

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 20, 2022

A virtual / conference call meeting of the Rush River Water Resource District was held on September 20, 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, Josh Hassell, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, 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 presented.

**Minutes**

It was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to approve the minutes of the August 16, 2022, meeting.

**Drain No. 2 Improvement Project No. 2020-01**

Kurt Lysne reported the contractor has substantially completed Drain No. 2 Improvement Project No. 2020-01.

It was moved by Manager Sundberg and seconded by Manager Gust to approve and authorize the Chairman to sign *Contractor's Application for Payment No. 2* for John Riley Construction, Inc. in the amount of \$96,790.71 regarding Drain No. 2 Improvement Project No. 2020-01. Upon roll call vote, the motion carried unanimously.

**Drain #12 – riprap under the State Highway 18 bridge**

Chairman Hejl stated a property owner contacted him regarding displacement of the riprap under the State Highway 18 bridge over Drain #12. The property owner believes ice may be pushing the riprap out of place. Mr. Lysne noted the North Dakota Department of Transportation (NDDOT) typically utilizes a smaller rock size than the Water Resource District uses for riprap. The Board directed Moore Engineering, Inc. to contact the NDDOT to inquire on the intended riprap design at that location and bring the information to a future meeting.

### **Regional Conservation Partnership Program (RCPP) – Rush River Watershed**

Josh Hassell updated the Board on the RCPP – Rush River Watershed Plan. Discussion was held on comments received from property owners regarding the project design, including the levee alignment. Changes to the levee alignment may also require an updated environmental assessment, various drainage improvements and various temporary closures during flooding events. The Board discussed levee alignment options in more detail. The levee alignment options will be presented to the Cass County Joint Water Resource District for their review and consideration. Manager Sundberg inquired if changes to the levee alignment will meet FEMA certification standards. Mr. Hassell noted Moore Engineering, Inc. will be contacting FEMA to discuss a Conditional Letter of Map Revision regarding the project.

### **Notification to Install a Subsurface Water Management System provided by Ellingson Companies in the SE 1/4 of Section 22 in Amenia Township**

The Board received and filed a *Notification to Install a Subsurface Water Management System* provided by Ellingson Companies in the SE 1/4 of Section 22 in Amenia Township. The Board had no comments on the matter.

### **Notification to Install a Subsurface Water Management System provided by Ellingson Companies in the SW 1/4 of Section 27 in Amenia Township**

The Board received and filed a *Notification to Install a Subsurface Water Management System* provided by Ellingson Companies in the SW 1/4 of Section 27 in Amenia Township. The Board indicated they will reexamine the benefits the SW 1/4 of Section 27 in Amenia Township receives during a future reassessment of Drain #2.

### **Utility Permit for ASN Constructors to install 6” PVC watermain under Drain #29 in Section 2 of Harwood Township**

A motion was made by Manager Gust and seconded by Manager Sundberg to approve the *Utility Permit* for ASN Constructors to install 6” PVC watermain under Drain #29 in Section 2 of Harwood Township, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

### **Temporary Water Permit for ASN Constructors in the N 1/2 NE 1/4 of Section 10 in Harwood Township for construction**

The Board received and filed a *Temporary Water Permit* for ASN Constructors in the N 1/2 NE 1/4 of Section 10 in Harwood Township for construction. Dylan Brown indicated the water will be used for dust and moisture control during construction of the Metro Flood Diversion Channel and Associated Infrastructure. The Board had no comments on the matter.

### **Cass County Joint Water Resource District (CCJWRD) report**

Manager Gust reported work continues on the I-29 road raise, the Diversion Inlet Structure and the Wild Rice River Structure components of the Metro Flood Diversion Project.

Brief discussion was held on the anticipated construction schedule of the Metro Flood Diversion Channel and Associated Infrastructure. Mr. Brown indicated the *Notice to Proceed* regarding construction of the Metro Flood Diversion Channel and Associated Infrastructure was issued by the Diversion Authority last week, activities such as utility relocations, channel excavation and embankment construction can now begin.

**Red River Joint Water Resource District (RRJWRD) report**

The next meeting of the RRJWRD will be held on September 21, 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 Chairman declared the motion passed.

**Drain #12 – beaver control between Sections 25 and 26 of Berlin Township**

Manager Sundberg stated a property owner reported beaver control work needed on Drain #12 between Sections 25 and 26 of Berlin Township. It was moved by Manager Gust and seconded by Manager Sundberg to authorize the Secretary-Treasurer to contact JAC Predator and Large Pest Control, Inc. to provide animal damage control services on Drain #12 between Sections 25 and 26 of Berlin Township. Upon roll call vote, the motion carried unanimously.

**Regional Conservation Partnership Program (RCP) – Rush River Watershed continued**

Discussion was held regarding potential improvements along the Rush River north of the City of Amenia, including improvements to the berm on the south side of the channel. Mr. Hassell indicated these ideas were discussed during the planning process of the RCP – Rush River Watershed Plan and were eliminated at that time for a variety of reasons. The Board discussed the possibility of improving the berm on the south side of the channel in more detail and asked Mr. Hassell to develop a rough cost estimate for the proposed project. Mr. Lysne noted the project may require a geotechnical study and obtaining a construction permit from the North Dakota Department of Water Resources would require the Water Resource District to own the right of way. The Water Resource District could require those interested in pursuing the project to submit a *Petition and Bond* to cover costs incurred if the project is taken to a vote and fails. Chairman Hejl will approach the City of Amenia to discuss the matter. More information will be brought to a future meeting for further discussion.

**Adjournment**

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

APPROVED:

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William A. Hejl  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer