

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RUSH RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 21, 2023

A virtual / conference call meeting of the Rush River Water Resource District was held on November 21, 2023, 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, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Jason Benson, Cass County Engineer; Tom Fuchs, Metro Flood Diversion Authority; and Dylan Brown, ASN Constructors.

Agenda

It was moved by Manager Gust, seconded by Manager Sundberg 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 October 17, 2023, meeting.

Metro Flood Diversion Project update

Dylan Brown updated the Board on the status of construction of the Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project. Mr. Brown said ASN Constructors is currently working in reaches 1 through 9 of the Diversion Channel, with reaches 1 through 5 located within the Rush River Water Resource District. The Diversion Channel outlet is mostly complete, and work continues on the excavation of the Diversion Channel. Mr. Brown anticipated work to begin on the Rush River inlet to the Diversion Channel this year with construction estimated to finish late next year. The Rush River will not be connected to the Diversion Channel until the downstream portions of the Diversion Channel are complete, including downstream bridge work. ASN Constructors estimates the connection of the Rush River to the Diversion Channel to occur in 2025.

The Board then discussed the design of the transition from the Rush River to the Diversion Channel. Tom Fuchs discussed the plans in more detail and indicated property owners and others with questions or concerns regarding the design and construction of the Metro Flood Diversion Project can contact him.

Sean Fredricks noted an amendment to the *Memorandum of Understanding* with the Metro Flood Diversion Authority is being drafted and will address the transition from the Rush River and Lower Rush River to the Diversion Channel. Kurt Lysne updated the Board on permitting for the transition between the Rush River and the Diversion Channel.

Rush River / Lower Rush River – future bridge replacements

Kurt Lysne indicated there are several future bridge replacements on the Rush River and Lower Rush River that will be costly. The Board discussed funding the projects as well as continuing to have funds available for maintenance of the facilities. Jason Benson stated the Cass County Highway Department has secured federal funding for the upcoming Cass County Highway 32 bridge replacement over the Rush River. Mr. Benson said the Cass County Highway Department is completing plans for upcoming projects and will continue to pursue federal and state cost-share funding opportunities, should they become available. Bridge replacement projects within the protected area of the Metro Flood Diversion Project will occur after the Metro Flood Diversion Project is complete as the bridges can then be replaced with smaller infrastructure. Discussion was held on the Rush River / Lower Rush River Master Plan regarding financing the future bridge replacement projects. The Cass County Highway Department will remain in communication with the Water Resource District regarding future bridge replacement projects on the Rush River and Lower Rush River.

The Board discussed flattening side slopes on the Rush River to help alleviate spring melt issues related to snow in the facility. The Board directed Moore Engineering, Inc. to evaluate and prepare a preliminary cost estimate for a project to flatten side slopes on the Rush River starting from the Rush River transition to the Metro Flood Diversion Channel and working upstream. Moore Engineering, Inc. will bring the information to a future meeting for further discussion on the proposed project.

Drain #29A – washouts in Sections 3 and 4 of Berlin Township

Brady Woodard reported the Drain #29A washouts in Sections 3 and 4 of Berlin Township have been repaired and the project is complete.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Mr. Lysne updated the Board on the RCPP – Rush River Watershed Plan. A meeting was recently held with Burlington Northern Santa Fe Railway Company (BNSF) to discuss the levee alignment as well as operation and maintenance of the project in relation to BNSF property. An Agreement with BNSF will be drafted regarding the matter. Moore Engineering, Inc. continues to work with the Natural Resources Conservation Service (NRCS) to complete the Plan. Mr. Lysne said the next steps for the project once the Plan is approved by the NRCS are to secure funding for the project, submit a Conditional Letter of Map Revision (CLOMR) to FEMA, submit an *Application to Construct* to the North Dakota Department of Water Resources, and acquire right of way for the project. The Cass County Joint Water Resource District can also begin work on formation of the assessment district for the project once the Plan is completed and NRCS has approved funding for project construction.

Cass County Joint Water Resource District report

Manager Gust reported on the construction progress of various components of the Metro Flood Diversion Project.

Red River Joint Water Resource District (RRJWRD) report

The next RRJWRD Full Board meeting will be held December 7, 2023, at 12:00 p.m. at the Bismarck Hotel and Conference Center in Bismarck.

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 motion carried unanimously.

Rush River Snagging and Clearing

Mr. Woodard reported the contractor is planning to begin the Rush River Snagging and Clearing project next week. Mr. Woodard estimated the project will take 2-4 weeks.

Metro Flood Diversion Project – property owner access issue during high water events

Discussion was held on a concern from a property owner adjacent to the Metro Flood Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project regarding access to their property during high water events. Mr. Benson suggested a potential temporary access road solution. ASN Constructors and the Metro Flood Diversion Authority will remain in contact with the property owner regarding the matter.

Metro Flood Diversion Project – Harwood Township road usage

Chairman Hejl reported a concern from a property owner regarding unauthorized usage of Harwood Township roads near the City of Harwood related to construction of the Metro Flood Diversion Project. Mr. Benson and Mr. Fuchs noted ASN Constructors is authorized to use Cass County highways for access to the Metro Flood Diversion Project and is not authorized to utilize township roads per agreements with the Metro Flood Diversion Authority and various townships. Mr. Fuchs will address the matter with ASN Constructors.

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:

William A. Hejl
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer