

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
APRIL 2, 2019 ~ 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: Joel Halvorson, Gary Thompson, and Andy Neset with Jason Siegert presiding as Chairman. Those absent were: Jason Lovas. Also present were: Sean Fredricks, Attorney for the Board and Josh Hassell, Moore Engineering, Inc.

**AGENDA**

Manager Thompson moved to approve the order of the agenda as amended. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

**MINUTES**

Manager Halvorson moved to approve the March 19, 2019 meeting minutes as presented. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

**FINANCIAL**

It was moved by Manager Neset and seconded by Manager Thompson to approve payment of the March 20 ~ April 2, 2019 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

**DRAIN BUSINESS**

Updates were given on the following drains:

**Proposed Grand Forks WRD/Traill County Legal Drain:**

No new updates.

**Proposed Thompson Drain No. 72:**

An informational meeting has been scheduled for April 16<sup>th</sup> at 8:00am. Notice of the meeting was placed in the Traill County Tribune and letters of invitation will be mailed to the landowners involved this week.

**Proposed Camrud Drain No. 79:**

Josh Hassell told the Board that preliminary engineering will commence once the snow has melted.

**Hillsboro Drain No. 26:**

No new updates.

**Greenfield-Bohnsack Drain #57A**

In 2018, the Board entered into an agreement with Joel and Bonnie Halvorson in which the Halvorsons agreed to convey the east 90 feet of the Northeast Quarter of Section 19 in Greenfield Township. However, before the parties concluded the transaction, the Halvorsons conveyed ownership of the property to their daughter, Jana Kainz, and reserved a life estate. In

addition, the Halvorsons granted a right of first refusal regarding the property to their son, James Halvorson. With that in mind, Ohnstad Twichell prepared an ADDENDUM TO AGREEMENT regarding the agreement signed by the Board and Joel and Bonnie Halvorson in 2018, to add Jana Kainz as a party to the transaction; a RELEASE OF RIGHT OF FIRST REFUSAL under which James Halvorson would release his right of first refusal to the portion of the property the Board sought to acquire; and a WARRANTY DEED under which Joel and Bonnie Halvorson and Jana Kainz would convey the east 90 feet of the Northeast Quarter of Section 19 to the Board. The Board would have to approve the Addendum.

Manager Thompson moved to approve the Addendum to Agreement. Manager Neset seconded the motion. Upon roll call vote, Chairman Siegert and Managers Thompson and Neset voted in favor of the motion. Manager Halvorson abstained in light of the conflict analysis previously conducted by the Board. The motion passed.

Once the parties execute the Addendum, Release, and Warranty Deed, the Board can enter an Order regarding the extension of Drain 57A.

#### **Mayville Airport (S. Mayville Drain No. 9)**

Ohnstad Twichell completed the acquisitions from the various parties. With that in mind, the Board will retain the west 200' of the Northwest Quarter of Section 8 to accommodate the drain. Luke Andrud prepared a Quit Claim Deed under which the Board could convey the remainder of the Northwest Quarter of Section 8 lying North and West of Highway 18 to Arvid Michalis (while retaining the 200' for the Board). Manager Thompson moved to approve the Quit Claim Deed. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Following this transaction, the Board can re-engage the Airport to discuss the previously-considered Exchange Agreement.

#### **PERMITS AND COMPLAINTS:**

##### ***Application to Install a Subsurface Water Management System No. 2019-01 for Eric Knudsvig in the Southeast Quarter of Section 28 in Norman Township***

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2019-01* dated January 8, 2019, filed February 5, 2019. Eric Knudsvig was present to discuss the project, and the negotiated settlement Mr. Knudsvig executed with Leon Sand. Under the application, Applicant seeks to install a 159-acre tile system in the Southeast Quarter of Section 28 in Norman Township, Traill County, North Dakota. The project will include a gravity outlet located near the southeast corner of Section 28; the tile discharge will flow through an existing culvert through County Road 16; from there, the tile discharge will flow through an existing ditch across portions of the South Half of Section 27 and portions of the Northeast Quarter of Section 27 until discharging into the Elm River.

The District provided a THIRTY-DAY NOTICE to all landowners within one mile of the outlet of the proposed project, as required under N.D. Cent. Code § 61-32-03.1. Neither the Traill County Highway Department nor the owners of the Northeast Quarter of Section 27 submitted any "technical evidence" to object to the project. However, the owners of the South Half of Section 27 did, in fact, submit "technical evidence" prepared by a professional engineer

regarding the project. Leon Sand retained Greg Thompson from Houston Engineering, and Mr. Thompson submitted a written report dated February 1, 2019. In the report, Mr. Thompson indicated Mr. Knudsvig's project would adversely affect Mr. Sand's property in the South Half of Section 27. He opined that the project would result in a continuous flow of water which would saturate the swale across the South Half of Section 27 and Mr. Sand's adjacent field. The Board previously considered the "technical evidence" submitted by Mr. Sand's engineer.

In the meantime, Mr. Knudsvig and Mr. Sand negotiated a resolution to the matter to avoid a scenario where the Board would have to determine whether or not the project would adversely impact Mr. Sand, in which case the Board could have required Mr. Knudsvig to obtain a "notarized letter of approval" from Mr. Sand as a condition to the permit. Instead, the parties entered into an "AGREEMENT TO CONTROL TILE SEEPAGE" in which the parties agreed to "install a French drain east of the railroad culvert in Section 27," to alleviate any issues caused by tile seepage. With that in mind, the Board was confident the parties' negotiated resolution would mitigate any damages, and the Board will not require Applicant to obtain a "notarized letter of approval" from the owners of the South Half of Section 27 as a condition to the Board's approval of Applicant's permit.

According to records supplied by Applicant, Applicant owns the Southeast Quarter of Section 28, Leon and Shirley Sand own the South Half of Section 27, and Reuben and Jennifer Rud own the East Half of the Northwest Quarter and the Northeast Quarter of Section 27. Further, Traill County indicated the County owns its Highway 16 right of way.

Manager Thompson moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-01* dated January 8, 2019, filed February 5, 2019, for Eric Knudsvig in the Southeast Quarter of Section 28 in Norman Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-01, subject to the following conditions:

- 1) That Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) That Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Traill County at any and all outlets into Traill County's road right of way.

Upon roll call vote, Chairman Siegert, Manager Thompson, and Manager Neset voted in favor of the motion. Manager Halvorson abstained from the vote in light of the conflict analysis previously conducted by the Board. The motion was successful.

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 Traill County to discharge into, or otherwise utilize, any of its County highway ditches;
- 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.

**OTHER BUSINESS**

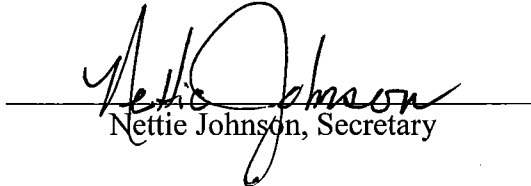
Corey Martin, Traill County Highway Superintendent, met with the Board to go over county road and bridge issues with the Board. Corey told the Board that removing snow from ditches has slowed down due to the slow snow melt. Mr. Martin asked if the Board owned the Buffalo Coulee as they are considering replacing a bridge and wanted to know if we could cost share the project. Jason Siegert told him that we do not own this coulee and are unable to contribute any funding to the project.

Discussion was held on the status of State Water Commission budget bill SB 2020. WRD's have been fighting to ensure we have cost-share funds available for water resource district projects. A couple of weeks ago, we believed we would have \$34M available to WRDs in the 'general water management' bucket in SB 2020, but recent changes have reduced that number to \$8M for 'water conveyance' projects (all drainage and snagging & clearing projects). It also appears to be heading back to the flood control bucket. This will be addressed again in the near future when it goes back to the conference committee.

Having no further topics to discuss, the meeting adjourned at 9:40am without objection.



Jason Siegert, Chairman



Nettie Johnson, Secretary