

**TRAILL COUNTY WATER RESOURCE DISTRICT
RECURRENT MEETING
JUNE 5, 2018 ~ 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: Gary Thompson, Andy Neset, and Joel Halvorson, with Vice-chair Jason Lovas presiding. Jason Siegert was absent. Also present were: Sean Fredricks, Attorney and Engineer Chris Gross, Moore Engineering, Inc.

AGENDA

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

MINUTES

Manager Neset moved to approve the May 1, 2018 meeting minutes as presented. Manager Halvorson 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 May 2 – June 5, 2018 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

DRAIN BUSINESS

Chad Hanson, Chad's Excavating, stopped in this morning having **questions on drain tiling** which Chris Gross and the Board promptly answered. The Board asked Chad if he was interested in buying drain tile that was initially purchased for tiling the Thoreson Drain No. 64. After further discussion, Manager Halvorson moved to sell the drain tile to Chad for \$200.00. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously. Brady Woodard and Chris Gross provided pictures and punch list items that are left to be completed on the **Murray Drain No. 17 project**. The maps identified the areas of touch up, intercept pipe locations and/or repairs that are necessary for Chad to complete in order to close out the project. Chad informed the Board that he will begin work on the Murray Drain again this week.

Updates on the **Elm River Snagging & Clearing project** were talked about. On May 11th Lindsay from American Enterprises informed the Secretary that because the water was too high and it was too muddy they felt that they weren't making the best use of our dollars for the project to proceed. They are anticipating completing the project this fall if the Board chooses to ensue. This has been tabled until this fall at which time the Board will contact American Enterprises about completing the project.

Corey Martin, Traill County Highway Superintendent, met with the Board to go over county road and bridge issues with the Board. Discussion was held on a **box culvert** that was installed under Hwy 81 back in the early 1990's that is slowing water up, **flooding the town of Kelso** and threatening to wash out their roads. The Board and Chris Gross gave Corey culvert recommendations to consider fixing the problems there. Questions were asked about whose

responsibility it is for said repairs. The Board directed the Secretary to examine the minutes from back when the box culvert was installed and determine whose jurisdiction it is to pay for the repairs.

Discussion was held on the status of the **Buxton Drain No. 68 washout and culvert work** between Sections 22 and 23 of Buxton Township. After further discussion, Manager Halvorson moved to hire Comstock Construction, Inc. to repair said washouts. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously. Chris Gross informed the Board that Comstock Construction, Inc. will commence work there this week.

Manager Halvorson told the Board that there are **washouts** in the NE ¼, east side, of Section 19 of Greenfield Township in **Drain No. 57A**. He said this is happening because the water is coming too fast from spring runoff. **Manager Halvorson would like to donate land there** and have the Water Board maintain it but have an engineer look at it first in early spring for an opinion and then have the Board do something to fix the problem before damage occurs again. Sean Fredricks described the process to accept donated land. Joel Halvorson's land will have to be surveyed and an agreement drafted. Joel will meet with an engineer to determine the land description. Manager Thompson moved to direct Sean Fredricks to draft an agreement for the purpose of accepting land donated by Joel Halvorson. Manager Neset seconded the motion. Roll call taken: Thompson-yea, Lovas-yea, Neset-yea, Halvorson abstained. Motion carried.

Brady Woodard, Moore Engineering, Inc. provided photos of the **Blanchard-Norman Drain 23-40 drop structure**. It revealed excess debris there. He said that water is moving through, but not going over the top of the structure. Manager Halvorson moved to hire American Enterprises to inspect the Drain 23-40 drop structure (near Randy Kylo's). Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously. Preliminary engineering is in process and when it is complete, a hearing will be set according to reconstruction legal requirements. Manager Neset moved to direct Ohnstad-Twichell to get desk-top appraisals for Drain 23-40. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously. Chris Gross provided alignment options for the Board to review. Questions were asked about if and when the State Water Commission will provide funding. Township road issues were talked about. The Board will provide a letter to the Township offering options to address their concerns pertaining to their roads and advise them to close their roads until the improvements can be made.

The Board discussed the **spraying of the legal drains**. Manager Halvorson moved to direct Moore Engineering, Inc. to create a map of our drains that are in need of spraying this year. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously. Sean Fredricks will draft an agreement to be signed by Dakota Helicopters and the Water Board.

Sean Fredricks gave **updates** on right-of-way abstracts and title opinions for the **Stavanger-Belmont Drain No. 52 project**. Culvert work is yet to be done and the washouts will be addressed shortly.

Chris Gross told the Board that sheet piling for the **Norway Drain No. 38 project** will be done this Thursday with Comstock Construction, Inc. doing the ditching afterwards.

Chris Gross provided an Engineer's Probable Cost Summary and a Contractor's bid submitted by Comstock Construction, Inc. for the channel cleanout and culvert crossing replacement for the **Morgan Drain No. 36**. Manager Thompson moved to award the contract to Comstock Construction, Inc. in the amount of \$46,900.00. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Discussion was held on the status of the **improvements** to be done on the Hillsboro Drain No. **26**. Chris Gross provided right-of-way information and expenditures and options for the cleanout and replacement of a box culvert. This discussion is tabled until further information can be collected.

PERMITS AND COMPLAINTS

Curt Reimer met with the Board again to talk about a pending lawsuit brought forth from **Laverne Koenig** in reference to a **drainage complaint** that was filed in April 2017 against Koenig. This documentation can be found in the office of the Secretary-Treasurer. Attorney Fredricks went over the status of the lawsuit and explained that at this time we have to wait to see if the Board and others are served at which time the Board will act. Mr. Fredricks will keep the Board and Mr. Reimer informed of any actions and/or events as they occur.

The Board previously found the **Florence D. McMillan** Trust, the owner of the West Half of Section 7 of Bohnsack Township, installed or constructed an unpermitted or illegal "dam" in violation of North Dakota law in effect at the time of its construction, between 1961 and 1981. The Board issued an order to the McMillan Trust to remove the dam. **Jack Dalrymple**, on behalf of the McMillan Trust, contacted the Board and indicated he planned to remove the structure. The Board recently confirmed the McMillan Trust did, in fact, remove the structure. With that in mind, the McMillan Trust has complied with the Board's order, the matter is no longer subject to any appeal by any parties, and the matter is concluded.

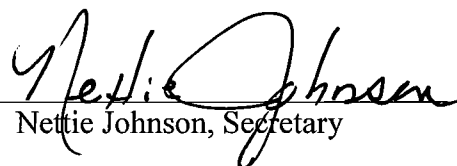
OTHER BUSINESS

The Board discussed a **letter** received by **American Crystal Sugar Company** who is currently in the process of planning for an additional beet piling slab at their Hillsboro facility and would like the **TCWRD to act as the sponsoring agency** on the NDWSC application. Sean Fredricks mentioned that in the past, it was the Water Boards understanding that a WRD or other entity can sign-on an application, but that's always been a discretionary step. In this situation, the Board is not a participant in this project and it would rather not invite any liability by signing the application as a sponsor. Rather, the Board would like to see American Crystal apply for the permit, the State Engineer will forward the application to the Board for any comments they might have, and we can submit any comments if necessary.

Having no further topics to discuss, the meeting adjourned at 11:30am without objection.



Jason Lovas, Vice-Chairman



Nettie Johnson, Secretary