

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RUSH RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
HERITAGE CONFERENCE ROOM
WEST FARGO, NORTH DAKOTA
MARCH 19, 2024
9:00 A.M.

A virtual / conference call meeting of the Rush River Water Resource District was held on March 19, 2024, at 9:00 a.m.

Present were William A. Hejl, Chairman; Richard Sundberg, Manager; Jacob Gust, Manager; Melissa Hinkemeyer, Secretary-Treasurer; Leilei Bao, Accountant; Carolyn Fiechtner, 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; Kyle Litchy, Cass County Highway Department; Cole Hanson, Cass County Planner; Stan Wolf, Cass County Weed Control; Dean Vetter, AE2S; Jim Krogh, Raymond Township property owner; and Dylan Foss, Harwood.

Approval of agenda

It was moved by Manager Sundberg, seconded by Manager Gust and unanimously carried to approve the order of the agenda, as amended.

Minutes

It was moved by Manager Gust and seconded by Manager Sundberg to approve the minutes of the February 20, 2024, meeting. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project

Brady Woodard provided an overview of construction of the Metro Flood Diversion Project within the Rush River Water Resource District boundaries. The Board discussed various missing flap gates and culverts on Water Resource District facilities regarding the Metro Flood Diversion Project.

After discussion, the Board directed Moore Engineering, Inc. to send comments on missing culverts and flap gates on Water Resource District facilities regarding the Metro Flood Diversion Project to ASN Constructors and the Metro Flood Diversion Authority requesting how they plan to address these missing items. Mr. Woodard will update the Board on the matter at a future meeting.

Cass County Planning – FMD-Berlin Subdivision and FMD-Harwood Subdivision plats

Jim Krogh expressed concerns on the boundaries of the FMD-Berlin Subdivision plat. Dean Vetter discussed the FMD-Berlin and FMD-Harwood Subdivision plats and noted properties declared excess will follow the Metro Flood Diversion Authority's excess lands policy. The Board tabled the matter until the end of the meeting to allow Mr. Krogh more time to discuss his concerns with the Cass County Planner and Mr. Vetter.

Rush River – flattening side slopes

Alexa Ducioame reported Moore Engineering, Inc. is working on plans to flatten side slopes on the Rush River starting at the Diversion Channel of the Metro Flood Diversion Project and moving approximately two miles upstream. Ms. Ducioame reviewed cost estimates with the Board and indicated the Board could potentially complete two miles of channel side slope flattening in 2025 and in 2027.

After discussion, the Board directed Moore Engineering to bring a recommendation for a potential 2025 project to flatten two miles of side slopes on the Rush River, including a potential crossing replacement, to a future meeting for the Board's consideration.

Regional Conservation Partnership Program

Kurt Lysne reported Moore Engineering, Inc. continues to coordinate with Burlington Northern Santa Fe Railway Company regarding the RCPP – Rush River Watershed Plan. Once updated, the Plan will be resubmitted to NRCS. Mr. Lysne noted he will continue to update the Amenia City Council on the project.

Cass County Joint Water Resource District (CCJWRD) report

Manager Gust updated the Board on the CCJWRD. Manager Gust noted discussions continue regarding the Metro Flood Diversion Project and indicated acquisition of flowage easements for the project continues. The Corps of Engineers recently bid and awarded the Southern Embankment Reach 1B and 2B projects as well as the remaining portion of the Oxbow-Hickson-Bakke Ring Levee Project.

Red River Joint Water Resource District (RRJWRD) report

Manager Sundberg reported the next RRJWRD full board meeting is scheduled for April 10, 2024.

Weed Control - spotted hemlock spraying

Stan Wolf reported on the dangers and identification of spotted hemlock in Cass County and stated spotted hemlock has been placed on the noxious weed list. Spotted hemlock has been located in several areas around Cass County. Mr. Wolf said Cass County Weed Control plans to submit a grant request to help control spotted hemlock.

After discussion, Manager Sundberg moved to authorize the Secretary to send a letter of support for the Cass County Weed Control's grant application regarding the control of spotted hemlock in Cass County. Manager Gust seconded the motion. Upon roll call, the motion carried unanimously.

North Dakota Department of Water Resources (NDDWR) 2025-2027 Water Development Plan

Mr. Lysne briefly discussed a draft list of projects for inclusion in the NDDWR 2025-2027 Water Development Plan. A final list of potential Rush River Water Resource District projects to submit to the NDDWR for the 2025-2027 Water Development Plan will be brought to the April meeting for consideration.

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, Gust, and Sundberg. The motion carried unanimously.

North Cass Water Resource District proposal to potentially combine legal assessment drains

Mr. Lysne reported the North Cass Water Resource District is considering combining several legal assessment drains with Drain #13, as Drain #13 is a common outlet. Rush River Water Resource District also has legal assessment drains that outlet into Drain #13. North Cass Water Resource District is interested in discussing with Rush River Water Resource District the possibility of combining Rush River Water Resource District and North Cass Water Resource District legal assessment drains that outlet into Drain #13.

After discussion, the Board directed the Secretary to schedule a meeting of the North Cass – Rush River Joint Water Resource District to begin discussions on the matter.

Cass County Flood Sales Tax – request for projects

The Secretary discussed a letter received from the Cass County Commission requesting flood risk reduction projects for Cass County Flood Sales Tax funding consideration. Mr. Lysne indicated he is not aware of any new Rush River Water Resource District projects to submit for Cass County Flood Sales Tax funding consideration at this time. Mr. Lysne will update the Cass County Flood Sales Tax Committee on the RCPP – Rush River Watershed project and the Sheldon Flood Protection Project No. 2019-01.

North Dakota Insurance Reserve Fund – proxy for annual meeting

The Secretary discussed a letter from the North Dakota Insurance Reserve Fund providing notice of the annual meeting.

A motion was made by Manager Gust and seconded by Manager Sundberg to authorize the Secretary-Treasurer to sign and return the North Dakota Insurance Reserve Fund proxy for Rush River Water Resource District. Upon roll call vote, the motion carried unanimously.

Summer meeting times

Chairman Hejl suggested the Rush River Water Resource District meet at 9:00 a.m. instead of the currently scheduled 8:00 a.m. for meetings in April through October. This would mean that each meeting would be considered a special meeting. There was no

objection, and the Board directed the Secretary to schedule Rush River Water Resource District meetings at 9:00 a.m. for April through October 2024 meetings.

Cass County Planning – FMD-Berlin Subdivision and FMD-Harwood Subdivision plats

The Board recessed at 10:00 a.m. to allow Mr. Krogh time to review and discuss the FMD-Berlin Subdivision and FMD-Harwood Subdivision plats with the Cass County Planner and Mr. Vetter.

Manager Gust left the meeting at this time.

Chairman Hejl reconvened the meeting at 10:30 a.m.

Discussion continued on the FMD-Berlin Subdivision and FMD-Harwood Subdivision plats. Mr. Vetter noted Rush River Water Resource District is a property owner on the plats. A meeting is also being held tonight in Harwood and in Berlin Townships to discuss the plats. Mr. Vetter continued to state that the plats identify the land within the footprint of the Diversion Channel and Associated Infrastructure in Berlin and Harwood Townships.

Mr. Krogh further discussed concerns on the boundaries of the FMD-Berlin Subdivision plat, specifically regarding excess lands. The Board recommended Mr. Krogh request a copy of the excess lands policy from the Metro Flood Diversion Authority that describes the excess lands disposal process for the project.

It was moved by Manager Sundberg and seconded by Chairman Hejl to approve and authorize the Chairman to sign the FMD-Berlin Subdivision and FMD-Harwood Subdivision plats. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Sundberg and seconded by Chairman Hejl to authorize the Secretary to send comments regarding right of way needed for the transitions between Drain #29A and the Rush River and the Diversion Channel of the Metro Flood Diversion Project to the Metro Flood Diversion Authority Lands Committee, with input from the Water Resource District Attorney. 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:

Melissa Hinkemeyer
Secretary-Treasurer