

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
NOVEMBER 19, 2024
9:00 A.M.

A virtual / conference call meeting of the Rush River Water Resource District was held on November 19, 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; Elizabeth Smith, Administrative Assistant; Rita Nelson, Accounting Assistant; Sean Fredricks, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Levi Hanson, and Alex Thiel, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Tom Fuchs, Metro Flood Diversion Authority; Lowell Siebel and Carolyn Siebel, Harwood township property owners.

Approval of agenda

It was moved by Manager Gust and seconded by Manager Sundberg 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 October 15, 2024, meeting, as amended. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – Construction update

Tom Fuchs updated the Board on the construction status of the Metro Flood Diversion Project. The Cass County Highways 4 and 31 combined crossing is expected to open soon. The opening of this crossing will trigger the connection of Drain #30 to the Diversion Channel. Mr. Fuchs indicated some concrete work will be able to continue this winter, weather permitting. The developer of the Diversion Channel is working on the drain inlets to the Channel, as well as the aqueducts, bridges, and the main channel excavation south of I-94. The contractor for the Southern Embankment will likely be winding down for the winter soon. The contractor for the Red River Control Structure may continue some work through the winter.

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

Alexa Ducioame updated the Board on the status of the transitions between the Metro Flood Diversion Project and legal assessment drains. Moore Engineering, Inc. is working

with Industrial Builders, Inc. to get a cost estimate for construction of the Drain #30 transition. Right of way has been secured for the Drain #30 transition. Moore Engineering, Inc. is finishing the design of the Drain #2 and Drain #12 transitions.

Rush River / Lower Rush River – Future bridge replacements and flattening side slopes

Discussion was next held on the proposed comprehensive side slope flattening project regarding the Rush River and Lower Rush River. The Board decided to move forward with flattening side slopes on the Rush River in Section 32 and potentially Section 29 of Rush River Township.

A motion was made by Manager Gust and seconded by Manager Sundberg to authorize the Chairman to sign a cover letter and approve submission of a cost-share request to the North Dakota State Water Commission regarding a Rush River bridge replacement and side slope flattening project in Section 29 and 32 in Rush River Township. Upon roll call vote, the motion carried unanimously.

Rush River / Lower Rush River – Siebels Third Subdivision

Alex Thiel discussed Siebels Third Subdivision that is located along the Rush River. Mr. Thiel indicated the Siebel's are platting the remaining land on the property. The Water Resource District has a 240 foot wide easement on either side of the center line of the Rush River. Mr. Lysne indicated the Board would likely not use the entire easement area for future maintenance or improvement projects. Mr. Thiel inquired if the Board would be willing to release a portion of the easement so that all of the lots in Siebels Third Subdivision would be buildable as configured. The Board discussed the request in regards to the future plans of this portion of the Rush River as it is within the protected area of the Metro Flood Diversion Project. The Board decided that releasing 100 feet of the existing easement for the Rush River would be amenable.

A motion was made by Manager Gust and seconded by Manager Sundberg to authorize the Water Resource District Attorney to work on a release of 100 feet of the existing easement for the Rush River regarding Siebels Third Subdivision. The associated legal fees will be paid by the property owners not to exceed \$5,000. Upon roll call vote, the motion carried unanimously.

Drain #74 – Berm removal in Section 7 of Amenia Township

Ms. Ducioame updated the Board on the berm removal by the property owner in the N 1/2 of Section 7 of Amenia Township. The property owner has seeded the area to remedy the encroachment.

Regional Conservation Partnership Program (RCPP) – Rush River Watershed

Mr. Lysne reported that the Cass County Flood Sales Tax Committee approved 90% cost-share for the Conditional Letter of Map Revision and permitting submittals regarding the RCPP – Rush River Watershed Project.

Legislative updates

Sean Fredricks reported on legislative updates regarding water resource districts. Mr. Fredricks discussed draft bills for the upcoming North Dakota legislative session on topics including maintenance levies, borrowing capacity of water resource districts, cost-share funding percentages, benefit analyses, and economic analyses for water resource district projects.

Cass County Joint Water Resource District report

Manager Gust stated the Cass County Joint Water Resource District has been working on acquiring flowage easements as a part of the Metro Flood Diversion Project and have obtained about 60% of the total easements needed for the Project. The estimated date of certification of the Project is 2030.

Red River Joint Water Resource District (RRJWRD) report

Manager Sundberg reported the next RRJWRD meeting is scheduled for December 12, 2024, at the 61st Annual Joint North Dakota Water Convention in Bismarck, ND.

Bills

It was moved by Manager Sundberg and seconded by Manager Gust to approve Check #4531, the wire transfers, and the electronic funds transfers, as amended. 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:

William A. Hejl
Chairman

ATTEST:

Melissa Hinkemeyer
Secretary