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These are DRAFT minutes, subject to amendment before final approval by the North Cass Water Resource District.

MINUTES OF NORTH CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
MAY 27, 2025
8:00 A.M.

A meeting of the North Cass Water Resource District (NCWRD) was held on May 27, 2025, at 8:00 a.m.

Present were Ken Loughheed, Chairman; Robert Thompson, Manager; Jay Colwell, Manager; Melissa Hinkemeyer, Director, Secretary-Treasurer; Amy Hepper, Accountant; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean M. Fredricks and Katie J Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, and Brady Woodard, Moore Engineering, Inc.; Duane Breitling, Cass County Commissioner; and Kris Bakkegard, Metro Flood Diversion Authority.

Approval of agenda

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

Minutes

It was moved by Manager Colwell, seconded by Manager Thompson, and unanimously carried to approve the minutes of the April 22, 2025, meeting, as presented.

Metro Flood Diversion Project – First Amendment to Memorandum of Understanding

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 regarding the *First Amendment to Memorandum of Understanding* for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Fredricks reviewed the *First Amendment to Memorandum of Understanding* regarding the Metro Flood Diversion Project. The amendment contemplates reimbursement of installation of erosion control at various locations as well as post operation repairs. Manager Colwell expressed concerns about taking ownership of large drain crossings as they could be expensive to maintain. Mr. Fredricks noted these drain crossings in question have a cost-share with Cass County per state statute.

A motion was made by Manager Colwell and seconded by Manager Thompson to approve and authorize the Chairman to sign the *First Amendment to Memorandum of*

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Understanding with the Metro Flood Diversion Authority regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

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

Alexa Ducioame reported Moore Engineering, Inc. is working on modeling for the project.

Drain #23 – Right of way

Ms. Ducioame briefly updated the Board on the status of the right of way acquisition regarding Drain #23. Ms. Ducioame reported that 8 of 12 property owners have signed the corresponding right of way documents.

Drain #42 – Slides east of Cass County Highway 31

Ms. Ducioame reported the State Water Commission and Cass County Flood Sales Tax Committee have approved cost-share for design of the Drain #42 slides east of Cass County Highway 31. Moore Engineering, Inc. is proceeding with design for the project. Manager Colwell inquired about the timeline of this project. Ms. Ducioame indicated that the Board will need to apply for cost-share through the Cass County Flood Sales Tax Committee for construction of the project. Construction is most likely to occur next year.

Costello Drain

Ms. Ducioame indicated the rough estimate of the cost per property owner for the Costello Drain project is \$15 to \$20 an acre per year for 15 years. Ms. Ducioame indicated this cost estimate compares to similar projects. Moving forward, once the petition and bond are collected the Board will need to define an assessment district and determine the benefit analysis.

The Board discussed inviting the property owners near Costello Drain to the June meeting to answer any questions they might have and update them on the project. The Board directed the Secretary to invite the property owners near Costello Drain to the June meeting.

Utility Permits for Arvig Enterprises, Inc. to install fiber optic cables under various North Cass Water Resource District facilities:

The Board discussed Utility Permits for Arvig Enterprises, Inc. to install fiber optic cables under Drains 18, 31, and 32. Chairman Lougheed noted it appears the plans for these *Utility Permits* indicate Arvig Enterprises, Inc. is also installing fiber optic cable along Drain #19. If Arvig Enterprises, Inc. is indeed installing their utility along Drain #19 property they will need to obtain a Utility Permit from the Water Resource District.

It was moved by Manager Colwell and seconded by Manager Thompson to approve the following *Utility Permits* for Arvig Enterprises, Inc. to install fiber optic cables at various locations under the following facilities and locations, with input from the Water Resource District Engineer:

- Drain #18 – SE 1/4 of Section 15 in Noble Township
- Drain #31 – NE 1/4 of Section 15 in Noble Township
- Drain #32 – NW 1/4 of Section 26 in Noble Township

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Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Water Management System No. 20258 for Carole Meyers in the NE 1/4 of Section 33 in Hunter Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 20258*, filed May 6, 2025, by Applicant Carole Meyers. Under the Application, Applicant seeks to install a 137-acre drain tile system in the NE 1/4 of Section 33 in Hunter Township, Cass County, North Dakota. The project will include a single pump outlet in the northeast corner of the NE 1/4 of Section 33; the pump will discharge into the south road ditch along 17th Street SE and will flow east, under 153rd Avenue SE; the discharge will continue to the east in the south road ditch, along the north boundary of the NW 1/4 of Section 34 for approximately three-quarters of a mile until flowing into a tributary to the South Branch of the Elm River, a natural watercourse, as that term is defined under N.D. Cent. Code § 61-01-06; the natural watercourse flows north, under 17th Street and into the SW 1/4 of Section 27.

According to Cass County records, Carole Meyers owns that portion of the NE 1/4 of Section 33 in Hunter Township where Applicant intends to install the tile system. With regard to downstream properties, Anthony and Emily Murch own the NW 1/4 of Section 34 in Hunter Township. Because the project will discharge into a natural watercourse in the NW 1/4 of Section 34, no additional downstream notices are required 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. 20258*, filed May 6, 2025, for Carole Meyers regarding a proposed tile system in the NE 1/4 of Section 33 in Hunter Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20258*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Hunter Township's road right of way.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the North Cass Water Resource District.
4. Applicant will remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to the discharge into the natural watercourse in the NW 1/4 of Section 34.
5. 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 NE 1/4 of Section 33

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in Hunter Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).

6. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20258* 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.

With regard to condition #4, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

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 Hunter Township Board of Township Supervisors to discharge into or otherwise utilize any of the Township's road right of way.
2. 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. 20258*, and Applicant's downstream flow map to the Department of Water Resources, Hunter Township, Anthony and Emily Murch, 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.

North Dakota Water Resource Districts Association – Summer Meeting

The Secretary noted that the North Dakota Water Resource Districts Association and North Dakota Water Users Association joint summer water meeting is scheduled for July 9-10, 2025, at the Spirit Lake Casino in Devils Lake. The Board discussed attendance at the summer meeting. The Secretary noted that registration is due in June, if any Managers wish to attend, they can contact the Water Resource District office.

Bills

It was moved by Manager Thompson and seconded by Manager Colwell to approve Check #4441 and payment of the wire transfers and electronic funds transfers as presented. Upon roll call vote, the motion carried unanimously.

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2026 Budget

The Secretary noted work has begun on the 2026 budget. The Secretary stated she will meet with Moore Engineering, Inc to discuss maintenance levees and a draft budget will be presented at a future meeting for review.

Education

Mr. Fredricks informed the Board that Water Resource Districts are not included in the 3% increase property tax cap legislation.

Adjournment

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

APPROVED:

Ken Lougheed
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary