

**MEETING MINUTES
RED RIVER JOINT WATER RESOURCE DISTRICT
EXECUTIVE COMMITTEE MEETING
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JANUARY 11, 2017 ~ 11:30AM**

The Executive Committee meeting was called to order by Chairman Thompson on January 11, 2017 at 11:30am in West Fargo, ND. Those present were: Chairman Gary Thompson; Managers Ben Varnson, Robert Rostad, Lance Yohe, Josh Ihry, and Scott Olerud. Also present were: Sean Fredricks, Attorney for the Board; Nettie Johnson, Secretary; Carol Harbeke Lewis, Treasurer; Randy Gjestvang, State Water Commission; and those whose names appear on the attached roster.

ORDER OF AGENDA

Ben Varnson moved to approve the order of the agenda. Manager Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

MEETING MINUTES

Manager Rostad moved to approve the November 9, 2016, Executive Committee meeting minutes as presented. Manager Ihry seconded the motion. Upon roll call vote, the motion carried unanimously.

The following is a list of the various appointments and elections the Red River Joint Water Resource District must conduct for 2017 at our meetings on January 11, 2017.

I. Executive Committee Elections

In accordance with Article XIII, Section 1, of the By-Laws, at its meeting on January 11, the full Joint Board elected the following Managers to serve on the Executive Committee for 2017:

1. Ben Varson
2. Larry Tanke
3. Lance Yohe
4. Scott Olerud (Alternate)

II. Officer Elections

In accordance with Article VII, Section 2, of the By-Laws, the Executive Committee elected officers at its first meeting following the full Joint Board's first meeting of the year: "...At the first meeting of the Executive Committee . . . held after the first regular meeting of the Joint Board of Directors every year" At its meeting on January 11, the Executive Committee elected the following officers:

1. Chair: Gary Thompson
2. Vice-Chair: Ben Varnson
3. Secretary: Nettie Johnson
4. Treasurer: Carol Harbeke Lewis

Officers serve as Chair, Vice-Chair, Secretary, and Treasurer for both the Executive Committee *and* for the full Joint Board until the next Executive Committee meeting following the first full Joint Board meeting in 2018.

Josh Ihry moved to approve the 2017 Officer Elections. Lance Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

II. Other Appointments

In addition, the Executive Committee must make several appointments. The following is a list of the appointments the Executive Committee made for 2017 at its meeting January 11:

1. North Dakota Water Coalition:
 - Voting Member: Gary Thompson
 - Alternate: Lance Yohe
2. North Dakota Water Coalition, Funding Subcommittee
 - Voting Member: Gary Thompson
 - Alternate: Lance Yohe
3. State Water Commission Cost-Share Committee and Funding Sub-Committee
 - Lance Yohe
4. Red River Retention Authority:
 - Three Voting Members: Gary Thompson, Ben Varnson, and Rodger Olson
 - Three Alternates: Robert Rostad, Josh Ihry, and Lance Yohe
5. Red River Retention Authority, Retention Committee and Permitting Committee:
 - Richard Axvig, Chad Engels, Mike Bassingthwaite, Randy Gjestvang
6. Red River Basin Commission:
 - Two Voting Members: Dan Jacobson and Ben Varnson
 - Three Alternates: Gary Thompson, Josh Ihry, and Scott Olerud

7. Drainage Subcommittee (Joint Committee with MN RRWMB):
 - Gary Thompson, Josh Ihry, and Ben Varnson
8. International Water Institute Board of Directors:
 - Gary Thompson
9. BTSAC - Basin Technical and Scientific Advisory Committee:
 - Randy Gjestvang, Chad Engels, and Mike Bassingthwaite
10. Red River Watershed Feasibility Study - Advisory/Technical Committee:
 - Larry Tanke, Mark Brodshaug, Randy Gjestvang, Chad Engels, & Mike Bassingthwaite
11. North Dakota Water Resource Districts Association:
 - Gary Thompson and Dan Jacobson
12. North Dakota Water Users Board of Directors
 - Sean M. Fredricks
13. North Dakota Water Users Board of Directors and Executive Committee
 - Chad Engels
14. North Dakota NRCS Technical Committee:
 - Josh Ihry
15. Devils Lake Subcommittee (Corps of Engineers):
 - Randy Gjestvang
16. Legal Counsel
 - Sean M. Fredricks
17. Additional Engineering Consultants
 - Chad Engels - Moore Engineering, Inc.
 - Mike Bassingthwaite - Interstate Engineering, Inc.
 - Zach Hermann - Houston Engineering, Inc.
18. Steamboat Award Committee
 - Chair of RRJWRD - Gary Thompson

- Secretary of RRJWRD - Nettie Johnson

Lance Yohe moved to approve the 2017 Appointments. Robert Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

STATEWIDE INTERDISTRICT SIGNIFICANT PERMITS

Helendale Private Drain, LLC

Cam Leedahl and representatives for WSB, the engineer for Helendale Private Drain, LLC, were present. Sean Fredricks explained the process for purposes of setting the “statewide or interdistrict significance” hearing. Sean explained the issue currently before the Executive Committee to consider is the potential impacts of the project downstream. From a procedural perspective, the Committee’s decision is significant because, under the Administrative Code, the RRJWRD and the Richland County WRD must identify the potential impacts, and must approve a landowner list that includes, “All downstream riparian landowners who the board determines have the potential to be adversely impacted.” If the Boards do not properly identify the downstream impacts and parties who “have the potential to be adversely impacted,” project opponents could attack the permitting process, and the State may not accept the Boards’ findings. At previous meetings, the Executive Committee, at the request of Richland County WRD water managers, required additional analysis of downstream impacts.

Chad Engels explained WSB conducted a flow analysis and Moore Engineering reviewed WSB’s analysis. Chad explained the West Fargo Sheyenne Diversion project includes gates. The Committee discussed whether or not the manual operation of those gates would sufficiently mitigate damages in terms of potential adverse impacts as a result of the Helendale project. Sean pointed out the language in the Administrative Code regarding “potential” for adverse impacts is quite broad. WSB and Ms. Leedahl contended RRJWRD and the Richland County WRD should not invite landowners through the Sheyenne Diversion or landowners along the Diversion project. Manager Ihry countered that more transparency will protect the permitting proceedings, will eliminate the potential for attacks on the permitting process by project opponents, and will provide the State Engineer’s Office more assurance the Boards conducted the process properly.

Chad indicated “potential” impacts to landowners along the Diversion occur if the Diversion gates need to be operated more frequently or for a longer duration. With that in mind, the Committee directed Chad and Sean to research land ownership of all landowners to the outlet of the Sheyenne Diversion. Chad’s office will provide Sean with a landowner list and Sean’s office will confirm ownership, then prepare the requisite resolutions to set a hearing and otherwise proceed as required under the Administrative Code.

Bernard & Brian Vculek (Sargent County WRD)

Application for Surface Drainage # 4826 has been submitted by applicant Bernard & Brian Vculek of Crete, ND which contains statewide interdistrict significance.

The purpose of the permit application is to remove excess water from the SE ¼, NE ¼, and NW ¼ in Section 20, T131-R58 located in Sargent County, ND. Total drainage area: 150 acres.

This application has been tabled and will be discussed further at a later date.

COST-SHARE REQUESTS

Tower Township Improvement District No. 77

A cost-share request submitted by the Maple River WRD was reviewed by the Committee.

The purpose of the Project is to review options to reduce flooding of agricultural lands within Tower Township. This area consists of rolling topography that could be utilized for retention. The preliminary study will identify possible retention sites that could be progressed as future projects. Ultimately, this area discharges into the Maple River.

The Maple River WRD is requesting a total of \$12,463.75, which is 65% of the scope items that relate to identifying possible retention sites.

Upon a recommendation by Engineer Randy Gjestvang, Lance Yohe moved to approve 65% of the non-federal, non-state costs of eligible items regarding the Tower Township Improvement District No. 77 Project, up to a maximum of \$12,463.75. Josh Ihry seconded the motion. Upon roll call vote, the motion carried unanimously.

TREASURER REPORT

Treasurer Carol Harbeke Lewis presented financial reports for the Committee to review.

Manager Ihry moved to approve payment of checks #3517 through #3529, and the electronic funds transfers along with the following:

Depositories of RRJWRD Public Funds

- Alerus Financial
- Bell Bank
- Dakota Heritage Bank – Hillsboro
- Bremer Bank, N.A. – Lisbon/Fargo
- Goose River Bank – Hillsboro
- First State Bank – Buxton
- First National Bank – Lisbon

RRJWRD Pledges of Assets

Alerus	As per agreement executed April 20, 2012
Dakota Heritage Bank – Hillsboro	\$84,977.00
Goose River Bank (Bank of N.D.)	\$1,000,000.00
First National Bank – Lisbon	\$65,000.00

Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT

Having no further business to be considered by the Board, the meeting adjourned at 12:45p.m.without objection.

APPROVED:

ATTEST:

Gary Thompson, Chairman

Nettie Johnson, Secretary