

## DRAFT

These are DRAFT minutes, subject to amendment before final approval by the Rush River Water Resource District.

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  
DECEMBER 17, 2024  
9:00 A.M.

A virtual / conference call meeting of the Rush River Water Resource District was held on December 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; Elizabeth Smith, Administrative Assistant; Sean Fredricks and David Piper, Ohnstad Twichell, P.C.; Kurt Lysne, Alexa Ducioame, Brady Woodard, and Levi Hanson, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; Kyle Litchy, Cass County Highway Department; Tom Fuchs, Metro Flood Diversion Authority; and Angela Kolden, City of Amenia Resident.

### **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 November 19, 2024, meeting, as presented. Upon roll call vote, the motion carried unanimously.

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

Tom Fuchs and Brady Woodard discussed the status of the Drain #30 transition to the Metro Flood Diversion Channel. Mr. Fuchs noted if the Water Resource District wishes to proceed with issuing a contract and constructing the project the Metro Flood Diversion Authority would support that decision and provide reimbursement for project costs to the Water Resource District. Mr. Woodard stated there is a contractor willing to construct the project this year. Mr. Woodard noted that the contractor quoted the project as a time and materials estimate so if the project requires less time and materials they will bill the Water Resource District accordingly. The Board discussed concerns of proceeding with the project before the amendment to the *Memorandum Of Understanding* (MOU) is executed. The MOU contains language regarding legal assessment drain transition projects for the Metro Flood Diversion Project. The Board also discussed concerns with not moving ahead with the project and the risk of a washout in the spring.

## DRAFT

A motion was made by Manager Sundberg and seconded by Manager Gust to approve and authorize the Chairman to sign the Agreement with Industrial Builders, Inc. not to exceed \$89,000 regarding the Drain #30 transition for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Mr. Fuchs reported the P3 developer plans to rebuild the Rush River inlet to the diversion channel per the approved design.

Mr. Fuchs noted the timing of the connection of the Lower Rush River to the diversion channel is dependent on weather conditions.

Kurt Lysne indicated the Water Resource District has the right of way needed for the Rush River and Lower Rush River transition projects.

Alexa Ducioame briefly updated the Board on the estimated construction timelines for the Rush River and Lower Rush River transition projects.

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

Ms. Ducioame noted Cass County is rescheduling bridge replacements on the Rush River to 2027 and 2029. The Board has preliminary plans to include side slope flattening on the Rush River in the areas of the bridge replacements. Manager Sundberg reported a nearby property owner inquired about downstream impacts from flattening the side slopes on the Rush River. Ms. Ducioame noted the areas where the Board plans to start flattening side slopes do not have associated downstream impacts. The Board directed Moore Engineering, Inc. to reach out to the property owner to answer any questions regarding the project.

### **Rush River / Lower Rush River – Siebels Third Subdivision**

Mr. Lysne discussed Siebels Third Subdivision that is located along the Rush River. Mr. Lysne indicated the Siebels 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 Siebels are working on preparing a legal description and survey regarding the easement release.

### **Cass County Planning**

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

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

Mr. Lysne reported the RCP Rush River Watershed plan is moving to the National Watershed Management Center for review.

# DRAFT

## **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 economic analyses for water resource district projects and cost-share funding percentages.

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

Manager Gust stated he is hopeful the Rush River and Lower Rush River transitions to the Metro Flood Diversion Project will be operational by the end of 2025.

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

Manager Sundberg reported that the RRJWRD approved cost-share for the USGS stream gauges for 2025. Manager Sundberg noted the RRJWRD also approved 2025 meeting dates and times.

## **Sheyenne River Joint Water Resource District (SRJWRD) report**

Chairman Hejl updated the board on the SRJWRD meeting. The SRJWRD held elections and approved 2025 meeting dates and times. The SRJWRD discussed bank erosion on the Sheyenne River downstream of the Baldhill Dam and is going to try and arrange a meeting with the Corps of Engineers to discuss the Water Control Plan for the dam and how it relates to the bank erosion issues.

## **Year-end Items**

A motion was made by Manager Sundberg and seconded by Manager Gust to:

- Authorize the Treasurer to make any minor year-end transfers to balance the Rush River Water Resource District 2024 budget;
- Authorize the Treasurer to make transfers to and from obligated funds, if necessary; and
- Authorize the Treasurer to amend the Rush River Water Resource District 2024 budget.

Upon roll call vote, the motion carried unanimously.

## **2025 regular meeting dates**

The Board discussed its regular meeting dates for the year 2025. It was moved by Manager Sundberg and seconded by Manager Gust to adopt the following Resolution. Upon roll call vote, the motion carried unanimously.

## RESOLUTION

BE IT RESOLVED, that the Rush River Water Resource District does hereby set the third Tuesday of January through December at 9:00 a.m. at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, time, and place for the year 2025.

**DRAFT**

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

---

William A. Hejl  
Chairman

ATTEST:

---

Melissa Hinkemeyer  
Secretary

**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, the meeting adjourned without objection.

APPROVED:

---

William A. Hejl  
Chairman

ATTEST:

---

Melissa Hinkemeyer  
Secretary