

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT  
HERITAGE CONFERENCE ROOM  
WEST FARGO, NORTH DAKOTA  
AUGUST 20, 2024  
9:00 A.M.

A virtual / conference call special meeting of the Rush River Water Resource District was held on August 20, 2024, at 9:00 a.m.

Present were William A. Hejl, Chairman; Richard Sundberg, Manager; Jacob Gust, Manager; Keith Weston, Southeast Cass Water Resource District; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; Carolyn Fiechtner, Administrative Assistant; Sean M. Fredricks and David C. Piper, Ohnstad Twichell, P.C.; Alexa Ducioame, Josh Hassell, and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; and Tom Fuchs, Metro Flood Diversion Authority.

**Approval of agenda**

It was moved by Manager Gust and seconded by Manager Sundberg to approve the agenda, as presented. Upon roll call vote, the motion carried unanimously.

**Minutes**

It was moved by Manager Sundberg and seconded by Manager Gust to approve the minutes of the July 16, 2024, meeting, as presented. Upon roll call vote, the motion carried unanimously.

**Metro Flood Diversion Project – Rush River (Drain #12), Lower Rush River (Drain #2), and Drain #30 transitions**

Discussion was held on the status of construction progress on various components of the Metro Flood Diversion Project. Manager Gust updated the Board on the status of property rights acquisition by the Cass County Joint Water Resource District for the Metro Flood Diversion Project.

Alexa Ducioame stated the Corps of Engineers Section 404 Permit has been approved for the Drain #30 transition to the Metro Flood Diversion Project.

Sean Fredricks stated that property owner where right of way is needed for the Drain #30 transition to the Metro Flood Diversion Project is requesting an additional \$1,000 to cover fees related to the sale of right of way for the Drain #30 transition.

Manager Gust moved to approve an additional \$1,000 payment to the Red River Trust for

costs related to the sale of right of way for the Drain #30 transition to the Metro Flood Diversion Project, and to approve and authorize the Chairman to sign the amended *Purchase Agreement* with the Red River Trust. Manager Sundberg seconded the motion. Upon roll call vote, the motion carried unanimously.

Ms. Ducioame noted ASN Constructors, the developer for the Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project, will be starting their work on the Drain #30 transition to the Metro Flood Diversion Project next month. The Board indicated if ASN Constructors has a subcontractor doing the work, it is preferable to hire the same contractor to complete the Water Resource District portion of the project.

A motion was made by Manager Sundberg and seconded by Manager Gust to authorize Moore Engineering, Inc. to hire a contractor to construct the Drain #30 transition to the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

### **Rush River / Lower Rush River – flattening of side slopes**

Discussion was next held on the proposed comprehensive side slope flattening project regarding the Rush River and Lower Rush River. Ms. Ducioame stated that discussions continue with the Metro Flood Diversion Project regarding the extra flows at the Rush River inlet to the Diversion Channel shown in the modeling regarding the proposed flattening of side slopes on the Rush River.

### **Tree removal on Rush River Water Resource District facilities**

Brady Woodard discussed a quote from a contractor to remove woody material from various Rush River Water Resource District facilities.

It was moved by Manager Gust and seconded by Manager Sundberg to approve and authorize the Chairman to sign the *Agreement* with Pro Landscapers LLC regarding removal of woody vegetation from various Rush River Water Resource District facilities, as presented.

It was moved by Manager Gust and seconded by Manager Sundberg to authorize Moore Engineering, Inc. to coordinate haying of the Lower Rush River channel, and to approve and authorize the Chairman to sign the *Agreement* for the project. Upon roll call vote, the motion carried unanimously.

### **Harmony Solar Project**

Chairman Hejl reported that he attended a meeting regarding a solar farm project in Harmony Township that has the possibility of doubling as a water retention site. Josh Hassell discussed the logistics of water retention on a solar farm site and noted there would be a study needed to determine feasibility. Chairman Hejl stated the solar company has a 20–25-year lease with a Harmony Township property owner that includes two optional extension periods. Chairman Hejl suggested investigating a potential land swap with excess Cass County Joint Water Resource District property purchased for the Metro Flood Diversion Project, to be able to own and operate the property underlying the solar farm for flood control storage, and as a revenue generator for the Water Resource District.

The project could also potentially include a control structure to divert flows from the Rush River during periods of high flows, especially in the spring. Chairman Hejl asked if the Board objected him discussing the potential project with the Cass County Joint Water Resource District. The Board had no objections to the request and authorized Chairman Hejl to attend the upcoming Cass County Joint Water Resource District meeting to discuss the Harmony Solar Project.

### **2024 Facility Inspections**

Mr. Woodard presented the 2024 facility inspections report for the Rush River Water Resource District facilities.

A motion was made by Manager Sundberg and seconded by Manager Gust to authorize Moore Engineering, Inc. to hire a contractor to complete repairs at the following sites, and to bring back a cost estimate on Drain #29A site 9:

- Drain #29A – Sites #1, #2, #4, #5, #8, #10, #11, #12, #14
- Drain #52 – Site #1
- Drain #67 – Site #1
- Rush River – Sites #5, #10, #12, #15, #16, #20, #21, #22, #23, #25, #29, #30, #31, #35, #40, #44, #47, #51, #54, #60, and #62
- Lower Rush River – Sites #5 and #6

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Sundberg and seconded by Manager Gust to authorize Moore Engineering, Inc. to fly a drone and capture footage of the condition of the Rush River channel between North Dakota State Highway 18 and Cass County Highway 11.

Brief discussion was held on the possibility of implementing ballards to help protect Water Resource District culverts from damages.

### **Regional Conservation Partnership Program – Rush River Watershed**

Ms. Ducioame stated the Natural Resources Conservation Service is currently reviewing the Regional Conservation Partnership Program – Rush River Watershed Plan.

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

Manager Sundberg reported the next RRJWRD Full Board meeting is scheduled for September 18, 2024.

### **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.

**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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Melissa Hinkemeyer  
Secretary