6626* for the Gebeke Brothers in the N 1/2 of Section 28 of Arthur Township. The Board received a Solicitation of Views from the North Dakota Department of Water Resources for the permit application and discussed the permit application at their previous meeting. The Board had no comments to submit on the matter. Mr. Fredricks reviewed the surface drain permit application process. Gregory Gebeke stated the parties and Arthur Township came to an informal agreement regarding the matter. Brief discussion was held on drainage permit requirements as detailed in the North Dakota Century Code.

**Cass County Planning – Bernard Ohnstad Subdivision Application**

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

**Bills**

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

**Legislative Update**

Mr. Fredricks briefly updated the Board on a legislative hearing in Bismarck, North Dakota on January 30, 2024, at 9:00 a.m. and encouraged Managers to consider speaking on behalf of the Water Resource Districts. Mr. Fredricks stated that Mr. Lysne will be providing a primary testimony on the matter.

**Adjournment**

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

APPROVED:

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Ken Lougheed  
Chairman

ATTEST:

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Melissa Hinkemeyer  
Secretary