

**TRAILL COUNTY WATER RESOURCE DISTRICT
REGULAR MEETING
JUNE 6, 2017 ~ HILLSBORO, ND**

The District Board convened on this date and came to order at 7:00am at the office of the Traill County Water Resource District in Hillsboro, ND. Managers present were: Andy Neset, Joel Halvorson, Jason Lovas and Gary Thompson with Chairman Jason Siegert presiding. Also present were: Attorney Sean Fredricks, Chris Gross, Moore Engineering, Inc., Robert Boone and Gary Peterson.

Manager Neset moved to approve the May 16, 2017 **meeting minutes** as presented. Manager Thompson 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 Halvorson to approve payment of the May 17, 2017 – June 6, 2017 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Ross Johnson, Agassiz Drain Tile, met with the Board this morning to discuss several items. Mr. Johnson informed the Board that some **cleaning** was inadvertently done on the east half mile of the **Morgan Drain lateral** this spring along County Road 21 west of Buxton by Anderson Contracting. After further discussion, Manager Thompson moved to allow Anderson Contracting to clean the second lateral in Sections 25 and 26 on the south side of the Morgan Drain along with removing an approach in Section 25 and compensate up to and not to exceed, \$8,000.00 for the cleaning of both laterals. The Board will also compensate landowners any crop damage that was done during the cleaning of the laterals. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain No. 2017-3 for James W. Kirkeide in the North Half and the Southeast Quarter of Section 19 in Buxton Township

The Board reviewed an *Application to Install a Subsurface Drain No. 2017-3* dated March 9, 2017 (submitted June 5, 2017), for James W. Kirkeide. Under the application, Applicant seeks to install a drain tile system in the North Half and the Southeast Quarter of Section 19 in Buxton Township, Traill County, North Dakota. The project will include three gravity outlets. The first outlet will discharge directly into Buxton Township Improvement District No. 68 (“Drain 68”) along the east boundary of the Southeast Quarter of Section 19. The second outlet will discharge along the east boundary of the Northeast Quarter of Section 19 into an existing ditch on the Northeast Quarter of Section 19, owned by Applicant; the tile discharge will flow north through the ditch until reaching the northeast corner of the Northeast Quarter of Section 19; from there, the tile discharge will flow east directly into Drain 68. The third outlet will discharge directly into Drain 68 along the east boundary of the Northeast Quarter of Section 19, at approximately the quarter-quarter line.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the Board can attach conditions to protect Drain 68. With that in mind, the Board will require Applicant to install erosion protection in Drain 68, and will require Applicant to install control structures on all three outlets to ensure the tile project does not discharge during “critical flood periods,” as allowed under the 2017 tile law.

According to records on file with the Traill County Recorder’s Office, Applicant owns all of the North Half and the Southeast Quarter of Section 19 of Buxton Township, less 5.8 acres owned by the Traill County Water Resource District regarding Drain 68.

It was moved by Manager Lovas and seconded by Manager Neset to approve *Application to Install a Subsurface Drain No. 2017-3*, for James W. Kirkeide in the North Half and the Southeast Quarter of Section 19 in Buxton Township, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Drain 68;
- 2) That Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 3) That Applicant must reseed any of the District’s right of way disturbed by Applicant’s activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas; and
- 4) That Applicant must install and maintain a control structure at any and all outlets, and must close all outlets during “critical flood periods,” as determined by the District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the District will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant notify the Traill County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 3) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Application to Install a Subsurface Drain No. 2017-5 for James W. Kirkeide in the Southeast Quarter and the South Half of the North Half of Section 30 in Buxton Township

The Board reviewed an *Application to Install a Subsurface Drain No. 2017-5* dated March 9, 2017 (submitted to the Board on June 5, 2017), for James W. Kirkeide. Under the application, Applicant seeks to install a drain tile system in the Southeast Quarter of Section 30 and the South Half of the North Half of Section 30 in Buxton Township, Traill County, North Dakota. The project will include a single gravity outlet that will discharge via an underground pipeline that will run across the North Half of the North Half of Section 30 along the east boundary; the underground pipeline will run north under the east-west township road along the boundary of the Northeast Quarter of Section 30 and the Southeast Quarter of Section 19; from there, the underground pipeline will run to the east and will daylight and discharge into Buxton Township Improvement District No. 68 ("Drain 68") in the southeast corner of Section 19.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the Board can attach conditions to protect Drain 68; however, the Board cannot require Applicant to obtain pipeline easements from the owners of the North Half of the North Half of Section 30. For purposes of protecting Drain 68, the Board will require Applicant to install and maintain erosion protection.

According to records on file with the Traill County Recorder's Office, Applicant owns the South Half of the North of Section 30, and the Southeast Quarter of Section 30, less approximately 11 acres owned by Tyler Zielske and Danielle Skavlem. Further, Keith and Ann Anderson own the North Half of the North Half of Section 30.

It was moved by Manager Lovas and seconded by Manager Halvorson to approve *Application to Install a Subsurface Drain No. 2017-5* dated March 9, 2017 (submitted June 5, 2017), for James W. Kirkeide in the South Half of the North Half of Section 30 and the Southeast Quarter of Section 30 in Buxton Township, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets Drain 68;
- 2) That Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 3) That Applicant must reseed any of the District's right of way disturbed by Applicant's activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas; and
- 4) That Applicant must install and maintain a control structure at any and all outlets, and must close all outlets during "critical flood periods," as determined by the District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant obtain a pipeline easement from the owners of the North Half of the North Half of Section 30 of Buxton Township to install, operate, and maintain buried pipeline;
- 3) That Applicant obtain written permission from the Buxton Township Board of Township Supervisors to install, operate, and maintain buried pipe in any of its township road ditches, or to bore through its township road;
- 4) That Applicant notify the Traill County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Application to install subsurface drain No. 2017-4 submitted by James Kirkeide is tabled due to a 30-day notice requirement.

Application to install subsurface drain No. 2017-2 submitted by James Aarsvold is tabled due to a 30-day notice requirement.

Chad Hanson was here this morning to inform the Board that he will be installing **drain tile for Wayne Tastad** in the NE ¼ of Section 7 of Lindaas Township entering into Thoreson Drain No. 64. The land area to be tiled is 76 acres. Manager Siegert moved to acknowledge the application and request that erosion control be performed in the installation. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Attorney Fredricks presented the Board with a ***Resolution of Policy Regarding Surface Drainage Permit Fees***. After review and discussion, Manager Lovas moved to adopt said Resolution. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously. (The *Resolution of Policy Regarding Tile Drainage Permit Fees* was adopted by the Board on May 2, 2017).

Chris Gross relayed updates for the **Buxton 68 Drain project**. He stated that the punch-list items have been completed by the Contractor along with the seeding (which remains to be established). A final decision on the Project will be made at our meeting on July 11th.

Discussion was held on the status of the **Thoreson Drain 64 Project**. Bob Boone stated that the Project is deemed complete along with the seeding (which remains to be established). Manager Halvorson moved to approve the Pay Estimate No. 4 in the amount of \$41,461.10 payable to Bohlman Trenching, Inc. (\$4,000.00 is being withheld from the Contractor until the seeding has been established). Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Engineer Chris Gross described the documentation involved in **awarding the contract to the lowest bidders of the Carson Drain 10, Murray Drain 17, and the Stavanger-Belmont Drain 52.**

- It was moved by Manager Lovas and seconded by Manager Neset to award the Stavanger-Belmont Drain 52 construction contract to JAV Construction, Inc. in the amount of \$539,622.00. Upon roll call vote, the motion carried unanimously.
- It was moved by Manager Lovas and seconded by Manager Thompson to award the Carson Drain 10 construction contract to Comstock Construction, Inc. in the amount of \$234,400.00. Upon roll call vote, the motion carried unanimously.
- It was moved by Manager Neset and seconded by Manager Halvorson to award the Murray Drain 17 construction contract to Chad's Excavation, Inc. in the amount of \$305,105.50. Upon roll call vote, the motion carried unanimously.

The Notice to Proceed will be prepared and presented to the Board for approval on June 20th, 2017.

Mayville Airport easement and abstract issues were revisited. Sean Fredricks told the Board that his office continues to work on this issue. Andy Neset made a suggestion to stake the land once this matter is resolved for the purpose of future reference.

Troy Hefta met with the Board this morning to discuss assessment and drainage issues pertaining to his land in Buxton Township. Chris Gross and the Board provided answers to his questions.

An estimate to **repair several culverts and a washout in Section 19** of Elm River Township in the **Kelso Floodway** was presented to the Board by JAV Construction in the amount of \$24,400.00. After further discussion, Manager Halvorson moved to accept the proposal and hire JAV Construction to do the work as described on the proposal. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Sean Fredricks provided **reassessment materials** for the **Roseville Drain 19, Mayville-Blanchard Drain 39, South Mayville Drain 9, Hanson Drain 18, Miller Drain 29, and Murray Drain 17** for the Board's review and consideration. Manager Neset moved to approve the reassessment materials to include the Landowner cover letter, Notice of Reassessment Hearings, Managers Certificate, and the Resolutions to set the Reassessment Hearings for the: Mayville-Blanchard Drain 39 at 8:00am, Roseville Drain 19 at 8:30am, Murray Drain 17 at 9:30am, South Mayville Drain 9, Hanson Drain 18, Miller Drain 29 at 10:30am. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Jason Siegert told the Board that he researched the right of way of the **Paulson Drain No. 7**. He said that this entire drain is in need of cleaning and will speak to the landowners to gauge their interest in having it cleaned.

Discussion was held regarding a request for a recommendation by Larry Hanson, Mayville Township Board, to install 2 crossings in the NE ¼ of Section 15 of Mayville Township on the east side of the township road. No action was taken by the Board.

Gary Thompson gave updates on the **proposed Thompson Drain 72**. He said that a petition for the establishment of a new drain has been circulated. Sean Fredricks mentioned that a JPA may be necessary since the drain would be built in both Traill and Grand Forks Counties. The Board discussed bond amounts to cover engineering and attorney costs. Manager Lovas moved to set the **bond** for the proposed Thompson Drain 72 at **\$20,000.00** to be collected by the petitioners. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Drainage complaints were discussed and options considered. Manager Lovas moved to hire Moore Engineering to obtain LIDAR data to help in the investigation of the **Reimer-Koenig** complaint, not to exceed \$500.00. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

The meeting adjourned at 10:30am without objection.



Jason Siegert, Chairman



Nettie Johnson, Secretary