

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RESCHEDULED SPECIAL MEETING  
MARCH 7, 2017 ~ HILLSBORO, ND**

The District Board convened on this date and came to order at 8:00am at the office of the Traill County Water Resource District in Hillsboro, ND. Managers present were: Andy Neset, Joel Halvorson, Gary Thompson and Jason Lovas, with Chairman Jason Siegert presiding. Also present were: Chris Gross, Moore Engineering, Inc., and Attorney Sean Fredricks (by phone).

Manager Lovas moved to approve the February 21, 2017 meeting minutes as presented. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Lovas moved to accept the agenda as presented. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Bills:** It was moved by Manager Neset and seconded by Manager Lovas to approve payment of the February 22, 2017 – March 7, 2017 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Lindsay Koffler, American Enterprises, met with the Board this morning to present photos taken of the **snagging & clearing** that has been completed on the **Goose River** this year. Lindsay told the Board that it's a real mess near the Traill-Steele county line. They got the water flowing, but were unable to remove much of the debris there. Apparently the banks are very steep and it makes it difficult to get to the deadfall. It was suggested that they snag and clear the same stretch next year. Manager Siegert mentioned having a representative from American Enterprises meet with the County Commissioners to explain the situation and the necessity to having this done. Lindsay said that they have begun on the **Elm River** and they along with Brady Woodard of Moore Engineering will keep the Board updated on the status of the River as they progress.

The Board, Attorney Fredricks, and Chris Gross revisited a **complaint filed by Ray Zajac against the Florence MacMillian** Trust. They continue their search for photos from several sources to try to find where the dike was first put in place. They are hoping to have this completed in the next few weeks.

**Corey Martin, Traill County Highway Superintendent**, met with the Board to go over county road and bridge issues. Corey told the Board that **Bridge 222** on the Miller Drain in Mayville Township is in need of new timber. Culvert sizing recommendations for **Bridge # 312** in Mayville Township and **Bridge 312** in Section 24 of Kelso Township were requested by Corey. Chris Gross will prepare recommendations on behalf of the Water Board.

Sean Fredricks told the Board that his office has reviewed the **abstract** for the **Mayville Airport** property and that it presents some challenges. The short answer is the Airport doesn't own the property; the Board has some interest in some of the property; and some private landowners own some of it. Apparently, about 10 years ago the Board attempted to convey a portion of the property via warranty deed to some private landowners (even though the Board did not own the

property in fee and should not have conveyed by a warranty deed, an instrument that “warrants” the grantor’s title). His office is going to provide some information to Chris’ office so Moore’s GIS can map this out for the Board. Once we have a map, this may be easier to discuss, though the solution(s) may not be easy.

Updates were given on the status of the **delinquent payment scenario** involving Adelman Concrete & Excavating (main contractor for the **Buxton Drain No. 68** project) and their subcontractors. Chris Gross told the Board that a fourth claim has been made against the contractor. Mr. Fredricks described Adelman Concrete’s alternatives and added that the Surety Company is continuing their investigation. Mr. Gross added that Adelman has some grading on the drain left to do along with some minimum miscellaneous work. 4 punch-list items remain and seeding is yet to be established.

The **Stavanger-Belmont Drain No. 52 project** was discussed. Chris Gross told the Board that the purchase agreements will be finalized and mailed out this week. A bid opening date will be set at our next meeting on March 21<sup>st</sup>.

A bid opening date will be set at our next meeting on March 21<sup>st</sup> for the **Murray Drain No. 17** project.

Right-of-way issues regarding the **Carson Drain No. 10** were talked about. The bid opening has been scheduled for April 4<sup>th</sup> at 9:00am.

Manager Lovas moved to direct Moore Engineering, Inc. to work with Ohnstad Twichell bond council, and Dougherty and Company to prepare **bonds** for the **Stavanger-Belmont Drain No. 52, Murray Drain No. 17, and the Carson Drain No. 10** and to bring forth the report to the Water Board. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Discussion was held on **improvements to the outlet** in Section 35 of the **Norway Drain No. 38**. Manager Lovas moved to direct Moore Engineering, Inc. to prepare plans for the reconstruction of the outlet of Drain No. 38. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Attorney Fredricks gave the Board **updates on the status of several Senate and House bills** that have been or are being presented through the North Dakota Legislation:

**Quick-Take SB 2047:** This is our preferred bill relative to HB 1244 which would effectively eliminate quick-take (would limit quick-take to situations where a project has a direct and specific appropriation from the Legislature or Congress, which virtually never happens). Mike Dwyer testified at the 2047 hearing, as did Monica Zentgraf from Richland County and the hearing went well. Our objective is to encourage the Senate to kill HB 1244.

**Quick-Take SB 1244:** The House passed SB 1244, also a quick-take bill. HB 1244 bill included an amended introduced after the Committee hearing that effectively eliminates WRD quick-take authority. More specifically, HB 1244 would limit WRD quick-take to situations where a WRD project has a specific and direct appropriation from Congress or the Legislature; we all know

that's not how WRD funding and cost-share works. The Legislature provides a pot of general water management dollars to the Water Commission, and WRDs apply to the Water Commission on a project-by-project basis. HB 1244 would effectively eliminate WRD quick-take authority, and would make water projects exponentially more difficult and expensive to construct.

**Drain Cost-Share HB 1374:** The hearing on this bill last Friday seemed to go well. This is the bill that would eliminate SWC cost-share for drains. Mike, Gary, Monica, Lance Yohe, and LuAnn Kemp (Pembina County WRD) all provided very effective testimony in opposition to the cost-benefit analysis proposed under this bill as too similar to what the Corps requires. The argument that this would only prolong the cost-share process and would create excess bureaucracy seemed to resonate with the Committee. Lance provided testimony in opposition to the 100-year flood protection limit for cost-share proposed under the bill. Monica and LuAnn testified in opposition to elimination of cost-share for drain improvement projects. LuAnn provided examples of drains in Pembina County, including numbers on how the cost-share reduced local cost-share per acre. The testimony went well, but Rep. Schmidt (Chair of Water Topics Committee) is a strong advocate for this bill.

**Tile HB 1390:** Relating to a limitation on county authority and subsurface water management on land that qualifies for prevented planting insurance coverage; to amend and reenact sections 61-16-07, 61-16-08, and 61-16-09 and subsection 8 of section 61-16.1-09 of the North Dakota Century Code, relating to water resource district board members and subsurface water management projects; and to provide for a legislative management study. Hearing scheduled for March 10, 2017 at 9:00am.

The meeting adjourned at 10:40am without objection.



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Jason Siegert, Chairman



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Nettie Johnson, Secretary