

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RUSH RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 19, 2022

A virtual / conference call meeting of the Rush River Water Resource District was held on July 19, 2022, at 8:00 a.m.

Present were William A. Hejl, Chairman; Richard Sundberg, Manager; Jacob Gust, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Mary Scherling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Dylan Brown, ASN Constructors; and Dane Larsen, property owner in Raymond Township.

Approval of Agenda

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

Minutes

It was moved by Manager Sundberg, seconded by Manager Gust and unanimously carried to approve the minutes of the June 21, 2022, meeting.

Drain No. 2 Improvement Project No. 2020-01

Brady Woodard reported the contractor has completed most of Drain No. 2 Improvement Project No. 2020-01, including the improvements to the roadway. There are a few remaining punch list items for the contractor to complete. Mr. Woodard indicated he also remains in contact with the adjacent property owner regarding the project.

Letter from Harwood Township regarding erosion at 170th Avenue SE at the confluence of the Rush River and Sheyenne River in the SW 1/4 of Section 28

Tom Soucy stated he contacted Harwood Township to discuss the erosion at the confluence of the Rush River and Sheyenne River in the SW 1/4 of Section 28 of Harwood Township. It was determined installation of a guardrail on that road would narrow the roadway too much, restricting local agricultural use of the road. Mr. Soucy provided history on the roadway and indicated there are trees blocking the speed limit sign that could be removed to make the sign more visible to motorists. Additional signage and solar flashing lights could also be installed in the area. Mr. Soucy indicated the pipe arch

culvert at this location cannot be extended and would have to be replaced with another pipe, so Cass County is proposing to replace the culvert following construction of the Metro Flood Diversion Project. Then the culvert could be significantly downsized, which would be much less costly.

Mr. Soucy noted there is a bridge one mile to the west that has structural issues that will need to be replaced in the future as well and could potentially be combined with the culvert replacement into one project. The Board noted they do not have jurisdiction over the roadway and thus are not liable for any damages related to the erosion at the confluence of the Rush River and Sheyenne River in the SW 1/4 of Section 28 of Harwood Township. Manager Sundberg indicated he will contact the Harwood Township Supervisors to relay the information discussed and encourage them to contact the Cass County Highway Department regarding the matter.

Drain #12 – bridge replacement on Cass County Highway 22 in Section 6 of Raymond Township

Mr. Soucy reported an inspection of the bridge across Drain #12 on Cass County Highway 22 in Section 6 of Raymond Township determined the load rating of the bridge will need to be lowered due to the condition of the bridge. The lower load rating restricts local agricultural use of the road. Mr. Soucy indicated the Cass County Highway Department has preliminarily scheduled the bridge for replacement next year. The hydraulic report for the project will be sent to Mr. Lysne for review on behalf of the Water Resource District.

Discussion was held on the potential detour for the bridge replacement. The Board also discussed the possibility of constructing a channel on the north side of Cass County Highway 22 in Section 6 of Raymond Township to reduce the volume of water through two crossings between Sections 6 and 7 of Raymond Township, possibly eliminating the need for the two bridges at those locations. Mr. Soucy indicated he will further explore the idea and bring more information to the Board at a future meeting.

Drain #29 – Metro Flood Diversion Project tie-in

Kurt Lysne updated the Board on the Metro Flood Diversion Project tie-in to Drain #29 in Section 2 of Harwood Township. Mr. Lysne indicated the recommended alternative is to construct the tie-in on Water Resource District property. The construction will be executed by the Public-Private Partnership (P3) developer for the Metro Flood Diversion Project and the tie-in will be turned over to the Water Resource District following construction. The P3 developer will submit final plans for the project to the Water Resource District for review.

Metro Flood Diversion Project update

Dylan Brown updated the Board on the anticipated P3 construction schedule for the Metro Flood Diversion Project. Mr. Brown noted the Water Resource District can request tours of the Diversion Channel and Associated Infrastructure once construction begins. The groundbreaking ceremony for construction of the Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project is currently scheduled for August 2022.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Mr. Lysne stated discussions will be held with new Burlington Northern Santa Fe Railway Company personnel to discuss the design of the railway crossings regarding the RCPP – Rush River Watershed Plan. The project is very close to the 90% design level.

Red River Joint Water Resource District (RRJWRD) report

Manager Sundberg reported on the RRJWRD Full Board special meeting held on July 15, 2022. Sean Fredricks also briefly updated the Board on legislative matters discussed at the RRJWRD meeting that impact water resource districts.

Facility inspection report

Mr. Woodard stated the 2022 inspection report on the Rush River Water Resource District facilities is complete. The Board tabled the matter to allow more time for review of the information and decided to hold a special meeting on Monday, July 25, 2022, at 8:00 a.m. to discuss the 2022 inspection report in more detail.

2021 Audit

A motion was made by Manager Sundberg and seconded by Manager Gust to approve the 2021 Audit of the Rush River Water Resource District. Upon roll call vote, the motion carried unanimously.

Approve Pledge of Assets – Alerus Financial (as per agreement of March 7, 1996)

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.

Bills

It was moved by Manager Gust and seconded by Manager Sundberg 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 Chairman declared the motion passed.

Drain #12 – bridge replacement on Cass County Highway 22 in Section 6 of Raymond Township (continued)

Dane Larsen expressed concerns about the possibility of using township roads as detours for the Drain #12 bridge replacement on Cass County Highway 22 in Section 6 of Raymond Township. Increased traffic could result in damaged roadways and dust control issues. Mr. Larsen also provided comments regarding the possibility of adding a channel on the north side of Cass County Highway 22 in Section 6 of Raymond Township. He is also concerned about larger openings through crossings upstream of the bridge. The Board asked Mr. Lysne to look into the crossing sizes. Mr. Soucy indicated no decision has been made regarding the detour route and that the Cass County Highway Department would prefer not to use township roads for the detour.

Compensation for Water Resource District Managers in accordance with HB 1216

During the 2021 Legislative Session, the Legislature approved HB 1216, a bill that increased the maximum compensation for water managers to match compensation for legislators. In accordance with N.D. Cent. Code § 54-03-20, commencing on July 1, 2022, legislative compensation increased to \$193 per day. The Board agreed to set compensation at the amount permissible for legislators under North Dakota law, currently and as modified in the future by the Legislature, as opposed to requiring approvals each time the legislature modifies or increases legislative compensation.

Manager Gust moved to match legislative compensation for Rush River Water Resource District Managers in accordance with HB 1216 and applicable North Dakota law. Manager Sundberg seconded the motion. Upon roll call vote, the motion carried unanimously.

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