

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

A virtual / conference call meeting of the Rush River Water Resource District was held on December 20, 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 Hinkemeyer, Administrative Assistant; Sean M. Fredricks and Katie Schmidt, Ohnstad Twichell, P.C.; Kurt Lysne and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Kim Bruesch, Amenia Township Chairman; David Baumler, David Knight, Kevin Meier, Dallas Nesemeier and Wade Radermacher, Amenia Township property owners.

Approval of Agenda

The Board approved the order of the agenda, as amended.

Minutes

It was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to approve the minutes of the November 15 and 22, 2022, meetings.

Complaint for Water-Related Issues from Kim Bruesch against David Baumler for drainage in the SE 1/4 NE 1/4 of Section 29 in Amenia Township

Kim Bruesch submitted a *Complaint for Water-Related Issues* against David Baumler for deepening the west ditch of 152nd Avenue SE in the SE 1/4 NE 1/4 of Section 29 in Amenia Township. Mr. Bruesch said the deepened road ditch is causing water to flow faster through the culverts causing erosion, silt problems, and water to flow over and damage township roads. Mr. Bruesch also said Mr. Baumler raised 152nd Avenue SE south of 29th Street SE to prevent water from flowing on his adjacent property. Mr. Baumler disagreed with the township road raise claim.

Mr. Baumler asked the Board to table the discussion on the *Complaint* until later in the meeting as other parties were expected to attend, the Board agreed to do so.

Drain No. 2 Improvement Project No. 2020-01

Brady Woodard updated the Board on the signage near one of the newly installed box culverts that was part of Drain No. 2 Improvement Project No. 2020-01. Moore Engineering, Inc. contacted the Cass County Highway Department to inform them of the

nearby property owner's concerns regarding the signage and that there may be a need for additional signage.

Drain #2 lateral - tree clearing in Sections 26, 34 and 35 of Harmony Township

Mr. Woodard reported the contractor completed the tree clearing in Sections 26, 34 and 35 of Harmony Township regarding the Drain #2 lateral.

Rush River Snagging and Clearing

Discussion was held on snagging and clearing in Sections 19, 30, 29, 32 and 33 of Rush River Township and Sections 23 and 24 of Amenia Township. Mr. Lysne noted the *Agreement for Cost-Share* with the North Dakota Department of Water Resources (NDDWR) for the project was previously approved but may not include all the sections that need snagging and clearing work.

A motion was made by Manager Sundberg and seconded by Manager Gust to authorize the Secretary-Treasurer to contact the NDDWR to determine if it is necessary to amend the *Agreement for Cost-Share* to include snagging and clearing in Section 33 of Rush River Township. Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Kurt Lysne reported on the RCPP – Rush River Watershed Plan. Additional tasks need to be completed to accommodate the modifications to the final levee alignment. The estimated cost of the additional work is \$195,000. A cost-share request will be submitted to the NDDWR for consideration at the February State Water Commission meeting. The Cass County Flood Sales Tax Committee tabled the submitted cost-share request until the NDDWR cost-share request has been considered.

Metro Flood Diversion Project – First Amendment to District Memorandum of Understanding to address the Drain #29 inlet and property and an additional Drain #30 crossing at 170th Avenue SE

Katie Schmidt discussed the *First Amendment to District Memorandum of Understanding* between the Water Resource District and the Diversion Authority regarding the Metro Flood Diversion Project. The *Memorandum of Understanding* contemplates impacts of the Metro Flood Diversion Project on Water Resource District facilities. Ms. Schmidt noted an additional Drain #30 crossing is needed at 170th Avenue SE to provide access to nearby property owners. The *First Amendment to District Memorandum of Understanding* also contemplates the Drain #29 inlet previously discussed by the Board.

It was moved by Manager Gust and seconded by Manager Sundberg to approve and authorize the Chairman to sign the *First Amendment to District Memorandum of Understanding* with the Diversion Authority regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Cass County Joint Water Resource District report

Manager Gust updated the Board on the construction progress of various components of the Metro Flood Diversion Project. The Cass County Joint Water Resource District continues to acquire Flowage Easements for the Metro Flood Diversion Project.

Red River Joint Water Resource District (RRJWRD) report

Sean Fredricks reported on items discussed at the December 8, 2022, RRJWRD Full Board meeting. Mr. Fredricks also noted the Chairman of the RRJWRD appointed Keith Weston, Southeast Cass Water Resource District, to serve the remaining year of Dan Jacobson's term on the RRJWRD Executive Committee, effective January 1, 2023.

Complaint for Water-Related Issues from Kim Bruesch against David Baumler for drainage in the SE 1/4 NE 1/4 of Section 29 in Amenia Township (continued)

Discussion continued on the *Complaint for Water-Related Issues* from Kim Bruesch against David Baumler for deepening the west ditch along 152nd Avenue SE in the SE 1/4 NE 1/4 of Section 29 in Amenia Township. Mr. Fredricks discussed the parameters for requirement of a Surface Drain Permit from the NDDWR regarding deepening of ditches. Chairman Hejl noted the Water Resource District does not have jurisdiction regarding the township road raise matter between Amenia Township and Mr. Baumler.

It was moved by Manager Gust and seconded by Manager Sundberg to direct Moore Engineering, Inc. to investigate the *Complaint for Water-Related Issues* from Kim Bruesch against David Baumler for drainage in the SE 1/4 NE 1/4 of Section 29 in Amenia Township and prepare a written report with the findings to bring to a future meeting. Upon roll call vote, the motion carried unanimously.

Year-end issues

A motion was made by Manager Sundberg and seconded by Manager Gust to:

- Authorize the Secretary-Treasurer to make any minor year-end transfers to balance the Rush River Water Resource District 2022 budget;
- Authorize the Secretary-Treasurer to make transfers to and from obligated funds, if necessary; and
- Authorize the Secretary-Treasurer to amend the Rush River Water Resource District 2022 budget.

Upon roll call vote, the motion carried unanimously.

Set regular meeting dates for 2023

The Board discussed its regular meeting dates for the year 2023. It was moved by Manager Sundberg and seconded by Manager Gust to adopt the following Resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Rush River Water Resource District does hereby set the third Tuesday of January through March at 9:00 a.m., the third Tuesday of April through October at 8:00 a.m., and the third Tuesday of November and December at 9:00 a.m. at

the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, times and place for the year 2023.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

William A. Hejl
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer

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.

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