

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MARCH 17, 2015

The Rush River Water Resource District met on March 17, 2015, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Dick Sundberg, Manager; Carol Harbeke Lewis, Secretary-Treasury; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Mary Scherling, Cass County Commissioner; Lloyd Knight, Arnold Knight, Vernon Knight, Steve Faught, and Kyle Faught, Amenia Township property owners; and Tim Iwen, Arthur resident.

Minutes

It was moved by Manager Hejl, seconded by Manager Sundberg and unanimously carried to approve the minutes of the February 17, 2015, meeting.

Engineering Services Contract

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the *Agreement Between Owner and Engineer for Professional Services – Task Order Edition* between Rush River Water Resource District and Moore Engineering, Inc. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve Task Order No. 1 for engineering services with Moore Engineering, Inc. Upon roll call vote, the motion carried unanimously.

Application to Drain No. 4653 – Drain No. 2 Improvement Project No. 2015-01

The Board reviewed information from the State Engineer regarding *Application to Drain No. 4653*, previously submitted by the Rush River Water Resource District regarding the proposed improvements to Cass County Drain No. 2, a project the Water Resource District refers to as the *Cass County Drain No. 2 Improvement Project No. 2015-01*. The project will include channel improvements and side slope repairs to improve drain capacity and to prevent future sloughing in the Lower Rush in the N 1/2 of Section 5 in Harmony Township. The Office of the State Engineer reviewed the drain application submitted by the Rush River Water Resource District and concluded the project is not “of either statewide or inter-district significance.”

The Board reviewed and adopted Moore Engineering's proposed responses to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will acquire any additional right of way necessary to accommodate the project. Further, the project will not include a new outlet and, therefore, the project will not adversely impact downstream landowners. With those factors in mind, the Board concluded no hearing was necessary.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve *Application to Drain No. 4653* for the Rush River Water Resource District regarding the *Cass County Drain No. 2 Improvement Project*, subject to any conditions attached by the State Engineer. Upon roll call vote, the motion carried unanimously.

The Secretary-Treasurer will provide the original, signed permit and all supporting documents to Aaron Carranza at the Office of the State Engineer.

Rush River Watershed Detention Study

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the following:

- *Amendment I to the Agreement for Cost-Share Reimbursement* with the State Water Commission regarding the Rush River Watershed Retention Plan; and
- *Cost-Share Agreement* with the Red River Joint Water Resource District regarding the Rush River Watershed Detention Study – Phase II

Upon roll call vote, the motion carried unanimously.

Detention Project Planning Teams

Mike Opat reported to the Board that the State Water Commission and the Red River Joint Water Resource District have approved cost-share for Detention Project Planning Teams. Federal funding will be available through the Natural Resources Conservation Service, however, there are specific limitations to the program. Members of the Detention Project Planning Teams will be contacted soon about a meeting to begin project development.

FM Flood Risk Management District No. 1 - Assessment District Ballots

It was moved by Manager Hejl and seconded by Manager Sundberg to authorize the Chairman to vote "yes" and to sign the FM Flood Risk Management District No. 1 ballots on behalf of the Rush River Water Resource District. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Hejl and seconded by Manager Sundberg to approve payment of Checks #4027 through #4037, and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Wolfer, Hejl, and Sundberg. The Chairman declared the motion passed.

Legislative Update

Sean Fredricks gave the Board a legislative update on the quick-take HB 1095. The Office of the State Engineer initiated HB 1095 to clean up language in the drainage complaint statutes, but proposed amendment language would end quick-take authority for Water Resource Districts. Mr. Fredricks will meet with the State Water Commission staff to discuss HB 1095 and its impact on Water Resource Districts. An amendment will be offered at the hearing on Thursday, March 19, 2015, at 3:15 p.m.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Hejl, seconded by Manager Sundberg, and unanimously carried to adjourn the meeting.

APPROVED:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer