

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JUNE 20, 2023

A virtual / conference call meeting of the Rush River Water Resource District was held on June 20, 2023, at 8:00 a.m.

Present were 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.; Duane Breitling, Cass County Commissioner; Tom Soucy, Cass County Highway Department; Kris Bakkegard, Diversion Authority Director of Engineering; Tom Fuchs, Diversion Authority Senior Construction Manager; Kellen Grubb, AE2S; David Baumler, Renee Fowler and David Strand, Amenia Township property owners. Chairman William A. Hejl was absent.

**Agenda**

It was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to approve 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 May 16, 2023, meeting.

**Lower Rush River Drain #2 – Metro Flood Diversion Project interface**

Kurt Lysne indicated the P3 developer for the Diversion Channel of the Metro Flood Diversion Project is making progress on the design of the Rush River and Lower Rush River interfaces with the Metro Flood Diversion Project. Discussion was held on the interface between the Lower Rush River Drain #2 and the Metro Flood Diversion Project. Tom Fuchs said due to right of way constraints, the Metro Flood Diversion Authority is requesting the Water Resource District construct the transition between Drain #2 and the Metro Flood Diversion Project on behalf of the Metro Flood Diversion Authority. Transitions are required between legal assessment drains and the Metro Flood Diversion Project so that future improvements of Water Resource District facilities can be accomplished without initiating federal permitting requirements related to the Metro Flood Diversion Project. The Water Resource District would own the transition between Drain

#2 and the Diversion Channel, and the cost to complete the transition would be reimbursed by the Diversion Authority. It is anticipated at this time that no additional right of way will need to be acquired for the transition project.

Following discussion, the Board consented to the concept of the Water Resource District constructing the transition between Drain #2 and the Diversion Channel of the Metro Flood Diversion Project on behalf of the Metro Flood Diversion Authority and authorized the Water Resource District Attorney to amend the *Memorandum of Understanding* with the Metro Flood Diversion Authority regarding the matter.

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

Alexa Ducioame stated the Drain No. 2 Improvement Project No. 2020-01 is complete and vegetation has been established. The Board received and filed the *Notice of Acceptability of Work* regarding the project.

It was moved by Manager Gust and seconded by Manager Sundberg to approve and authorize the Chairman to sign *Change Order No. 1* for John Riley Construction, Inc. to decrease the total contract price in the amount of \$13,265.04 regarding Drain No. 2 Improvement Project No. 2020-01. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Gust and seconded by Manager Sundberg to approve and authorize the Chairman to sign *Contractor's Application for Payment No. 3* for John Riley Construction, Inc. in the amount of \$50,734.89 regarding Drain No. 2 Improvement Project No. 2020-01. Upon roll call vote, the motion carried unanimously.

**Drain #29 – intercept culverts in the S 1/2 of Section 32 in Wisser Township**

Brady Woodard reported a Drain #29 intercept culvert in the southeast corner of the SE 1/4 of Section 32 in Wisser Township is failing and needs to be replaced. The culvert should also be lowered approximately one foot. Mr. Woodard indicated the adjacent property owner requested installing an additional 18-inch intercept culvert in the S 1/2 of Section 32 in Wisser Township regarding Drain #29. The estimate for the purchase and installation of the two culverts is \$10,000.

A motion was made by Manager Gust and seconded by Manager Sundberg to approve the purchase and installation of two 18-inch intercept culverts on Drain #29 in the S 1/2 of Section 32 in Wisser Township, not to exceed a cost of \$10,000. Upon roll call vote, the motion carried unanimously.

**Drain #74 – tree removal from the overflow structure between Sections 20 and 21 in Amenia Township**

Mr. Woodard reported the contractor removed trees at the Drain #74 drop structure between Sections 20 and 21 in Amenia Township. David Baumler noted trees are still present at the Drain #74 rock overflow structure in the NE 1/4 of Section 20 in Amenia Township. Mr. Woodard will communicate with the contractor to remove the trees at the Drain #74 rock overflow structure.

### **Amenia Township Improvement District No. 75**

Discussion was held on Amenia Township Improvement District No. 75. Ms. Ducioame discussed the original proposed project from 2013 in Sections 19, 20 and 21 in Amenia Township. The original petition and bond submitted in 2013 was \$10,500. Following a meeting with property owners at the time, it was determined there were some property owners not in favor of proceeding with the project. The Board then requested an additional \$35,000 bond to proceed with the project. The project was paused as the bond was not received. Ms. Ducioame said at this time, Moore Engineering, Inc. would recommend a petition and bond of \$50,000 to resume the Amenia Township Improvement District No. 75 project. Mr. Lysne said Moore Engineering, Inc. can provide a cost estimate for the project to David Baumler to discuss with area property owners. Property owners can submit the petition and \$50,000 bond if they wish to proceed with the project. Discussion was held on the legal drain assessment district formation process. Sean Fredricks reminded property owners that the project is locally driven and property owners can determine if they want to proceed with the project, and if they do wish to proceed, property owners can then determine project details such as design features and location. Renee Fowler and David Strand expressed opposition to the proposed project. Mr. Baumler noted there is a drop structure at the Rush River in Section 21 of Amenia Township that is starting to fail that he would like repaired or replaced as part of the proposed project. The Board noted again that a petition and \$50,000 bond are necessary to move forward with the proposed Amenia Township Improvement District No. 75 project and that no further work will be done on the project until the petition and bond are submitted. The Board encouraged property owners to discuss the proposed project and if they want to proceed or not.

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

Mr. Lysne reported on the RCPP – Rush River Watershed Plan. Work continues on the final alignment of the levee. SRF Consulting Group, Inc. has reached out to property owners impacted by the levee alignment and will be providing a report of their findings and recommendations to the Cass County Joint Water Resource District.

### **Utility Permit for Cass County Electric Cooperative to install underground power line under the Lower Branch of the Rush River in the NW 1/4 of Section 11 in Raymond Township on the east side of 105th Street N**

It was moved by Manager Gust and seconded by Manager Sundberg to approve the *Utility Permit* for Cass County Electric Cooperative to install underground power line under the Lower Branch of the Rush River in the NW 1/4 of Section 11 in Raymond Township on the east side of 105th Street N, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

### **Utility Permit for Cass Rural Water Users District to install a water supply pipeline and a water return pipeline under Drain #67 south of 64th Avenue N**

Kellen Grubb discussed the *Utility Permit* for Cass Rural Water Users District to install a water supply pipeline and a water return pipeline under Drain #67 south of 64th Avenue

N. He indicated Cass Rural Water Users District will determine whether the final alignment of the pipelines will be at this location or the location set out in the *Utility Permit* approved May 16, 2023, following right of way discussions with area property owners.

It was moved by Manager Gust and seconded by Manager Sundberg to approve the *Utility Permit* for Cass Rural Water Users District to install a water supply pipeline and a water return pipeline under Drain #67 south of 64th Avenue N, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

#### **2024 budget and 2023 maintenance levy assessments**

A motion was made by Manager Gust and seconded by Manager Sundberg to approve the Rush River Water Resource District 2024 budget and 2023 maintenance levy assessments. Upon roll call vote, the motion carried unanimously.

#### **Cass County Joint Water Resource District report**

Manager Gust updated the Board on the construction status of various components of the Metro Flood Diversion Project.

#### **Red River Joint Water Resource District report**

Manager Sundberg reported on the Red River Joint Water Resource District (RRJWRD) Full Board meeting held June 14, 2023. During the meeting, the RRJWRD approved cost-share with Barnes County Water Resource District for the 10 Mile Lake Water Management Feasibility Study and updates were given on various Regional Conservation Partnership Program projects through the Natural Resources Conservation Service. Sean Fredricks updated the Board on SB 2372 regarding watershed districts that was discussed during the RRJWRD meeting. The next RRJWRD Full Board meeting will be held September 13, 2023, at 9:30 a.m.

#### **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: Sundberg and Gust. Chairman Hejl was absent. The motion passed.

#### **Rush River Snagging and Clearing**

The Board directed the Secretary-Treasurer to contact the North Dakota Department of Water Resources to inquire if the approved cost-share funding for Rush River Snagging and Clearing 2022 can be used for Rush River Snagging and Clearing 2023. If the cost-share cannot be used for 2023 Rush River Snagging and Clearing, the Board authorized the Secretary-Treasurer to submit a cost-share request to the State Water Commission for Rush River Snagging and Clearing 2023.

**Adjournment**

There being no further business to be considered by the Board, it was moved by Manager Gust, seconded by Manager Sundberg and unanimously carried to adjourn the meeting.

APPROVED:

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William A. Hejl  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer