

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 19, 2023

A virtual / conference call meeting of the Rush River Water Resource District was held on September 19, 2023, at 8:00 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; and Tom Soucy, Cass County Highway Department.

**Agenda**

It was moved by Manager Sundberg, seconded by Manager Gust 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 August 15, 2023, meeting.

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

Brady Woodard indicated the Drain #29A berm washouts in Sections 3 and 4 of Berlin Township will be repaired after the adjacent crops have been harvested.

**Drain #30 – request to lower a 30” culvert in the northeast corner of Section 17 in Harwood Township**

Mr. Woodard said a property owner is requesting the Water Resource District lower a 30” culvert on Drain #30 in the northeast corner of Section 17 in Harwood Township. The property owner obtained a quote from a contractor of approximately \$2,200 to complete the work.

A motion was made by Manager Gust and seconded by Manager Sundberg to hire a contractor to lower a 30” culvert on Drain #30 in the northeast corner of Section 17 in Harwood Township. Upon roll call vote, the motion carried unanimously.

**Rush River – culvert washed-out on the north side of Section 5 in Harmony Township**

Mr. Woodard reported the washed-out intercept culvert on the Rush River on the north side of Section 5 in Harmony Township has been reinstalled and the site repaired. The project is complete.

**Regional Conservation Partnership Program (RCP) – Rush River Watershed**

Kurt Lysne updated the Board on the RCP – Rush River Watershed Plan. The Cass County Joint Water Resource District has finalized the levee alignment with input from the City of Amenia and area property owners. Moore Engineering, Inc. is finalizing the design of the project and has informed the Cass County Joint Water Resource District and the City of Amenia on the next steps which include securing funding and permits for the project.

**Cass County Joint Water Resource District report**

The Board discussed the construction progress of the Metro Flood Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project. Manager Gust reported on an informational public meeting he attended last week regarding the Sheyenne River Benching Project that is part of the Metro Flood Diversion Project. The project will reduce the velocity of the Sheyenne River in the project area which will help reduce erosion.

Manager Sundberg discussed 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. Manager Gust will bring the matter to the Diversion Authority’s attention.

**Red River Joint Water Resource District (RRJWRD) report**

Manager Sundberg reported on the September 13, 2023, RRJWRD Full Board meeting. During the meeting, the RRJWRD Full Board approved cost-share for the Grand Forks County Water Resource District Upper Turtle River Dam No. 2 bank stabilization project and heard a presentation from the U.S. Geological Survey on an ongoing Drought Risk Analysis / low flow investigations study. Manager Sundberg also noted the RRJWRD has sponsored 15 NDAWN all-season weather gages in the Red River Basin in North Dakota that are currently being installed. Other topics discussed at the RRJWRD meeting include an update on the Barnes County Water Resource District Sheyenne River Bank Stability Study, input on WRDA 2024 per a request from Senator Cramer’s office and an upcoming Missouri River Joint Water Resource District public meeting in Fargo regarding the Missouri River.

Sean Fredricks discussed SB 2372 approved during the 2023 legislative session regarding membership in joint water resource districts. Mr. Fredricks also noted a working group has been established with the North Dakota Department of Water Resources to discuss various water issues during the legislative interim.

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 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 carried unanimously.

### **Metro Flood Diversion Project – drain transitions**

Mr. Lysne discussed transitions between the Metro Flood Diversion Project and legal assessment drains. Transitions are required so that future improvements of Water Resource District facilities can be accomplished without initiating federal permit requirements related to the Metro Flood Diversion Project. Mr. Lysne stated he has received written confirmation from the Corps of Engineers that transitions between the Metro Flood Diversion Project and legal assessment drains, constructed by the Water Resource District, are standalone projects that are not related to the Metro Flood Diversion Project. Mr. Lysne said this means the transitions will not require a Section 408 permit from the Corps of Engineers. Mr. Lysne suggested beginning the process to obtain environmental permits this fall on all transition projects between the Metro Flood Diversion Project and legal assessment drains. Construction of the transitions could occur at a later date and all work related to the transitions is reimbursable by the Metro Flood Diversion Authority. Alexa Ducioame discussed Task Orders for consideration, to begin work related to the Section 404 permits needed for the transitions between the Metro Flood Diversion Project and Drain #2 (Lower Rush River), Drain #12 (Rush River) and Drain #30.

A motion was made by Manager Sundberg and seconded by Manager Gust to approve and authorize the Chairman to sign the following with Moore Engineering, Inc. regarding engineering for the transitions between the Metro Flood Diversion Project and legal assessment drains:

- *Task Order No. 4* regarding Drain #30
- *Task Order No. 5* regarding Drain #2 (Lower Rush River)
- *Task Order No. 6* regarding Drain #12 (Rush River)

Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Sundberg and seconded by Manager Gust to authorize Moore Engineering, Inc. to conduct environmental field services regarding the transitions between the Metro Flood Diversion Project and Drain #2 (Lower Rush River), Drain #12 (Rush River) and Drain #30. Upon roll call vote, the motion carried unanimously.

**Office staffing**

The Board discussed future office staffing needs upon retirement of the current Secretary-Treasurer towards the end of the year. A motion was made by Manager Gust and seconded by Manager Sundberg to recommend the Cass County Joint Water Resource District begin the process of advertising for two support staff positions as soon as possible. Upon roll call vote, the motion carried unanimously.

**Adjournment**

There being no further business to be considered by the Board, it was moved by Manager Sundberg, seconded by Manager Gust 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