

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  
SEPTEMBER 17, 2024  
9:00 A.M.

A virtual / conference call special meeting of the Rush River Water Resource District was held on September 17, 2024, at 9:00 a.m.

Present were William A. Hejl, Chairman; Richard Sundberg, Manager; Jacob Gust, Manager; Melissa Hinkemeyer, Director, Secretary; Leilei Bao, Treasurer; David C. Piper, Ohnstad Twitchell, P.C.; Kurt Lysne, Alexa Ducioame, 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 Sundberg and seconded by Manager Gust to approve the order of 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 August 20, 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 timelines and status of construction progress on various components of the Metro Flood Diversion Project. Manager Gust noted he will be discussing weed control with the Metro Flood Diversion Authority Lands Committee that he has been appointed to as the Cass County Joint Water Resource District representative. Moore Engineering, Inc. displayed recent pictures of the Metro Flood Diversion Project including the Maple River Aqueduct that is currently being constructed.

Tom Fuchs noted the developer for the Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project has not yet begun the Drain #30 transition to the Diversion Channel project. Alexa Ducioame noted Moore Engineering, Inc. will hire a contractor to construct the Water Resource District portion of the Drain #30 transition to the Diversion Channel of the Metro Flood Diversion Project once the associated right of way acquisition is complete.

### **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 there are no current concerns regarding the extra flows from the proposed flattening of side slopes on the Rush River that are shown in modeling that would enter the Rush River inlet to the Diversion Channel of the Metro Flood Diversion Project. The Board discussed phasing the project and methods to keep flows in the channel. Manager Gust inquired if the project would cause additional flows downstream of the Metro Flood Diversion Project than are anticipated. Moore Engineering, Inc. indicated modeling can be conducted to look into the flows downstream of the Metro Flood Diversion Project from flattening side slopes on the Rush River / Lower Rush River.

It was moved by Manager Gust and seconded by Manager Sundberg to authorize Moore Engineering, Inc. to study the following regarding the proposed comprehensive side slope flattening project regarding the Rush River and Lower Rush River:

- Study the berm elevations along the Rush River and Lower Rush River to prevent flooding at the Rush River inlet to the Diversion Channel of the Metro Flood Diversion Project
- Study downstream impacts at the outlet of the Diversion Channel into the Red River

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 conduct a drone flight of the Rush River from the Diversion Channel of the Metro Flood Diversion Project to Cass County Highway 11. Upon roll call vote, the motion carried unanimously.

### **Drainage concerns in the S 1/2 of Section 29 in Harwood Township**

Manager Sundberg stated a property owner has concerns regarding drainage of a swale into the Rush River in the S 1/2 of Section 29 in Harwood Township. A motion was made by Manager Sundberg and seconded by Manager Gust to authorize Moore Engineering, Inc. to investigate the drainage of the swale into the Rush River in the S 1/2 of Section 29 in Harwood Township. Upon roll call vote, the motion carried unanimously.

### **Drain #74 – berm removal in the N 1/2 of Section 7 of Amenia Township**

Brady Woodard stated the property owner in the N 1/2 of Section 7 of Amenia Township removed the berm on Drain #74 without notifying the Water Resource District prior. It appears there are farming activities now occurring right up to the top edge of the Drain #74 channel. The *Settlement Agreement* the District previously entered into with the property owners indicates the property owners have the right to remove spoil from the property however the Board must be notified before spoil is removed and has the right to have a representative of the Board present at all times when spoil is being removed to ensure the integrity of the Drain. As part of the Agreement, farming activities are not allowed within ten feet from the top edge of the Drain. The Board indicated the farming encroachment within ten feet from the top edge of the Drain needs to be remedied.

A motion was made by Manager Sundberg and seconded by Manager Gust to direct Ohnstad Twichell, P.C. to send a letter to the property owners in the N 1/2 of Section 7 in Amenia Township to demand they remove crop within the ten-foot setback of Drain #74 and that they reimburse the Board for the Board's expenses incurred regarding their noncompliance. Upon roll call vote, the motion carried unanimously.

The Board directed Moore Engineering, Inc. to install right of way markers at the ten-foot setback of Drain #74 in the N 1/2 of Section 7 of Amenia Township.

The Board discussed the need for berms on legal assessment drains to remain grassed and not farmed. Brief discussion was held on weed control on legal assessment drains including the berms.

Following discussion, A motion was made by Manager Gust and seconded by Manager Sundberg to direct Moore Engineering, Inc. to contact contractors and obtain quotes regarding weed control on the Rush River. Upon roll call vote, the motion carried unanimously.

### **Cass County Planning**

A motion was made by Manager Gust and seconded by Manager Sundberg to authorize the Secretary to submit comment on the L. Wieers Subdivision application to Cass County Planning, with input from the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

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

Kurt Lysne stated the project design regarding the Regional Conservation Partnership Program – Rush River Watershed Plan is complete. The Natural Resources Conservation Service (NRCS) is currently reviewing the Plan and after the Plan is approved by the NRCS, the Board can begin pursuing funding through the NRCS and other partners for the project. Mr. Lysne also discussed permitting timelines for the project as FEMA maps in the Western Cass Flood Insurance Study that includes the project area will become effective April 9, 2025. The Cass County Joint Water Resource District, as the project sponsor, will discuss moving forward with obtaining permits for the project at their next meeting.

### **Cass County Joint Water Resource District report**

Manager Gust stated the Cass County Joint Water Resource District is approaching 60% of Flowage Easements acquired for the Metro Flood Diversion Project. The District also continues to work with the Metro Flood Diversion Authority on the levee planned for the City of Christine, North Dakota.

### **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, Sundberg, and Gust. The motion carried unanimously.

**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:

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William A. Hejl  
Chairman

ATTEST:

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Melissa Hinkemeyer  
Secretary