

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RUSH RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 15, 2022

A virtual / conference call meeting of the Rush River Water Resource District was held on February 15, 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 Maertens, Administrative Assistant; Sean M. Fredricks, 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; and Dylan Brown, ASN Constructors.

Approval of 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 Sundberg, seconded by Manager Gust and unanimously carried to approve the minutes of the January 18, 2022, meeting.

Drain No. 2 Improvement Project No. 2020-01

It was moved by Manager Sundberg and seconded by Manager Gust to approve and authorize the Chairman to sign *Contractor's Application for Payment No. 1* for Riley Bros. Construction, Inc., in the amount of \$867,172.16 regarding Drain No. 2 Improvement Project No. 2020-01. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project

Dylan Brown introduced himself as the designated point of contact for the P3 developer regarding the Metro Flood Diversion Project. Discussion was held on the anticipated construction schedule and ability to access the project during construction. Mr. Brown indicated the construction schedule and access plan for the Metro Flood Diversion Project are currently being developed and he will share the information when it is available. Mr. Brown also indicated he will be attending Water Resource District meetings regularly as construction of the Metro Flood Diversion Project occurs within the boundaries of the Water Resource District. Mr. Brown said the current work plan for 2022 includes utility relocation work, construction at the Metro Flood Diversion Project outlet into the Red River and excavation of the diversion channel from there to I-29. Preliminary bridge work

at Cass County Highway 81 and I-29 will also begin this summer. The P3 developer team is currently determining how to phase construction of the various structures and components of the Metro Flood Diversion Project.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Kurt Lysne updated the Board on the RCPP – Rush River Watershed Plan. The Natural Resources Conservation Service (NRCS) recently sent a *Notice of Availability of a Final Environmental Assessment and Finding of No Significant Impact* to area Tribes and agencies. Mr. Lysne noted project design can now continue and public meetings regarding the project are being coordinated with City of Amenia officials. The Cass County Joint Water Resource District and the NRCS recently approved and executed the *Rush River Watershed Plan Agreement* regarding the project. Final project design is due in September 2022. Moore Engineering, Inc. is currently developing cost estimates for the project including potential cost-share. This information will be available at future public meetings for the project.

2023 Water Development Plan – request from the North Dakota Department of Water Resources (NDDWR) / State Water Commission to identify potential water development projects, the timing of their implementation and estimated costs

Mr. Lysne briefly discussed a letter from the NDDWR regarding the identification of potential water development projects, the timing of their implementation and estimated costs for inclusion in the 2023 Water Development Plan. A list of potential Rush River Water Resource District projects to submit to the DWR for the 2023 Water Development Plan will be brought to a future meeting for consideration.

Letter from the Cass County Commission seeking input on potential flood risk reduction projects to submit for Cass County Flood Sales Tax funding consideration

Mr. Lysne stated he is not currently aware of any Rush River Water Resource District projects that may request funding through the Cass County Flood Sales Tax at this time; however, the RCPP – Rush River Watershed project will be submitted in the future through Cass County Joint Water Resource District. Mr. Lysne indicated he will work with Jason Benson, Cass County Engineer, to develop a list of potential projects throughout the county for consideration.

Animal Damage Control rates

The Secretary-Treasurer indicated JAC Predator and Large Pest Control has requested a rate increase due to the increase in cost of equipment and staff. Rates have not been increased for 7 years.

It was moved by Manager Gust and seconded by Manager Sundberg to approve and authorize the Chairman to sign the *Second Amendment to Independent Contractor Agreement* with Jarrett Christoferson. Upon roll call vote, the motion carried unanimously.

Cass County Joint Water Resource District report

Manager Gust reported on planned construction activities for 2022 and acquisition of flowage easements regarding the Metro Flood Diversion Project.

Red River Joint Water Resource District report

The next Red River Joint Water Resource District Full Board meeting is scheduled for April 13, 2022.

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 motion passed.

Notices regarding *Water Permit Application No. 7208* for Evan Pilgrim in the W 1/2 of Section 33 in Rich Township and *Water Permit Application No. 7209* for George Pilgrim in the N 1/2 of Section 4 in Ayr Township

The Board briefly discussed the NDDWR Notices regarding *Water Permit Application No. 7208* for Evan Pilgrim in the W 1/2 of Section 33 in Rich Township and *Water Permit Application No. 7209* for George Pilgrim in the N 1/2 of Section 4 in Ayr Township. The Board directed the Secretary-Treasurer to inform the NDDWR they had no comments to submit on the applications.

NDDWR stakeholder survey

The Secretary-Treasurer reported the NDDWR recently sent a link to a 2022 Strategic Planning Stakeholder Survey as part of its five-year strategic planning process. The survey is optional, and responses are due by February 18, 2022.

Legislative updates

Brief discussion was held on legislative matters that impact water resource districts.

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