

MINUTES OF MEETING  
RUSH RIVER WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
FEBRUARY 14, 2011

The Rush River Water Resource District met on February 14, 2011, at 10:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager (by phone); Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Jeff Volk and Chris Gross, Engineers for the Board; Lloyd Knight, Vernon Knight, Greg Nelson, Rodney Nelson, Jeff Herr, Greg Steffes and Annie Hill, property owners in Amenia Township; Jonathan Garaas, Attorney for Greg Nelson, Rodney Nelson and Gerald Greiger. Manager Keith Monson was absent.

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**Amenia Township Drainage Improvement No. 69**

Chris Gross reviewed three alignment options with a 10-year standard design for Amenia Township Drainage Improvement No. 69. Manager Hejl said the existing drop structures can handle the improved drainage, but the culverts upstream are smaller than the capacity of the drop structure.

Jonathan Garaas asked if there would be any savings going to a smaller design. Mr. Gross said going to a 5-year design would not provide significant savings. Improvements to the drop structure would not be needed, but the grade line work would be about the same. He also pointed out that right-of-way costs are not eligible for state cost share.

Funding for the project was discussed. Mr. Gross said 45% funding from the State Water Commission may be available. The state would not fund right-of-way or engineering costs. Mr. Garaas asked about the possibility of property owners donating right-of-way in lieu of an assessment. Jeff Volk explained that would cause a disproportion with the maintenance assessment. Mr. Volk pointed out that the property owners could use payment for right-of-way to pay off their assessment.

Rodney Nelson said property owners are shocked at the cost of the project. He suggested they consider cleaning the ditches in the project area and install larger culverts to help get the water to the drop structures. Sean Fredricks said the township and county may not be willing to participate in those costs.

The property owners were asked for input to help direct the Board with how to proceed. Greg Steffes said there may be a benefit in running less water to the east. Mr. Gross said this is not a flood control project.

Maintenance responsibilities for the drop structures were discussed. The Secretary-Treasurer said the Rush River Water Resource District and Amenia Township partnered with the Natural Resources Conservation Service on drop structure repair work. Mr. Garaas asked for a copy of the correspondence relating to the work.

Property owners will be invited to the next Rush River Water Resource District meeting for further discussion and to provide input regarding the proposed project.

Annie Hill asked how the project would affect downstream properties. Mr. Volk explained that this is a drainage project and it is not for flood control.

Mr. Garaas submitted correspondence regarding a change to the Rush River Water Resource District minutes of November 4, 2010. Mr. Fredricks said his correspondence will be filed with the minutes.

**Application to Drain #3707 for Rodney Nelson to clean road ditches in the N 1/2 of Section 8 in Amenia Township**

The Board tabled *Application to Drain #3707* for Rodney Nelson to clean road ditches in the N 1/2 of Section 8 in Amenia Township until the next meeting.

**Concerns regarding a dike in the SW 1/4 NW 1/4 in Section 19 of Rush River Township**

Annie Hill expressed concern about a dike in the SW 1/4 NW 1/4 in Section 19 of Rush River Township. She filed a complaint in October 2002, which was dismissed because it was a matter under the township's jurisdiction. Lloyd Knight will look at the matter with Ms. Hill.

**Drain #13 extension**

The Board scheduled an informational meeting on February 23, 2011, at 10:00 a.m. at

the Argusville Community Center to discuss the operation and maintenance of the extensions to Drain #13 in Berlin Township.

**State Water Commission cost share agreements regarding the farmstead ring dike program for Kevin Heiden and Roger Feist**

It was moved by Manager Hejl and seconded by Manager to approve the State Water Commission cost share agreements regarding the farmstead ring dike program for Kevin Heiden and Roger Feist. Upon roll call vote, the motion carried unanimously.

**Minutes**

It was moved by Manager Hejl and seconded by Manager Wolfer to approve the minutes of the January 10, 2011, meeting. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Hejl and seconded by Manager Wolfer to approve payment of Checks #3492 through #3498 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Wolfer and Hejl. Manager Monson was absent. The Chairman declared the motion passed.

**Erie Dam / Brewer Lake**

It was moved by Manager Hejl and seconded by Manager Wolfer to proceed with opening the draw down pipe at Erie Dam to draw down Brewer Lake per the operation and maintenance plan. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Hejl and seconded by Manager Wolfer to authorize Industrial Builders, Inc. to repair the breather pipe at Erie Dam, contingent upon cost share from the North Dakota Game and Fish and concurrence by the State Water Commission. Upon roll call vote, the motion carried unanimously. The total estimated cost is \$2,500.

**Application for Gourde Subdivision in the SE 1/4 of Section 30 in Harwood Township**

It was moved by Manager Hejl and seconded by Manager Wolfer to authorize the Water Resource District Attorney and Engineer to send a letter to the Cass County Planner requesting dedication of an easement, in conjunction with the application for *Gourde Subdivision* in the SE 1/4 of Section 30 in Harwood Township, for operation, maintenance and reconstruction of the Rush River, at a width dedicated by the Water Resource District Engineer. 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 Hejl, seconded by Manager Wolfer and unanimously carried to adjourn the meeting.

APPROVED:

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Raymond Wolfer  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer