

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RUSH RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 17, 2023

A virtual / conference call meeting of the Rush River Water Resource District was held on January 17, 2023, at 9:00 a.m.

Present were William A. Hejl, Chairman; Richard Sundberg, Manager; Jacob Gust, Manager; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne and Alexa Ducioame, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Tom Soucy, Cass County Highway Department; Dylan Brown, ASN Constructors; and David Baumler, Amenia Township property owner.

Agenda and Minutes

It was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to approve the order of the agenda, as presented, and the minutes of the December 20, 2022, meeting.

Reorganization of the Board for 2023

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 2023:

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|---------------------|--|
| 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 |
| Richard Sundberg | Red River Joint Water Resource District Representative |

William A. Hejl

Red River Joint Water Resource District Alternate
Representative

Upon roll call vote, the motion carried unanimously.

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 Gust and seconded by Manager Sundberg 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 2023 billing rates presented for Rush River Water Resource District. Upon roll call vote, the motion carried unanimously.

Review contracts for engineering services

It was moved by Manager Sundberg and seconded by Manager Gust to reaffirm the agreement with Moore Engineering, Inc. for engineering services and approve the 2023 billing rates presented for Rush River Water Resource District. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Sundberg to reaffirm the agreement with Houston Engineering, Inc. for engineering services and approve the 2023 billing rates presented for Rush River Water Resource District. Upon roll call vote, the motion carried unanimously.

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

Kurt Lysne updated the Board 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. Moore Engineering, Inc. has begun determining the size of the watershed impacted by the work stated in the *Complaint*. Mr. Lysne said Moore Engineering, Inc. will also reach out to property owners in the area to verify the watershed boundaries. If a survey is needed, it may be completed this spring if a winter survey will not be efficient. Moore Engineering, Inc. will continue to investigate the matter and will report their findings at a future meeting.

Rush River Snagging and Clearing

Discussion was held on snagging and clearing on the Rush River in Sections 19, 30, 29, 32 and 33 of Rush River Township and Sections 23 and 24 of Amenia Township. Mr. Lysne indicated Industrial Builders, Inc. (IBI) can complete snagging and clearing work on the Rush River this winter, depending on weather and ice conditions. The initial focus of work would be west of State Highway 18.

A motion was made by Manager Sundberg and seconded by Manager Gust to authorize the Water Resource District Attorney to draft an Agreement with IBI regarding snagging and clearing on the Rush River in Sections 19, 30, 29, 32 and 33 of Rush River Township and Sections 23 and 24 of Amenia Township, not to exceed \$75,000 and authorize the Chairman to sign the Agreement. Upon roll call vote, the motion carried unanimously.

Upper Rush Improvement District No. 78

Mr. Lysne stated Moore Engineering, Inc. remains in contact with the petitioners regarding the Upper Rush Improvement District No. 78 project.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Mr. Lysne reported on the RCPP – Rush River Watershed Plan. Additional tasks need to be completed to accommodate the modifications to the final levee alignment. A cost-share request to complete the additional tasks has been submitted to the North Dakota Department of Water Resources (NDDWR) for consideration at the February State Water Commission meeting. The cost-share request submitted to the Cass County Flood Sales Tax Committee will be adjusted, based on the decision regarding the NDDWR cost-share.

Erie Dam spring 2023 operations

Mr. Lysne reported there is over 2 inches of snow water equivalent in the Erie Dam / Brewer Lake upstream watershed which triggers possible drawdown of the facility per the *Agreement for the Operation of Brewer Lake / Erie Dam Low-level Discharge*. The North Dakota Game and Fish Department has noted the pool at Erie Dam / Brewer Lake is lower than usual, so drawdown may not be necessary.

A motion was made by Manager Gust and seconded by Manager Sundberg to authorize the Secretary-Treasurer to submit a public notice of possible water discharge from Erie Dam / Brewer Lake for publication in the *Cass County Reporter*. Upon roll call vote, the motion carried unanimously.

Cass County Joint Water Resource District report

Manager Gust and Dylan Brown updated the Board on the construction progress of various components of the Metro Flood Diversion Project. Mr. Brown noted earthwork, bridge and railroad work will be ongoing this year within the Rush River Water Resource District boundaries, as well as work on the Drain #29 inlet. The Board briefly discussed opportunities to tour the Metro Flood Diversion Project during construction.

59th Annual Joint North Dakota Water Convention

Chairman Hejl briefly updated the Board on topics discussed at the 59th Annual Joint North Dakota Water Convention that was held last month in Bismarck, North Dakota.

Legislative updates

Sean Fredricks briefly updated the Board on legislative items related to water resource districts.

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 #74 – tree removal in overflow structure

The Board discussed volunteer trees in the Drain #74 overflow structure between Sections 20 and 21 in Amenia Township. It was moved by Manager Sundberg and seconded by Manager Gust to authorize Moore Engineering, Inc. to inspect the Drain #74 overflow structure between Sections 20 and 21 in Amenia Township regarding possible tree removal. 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