

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RUSH RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 18, 2022

A virtual / conference call meeting of the Rush River Water Resource District was held on January 18, 2022, at 9:00 a.m.

Present were William A. Hejl, Chairman; Richard Sundberg, Manager; Jacob Gust, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Maertens, Administrative Assistant; Sean M. Fredricks and Lukas Andrud, Ohnstad Twichell, P.C.; Kurt Lysne and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; and Kevin Pifer, Pifer's Auction & Realty.

Approval of agenda

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

Reorganization of the Board for 2022

It was moved by Manager Gust and seconded by Manager Sundberg to appoint the following individuals to serve in the designated capacities for calendar year 2022:

William A. Hejl	Chairman
Richard Sundberg	Vice-Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Jacob Gust	Cass County Joint Water Resource District Representative
Richard Sundberg	Cass County Joint Water Resource District Alternate Representative 1
William A. Hejl	Cass County Joint Water Resource District Alternate Representative 2
William A. Hejl	Red River Joint Water Resource District Representative

Richard Sundberg

Red River Joint Water Resource District Alternate
Representative

Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to approve the minutes of the December 21, 2021, meeting.

Designate depositories of Rush River Water Resource District public funds

It was moved by Manager Sundberg and seconded by Manager Gust to designate the following as depositories of Rush River Water Resource District public funds:

Alerus Financial
Bell Bank
BankNorth (Casselton)

Upon roll call vote, the motion carried unanimously.

Approve the Pledge of Assets

It was moved by Manager Sundberg and seconded by Manager Gust to approve the following Pledge of Assets:

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

Upon roll call vote, the motion carried unanimously.

Review of contract for legal services

A motion was made by Manager Gust and seconded by Manager Sundberg to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the 2022 billing rates presented for Rush River Water Resource District. Upon roll call vote, the motion carried unanimously.

Review contract for engineering services

A motion was made by Manager Sundberg and seconded by Manager Gust to reaffirm the agreements with the following firms for engineering services and approve the 2022 billing rates as presented for Rush River Water Resource District:

- Moore Engineering, Inc.
- Houston Engineering, Inc.

Upon roll call vote, the motion carried unanimously.

Drain #29A – Access Agreement over right of way in the SE 1/4 of Section 36 in Gardner Township

Discussion was held on the *Access Agreement* approved at a previous meeting regarding Drain #29A in the SE 1/4 of Section 36 in Gardner Township. Kevin Pifer indicated the buyer of the SE 1/4 of Section 36 in Gardner Township desires a more permanent easement across Drain #29A as the *Access Agreement* could potentially void title insurance for the property, among other concerns. Discussion was held on potential language in an Access Easement.

A motion was made by Manager Sundberg and seconded by Manager Gust to approve and authorize the Chairman to sign the *Access Easement* with Jill E. Franke Trust regarding Drain #29A in the SE 1/4 of Section 36 in Gardner Township, contingent upon payment by the property owner of the cost for Moore Engineering, Inc. to conduct the survey and Ohnstad Twichell, P.C. to prepare the *Access Easement*. Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Mr. Lysne updated the Board on the RCPP – Rush River Watershed Plan. The formal 60-day comment period regarding the RCPP – Rush River Watershed Plan closed December 24, 2021. The NRCS is currently addressing the comments that were submitted during the comment period. Project design will resume following Plan approval by the National Watershed Management Center.

Cass County Planning – Thomsen Subdivision

It was moved by Manager Gust and seconded by Manager Sundberg to authorize the Secretary-Treasurer to return comment on Thomsen Subdivision to Cass County Planning, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Cass County Joint Water Resource District report

Manager Gust reported on planned construction activities for 2022 regarding the Metro Flood Diversion Project. The Public Private Partnership developer is working to secure local contractors, workers and equipment for the project.

Red River Joint Water Resource District report

The next Red River Joint Water Resource District Full Board meeting is scheduled for January 19, 2022.

Bills

It was moved by Manager Sundberg and seconded by Manager Gust to approve the wire transfers and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Hejl, Sundberg and Gust. The motion passed.

Legislative updates

Sean Fredricks briefly updated the Board on legislative matters that impact water resource districts.

Brewer Lake / Erie Dam - drawdown

Chairman Hejl inquired if the drawdown of Brewer Lake will need to begin soon. Mr. Lysne indicated the snow water equivalent in the upstream watershed has not yet triggered any action per the *Agreement for the Operation of Brewer Lake / Erie Dam Low-level Discharge*. Moore Engineering, Inc. will continue to monitor the area and provide the Board with any updates as they occur.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

William A. Hejl
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer