

**TRAILL COUNTY WATER RESOURCE DISTRICT
REGULAR MEETING
OCTOBER 3, 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, and Gary Thompson with Vice-Chairman Jason Lovas presiding. Also present were: Attorney Sean Fredricks, Chris Gross, Moore Engineering, Inc., and Robert Boone.

AGENDA

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

MINUTES

Manager Halvorson moved to approve the September 19th meeting minutes as presented. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

FINANCIAL

It was moved by Manager Neset and seconded by Manager Halvorson to approve payment of the September 20 – October 3, 2017 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

DRAIN BUSINESS

Mike Anderson, recent inductee to the **ND State Water Commission** and local farmer, was asked to meet with the Board this morning discuss the latest developments regarding ND legislative matters pertaining to water and drainage issues. Mr. Anderson has been asked to scrutinize project steps and procedures for the State of North Dakota. Attorney Fredricks explained the last Water Topics Committee meeting relating to **project funding**, etc. Mr. Fredricks, and Traill County Water Manager Gary Thompson along with others will be addressing the financing of drainage projects at the Water Topics meeting next Thursday and the concerns WRD's have with the State Water Commission denying or competing for cost-share for WRD improvement projects in this biennium. Mr. Anderson told the Board that he will be diligent in working with WRD's and will address their concerns as they arise.

Corey Martin, Traill County Highway Superintendent, met with the Board to go over county road and bridge issues with the Board. Mr. Martin told the Board that the culvert that was installed during the improvements that were made to the Carson Drain No. 10 this summer is settling. The Board directed Chris Gross to contact a contractor to bring a load of gravel to the site to fill in the sunken areas.

Discussion was resumed regarding the tiling of the bottom of the newly constructed **Thoreson Drain No. 64**. Bob Boone expressed his concerns that the Project may be over-budget, thus not allowing for drain tile to be installed this year. The Board asked Bob to provide justification for the overage at our next meeting.

Discussion was held on the status of the **Stavanger-Belmont Drain No. 52 Improvement Project**. Manager Neset moved to approve **Contractor's Application for Payment No. 3** to

JAV Construction in the amount of \$129,626.25. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

The Board discussed the new construction of the **Murray Drain No. 17 Improvement Project**. Chris Gross and the Board talked about their concerns with the contractor getting the culverts installed before freeze-up. Manager Halvorson moved to approve **Contractor's Application for Payment No. 2** to Chad's Excavating in the amount of \$43,420.50. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Chris Gross and Attorney Fredricks are working together on drafting a **letter** to the State Water Commission, according to the appeal process, regarding the **recent denial** of cost-share of the **potential Norway Drain No. 38 Improvement Project**. Manager Neset moved to send the letter to the State Water Commission after the draft letter has been reviewed and approved by our Board. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Blanchard-Norman Drain 23-40 culvert issues were talked about. Chris presented a sheet containing an analysis of existing culverts and several single and double culvert options for the Board to review. Stream crossing standards were spoke about. After further discussion, Manager Neset moved to hire Flaten Contracting to repair a crossing this fall between Sections 6 & 7 of Blanchard Township with a stream crossing approved culvert configuration. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Options for cleaning the **Hillsboro Drain No. 26** were looked at. Chris Gross provided preliminary plans for Drain 26 for the Board to review. This topic will be revisited in the future when Chairman Siegert is present.

The **cleanout of the Holmen Drain No. 43** was discussed. Manager Thompson stated that the drain is in dire need of a cleaning. After further discussion, Manager Thompson moved to hire Flaten Contracting to clean culvert to culvert in the drain, not to exceed \$22,000.00. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

DRAINAGE PERMITS AND COMPLAINTS

Application to Install a Subsurface Water Management System No. 2017-11 for Rodney Olson in the S½ of Section 23 in Caledonia Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2017-11* dated September 18, 2017, for Rodney Olson. Under the application, Applicant seeks to install a drain tile system in the S½ of Section 23 in Caledonia Township, Traill County, North Dakota. The project will include two gravity outlets, both of which will discharge directly into an oxbow along the east boundary of the S½ of Section 23, that discharges into the Red River.

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 conditions to protect the oxbow, and cannot require permission or consent from downstream landowners. However, the Board will recommend that Applicant install erosion protection to protect the oxbow and downstream landowners from erosion.

According to records provided by Applicant, Judith A. Olson and Teresa Olson own the S½ of Section 23 in Caledonia Township.

It was moved by Manager Neseth and seconded by Manager Halvorson to approve *Application to Install a Subsurface Water Management System No. 2017-11* dated September 18, 2017, for Rodney Olson in the S½ Section 23 in Caledonia Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2017-11.

Upon roll call vote, the motion carried unanimously.

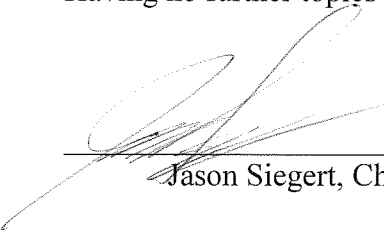
Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant consider complying with the following:

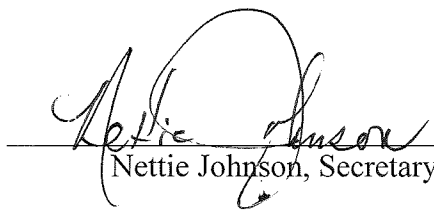
- 1) That Applicant obtain written permission from the record owners of the S½ of Section 23 to construct and maintain the tile system;
- 2) That Applicant install and maintain erosion protection at any and all outlets into the oxbow in the E½ of Section 23 of Caledonia Township;
- 3) That Applicant 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
- 4) 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.

OTHER BUSINESS

The Board discussed conducting the requisite **Engineering Services Selection Process** required under Section I(C) of the State Water Commission policy and under N.D. Cent. Code § 54-44.7-03(1)). Every three years, the District must ultimately approve a final contract with any engineering firm selected. The District will be required to conduct interviews, meeting to evaluate engineering firms, and otherwise performing the requisite tasks required to meet the requirements of the SWC Policy and Chapter 54-44.7. Manager Thompson moved to approve the Initial Report provided by Attorney Fredricks. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Having no further topics to discuss, the meeting adjourned at 11:05pm without objection.



Jason Siegert, Chairman

Nettie Johnson, Secretary