

**TRAILL COUNTY WATER RESOURCE DISTRICT
REGULAR MEETING
SEPTEMBER 5, 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, Jason Lovas and Gary Thompson with Chairman Jason Siegert presiding. Also present were: Attorney Sean Fredricks; Chris Gross, Moore Engineering, Inc., and Robert Boone.

Manager Lovas moved to accept the **agenda** as amended. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Thompson moved to approve the August 15th **meeting minutes** as presented. Manager Halvorson 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 August 15 – September 5, 2017 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Chris Gross updated the Board on the status of the **Buxton Drain 68 Project**. He indicated that the project is 99% accepted and approved with \$1,500.00 being retained for seeding. After further discussion Manager Siegert moved to approve **Contractor's Application for Payment #5** to Adelman Concrete & Excavating in the amount of \$106,832.44 and to finalize the claim to assess liquidated damages of \$17,093.77 which represents 10% of full amount outstanding of \$170,937.00. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously. Chris Gross will have a final cost summary for the Board's review at our next meeting.

Discussion was revisited concerning an **intercept pipe on the Buxton Drain No. 68**. Manager Siegert moved to allow **Agassiz Drainage** to lower this intercept pipe in addition to previous specs, with Agassiz Drainage being responsible for Moore Engineering's inspection along with the condition they pay a deposit of \$1,500.00 with the balance being reimbursed upon the completion and approval of the work. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Mike Manstrom, Dougherty & Company, met with the Board this morning regarding the issuance of the **2017 Maintenance Bonds for the Stavanger-Belmont Drain No. 52, Carson Drain No. 10, and the Murray Drain No. 17 projects**. After further discussion, Manager Lovas moved to approve the *Resolution Authorizing the Issuance of Bonds* in the amount of \$1,995,000.00 and to direct Dougherty & Company to proceed with the bond issue as long as the interest rate is 3.25% or less. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Corey Martin, Traill County Highway Superintendent, met with the Board to go over county road and bridge issues with the Board. Mr. Martin stated that he has not received a permit from Agassiz Drainage for the drain tile installation in Section 21 of Buxton Township, but will continue to pursue this matter until he receives it.

Corey Martin told the Board he has culverts on order for **Bridge 335** in the N. Mayville Drain No. 8 and **Bridge 312** in the Miller Drain No. 29. He will submit an invoice to us once they are received.

Manager Thompson moved to approve **Contractor's Application for Payment No. 2** to JAV Construction in the amount of \$221,198.60 for the **Stavanger-Belmont Drain No. 52 Project**. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Lovas showed drone imaging for the Wayne Larson **riprap issue** in the **Stavanger-Belmont Drain No. 52**. The Board all agreed that the work done looks impressive. Discussion was also held on extending one side because the slopes are too tight. Engineer Chris Gross told the Board that he will look for options to correct this issue and have an answer for us at our next meeting. He added that he will contact several contractors for estimates to perform this work. Corey Martin told the Board that the County Highway Department will assist in installing and paying for the riprap.

The Board asked Bob Boone, for a status on the **Thoreson Drain No. 64 Project**. He told the Board that we will have to wait until next spring to determine if the seeding will be established as it appears it is not growing properly at this time. Discussion was held on the drain tile issue. Bob told the Board that the cost of utility relocation ran much higher than he anticipated, so at this time, the Drain may not be able to afford the cost of the installation. The Board directed Bob to come back to the Board with where the Drain is at financially so we can determine if the Drain will be able to afford to install the tile or not.

Brady Woodard, Moore Engineering, told the Board that the **spraying of the drains** has been completed by Dakota Helicopters. The Board is hopeful that the spraying will take care of the trees and cattails in the drains so that mowing will not be necessary.

The Board discussed their concerns with the progress of the **Murray Drain No. 17 Improvement Project** and the substantial September 15th deadline. After further discussion, Manager Neset moved to pay Contractor's Application for Payment No. 1 to Chad's Excavation in the amount of \$18,821.55. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously. The Board directed Andy Neset to speak to Chad Hanson regarding the progress of this project.

Chris Gross told the Board that the contractor Comstock Construction has completed the **Carson Drain No. 10 Improvement Project**. Seeding is yet to be established.

The Board discussed the recent **denial of cost-share** by the **State Water Commission** for the **Norway Drain No. 38 Project**. This cost-share request was submitted April 4th. At the June 22nd SWC meeting, the SWC approved cost-share for 3 legal drains. If this project would have been asking for more than \$75,000, it would have made the agenda and would have been approved; however since it was less than \$75,000, this request sat on someone's desk in Bismarck. The Board will be drafting a letter to be sent to the SWC reflecting our disappointment and disagreement with their decision.

Jason Lovas told the Board that JAV Construction is 90% complete on the **Kelso Floodway** culvert work.

Discussion was held on the status of the cleanout on the **Paulson Drain No. 7**. Easement issues were talked about. Manager Siegert moved to direct Moore Engineering to do a right-of-way survey in Sections 17, 8 & 5 in Eldorado Township and bring his findings to the Board. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

The Board reviewed the **reassessment** comments by the landowners of the **South Mayville Drain 9-18-29, Murray Drain No. 17, Roseville Drain No. 19, and the Mayville-Blanchard Drain No. 39**. After determining which changes were necessary, Manager Neset moved to approve the *Resolutions Approving the Final Reassessment List* on said drains. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Chris Gross told the Board that the survey for the **possible reconstruction of the Hillsboro Drain No. 26** has been surveyed, but the cost-estimate has not been completed. He will have it available for us at our next meeting on September 19th.

Andy Neset told the Board that Greg Kaldor contacted him about a rusted out **intercept culvert** in the **SE ¼ of Section 19 into 20 in Norway Township of the Miller Drain No. 29**. Manager Neset moved to have the culvert replaced with a new 24" x 70' pipe with Rod Flaten doing the work. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Andy Neset said that Kevin Braaten also contacted him about the possibility of **cleaning one mile** of the **23-40 Norman-Blanchard Drain** on the north side of the highway, going west. Manager Neset moved to contact Rod Flaten to do this work, not to exceed \$10,000.00. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Water Management System No. 2017-10 for Lyle Erickson in the Northeast Quarter of Section 30 in Garfield Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2017-10* dated August 24, 2017, for Lyle Erickson. Under the application, Applicant seeks to install a drain tile system in the Northeast Quarter of Section 30 in Garfield Township, Traill County, North Dakota. The project will include an outlet via underground pipeline buried along the south boundary of the Northeast Quarter of Section 30 running to the west, across a portion of the south boundary of the Northwest Quarter of Section 30; the pipeline will then daylight and discharge into a natural watercourse in the Northwest Quarter of Section 30.

Because the project will discharge directly into a natural watercourse, 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 cannot attach any condition to the permit that requires Applicant to obtain a pipeline easement from the owners of the Northwest Quarter of Section 30; however, Applicant appears to have obtained written permission from the owners of the Northwest Quarter of Section 30. Further, the Board cannot require Applicant to install erosion protection to protect the natural watercourse.

According to records on file with the Traill County Recorder's Office, Lyle and Linda Erickson own the Northeast Quarter of Section 30, and Roger and Renae Gjellstad own the Northwest Quarter of Section 30.

It was moved by Manager Lovas and seconded by Manager Thompson to approve *Application to Install a Subsurface Water Management System No. 2017-10* dated August 24, 2017, for Lyle Erickson in the Northeast Quarter of Section 30 in Garfield Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2017-10.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional other 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 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;
- 2) That Applicant obtain and record a pipeline easement from the record owners of the Northwest Quarter of Section 30 in Garfield Township regarding Applicant's installation, construction, operation, and maintenance of an underground pipeline; 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.

A Request for Drainage on Highway Right of Way application submitted by **Tom Erickson** was reviewed by the Board. The work would be done in Section 7 of Garfield Township. Manager Lovas moved to approve the application and direct the Secretary to forward the application to Troy Gilbertson at the ND DOT for his review and approval. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Updates were given on the **Zajac-MacMillian complaint**. Attorney Fredicks stated that the appeal date has passed and that the Dalrymple's have until October 31st, 2017 to removal the dike.

Josh Hassell, Moore Engineering, was here and told the Board that 95% of his review of the **assessment lists** is complete and that he will have the final list prepared and ready for our review on September 19th.

Having no further topics to discuss, the meeting adjourned at 11:00am without objection.



Jason Siegert, Chairman



Nettie Johnson, Secretary