

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
APRIL 21, 2020 ~ 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 Gary Thompson, Joel Halvorson, Andy Neset, and Jason Lovas with Jason Siegert presiding as Chairman. Joel Halvorson was absent. Also present by phone were Sean Fredricks, Attorney and Chris Gross of Moore Engineering, Inc.

**AGENDA**

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

**MINUTES**

Manager Thompson moved to approve the April 7, 2020 recurrent meeting minutes as presented. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

**SECRETARY-TREASURER'S REPORT**

It was moved by Manager Neset and seconded by Manager Lovas to approve payment of April 8 - April 21, 2020 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lovas and seconded by Manager Halvorson to approve the March 2020 checking and saving account statements. Upon roll call vote, the motion carried unanimously.

**GRAND FORKS-TRAILL JOINT WATER RESOURCE DISTRICT**

The GF-Traill Joint WRD will be holding a phone conference on May 5<sup>th</sup> at 9:00am to approve the *Resolution to Set the Bond* and approve land values for the Thompson Drain No. 72 Project.

Manager Thompson moved to direct Sean Fredricks to order a full appraisal for the E 27.3 acres of the E ½ of the SE ¼ of Section 35, T149-R53. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

**SNAGGING AND CLEARING**

(4-21-20) Discussion was held on the necessity of snagging and clearing projects for both the Goose and Elm Rivers. After further discussion, Manager Neset moved to direct Chris Gross to prepare cost-share applications, etc. for both rivers on behalf of the TCWRD and submit it to the State Water Commission for their approval for the 2020-2021 season.

## **DRAIN BUSINESS**

### **Proposed Hong Drain No. 81**

(4-21-20) Chris Gross mentioned that the cost-share application, etc. was forwarded to the State Water Commission on April 16, 2020.

(4-7-20) Chris Hong has submitted the petition and a \$20,000.00 bond to cover preliminary engineering and attorney costs. Chris Gross described the changes and revisions made for this proposed project. Chris Gross said that he is prepared to assemble the cost-share application forms. Manager Lovas moved to direct Chris to submit the cost-share application to the SWC on behalf of our Board. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Camrud Drain No. 79**

(4-21-20) Chris said that they are dealing with the relocation of utilities and will be collecting survey data in the next few weeks. He added that they are moving into the final design. Hydrologic issues were talked about. Sean will have Resolutions for both WRDs regarding bond issues for this project prepared and ready to review and approve on May 5<sup>th</sup>.

(3-3-20) Chris Gross reiterated that the cost-share application has been submitted to the State Water Commission (SWC) Regulatory Division and will be on their April 9<sup>th</sup> agenda to review/approve. Chris Gross told the Board that he has been dealing with the State Water Commission staff on economic analysis issues.

(3-17-20) Jason Siegert told the managers that the county commissioners were asking questions this morning about the Joint Powers Agreement between the WRD and the County for the Camrud No. 79 and Thompson Drain No. 72 projects and their obligation to provide legal drain crossing cost-share on township road/drain crossings as well as county roads. The WRD attorney and the County attorney will be working together on legality issues.

### **Murray Drain No. 17**

(8-20-19) A request for reimbursement for overrun project costs was submitted to the SWC in September of 2019 to cover construction costs not included in original project itinerary. Our office received a letter from the SWC recently which indicated that they will not be providing funding assistance for these overrun costs due to them not having prior approval. Today Chairman Siegert asked Chris Gross to work with SWC staff and to also draft a letter to the SWC to ask for an appeal to their decision.

### **McCoy Drain No. 14**

(11-5-19) Chris told the Board that Comstock Construction has requested an extension for the project due to inclement weather. Manager Halvorson moved to approve Change Order No. 1 for the request to extend the completion date of the contract which will most likely transpire in 2020. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Kelso Floodway**

(9-3-19) Several bids were received to clean the drain in Sections 23 into 24 with Northern States Excavating having the lowest bid. Manager Thompson moved to accept their bid of \$6,300.00 per mile for approximately 6 miles. Manager Neset seconded the motion. Upon roll call vote, the

motion carried unanimously. Sean Fredricks will prepare an agreement for the contractor to sign and fulfill any requirements the agreement holds prior to starting the project.

#### **Stavanger-Belmont Drain No. 52**

(4-21-20) Jason Siegert told the Board that the rock check on the bottom of this drain worked very well this spring. But added that there are washouts on the top side, forcing water to go over the township roads. Manager Lovas moved to hire a contractor to repair the washouts on this drain as well as all other drains that are in need up to and not to exceed \$10,000.00, per drain. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

(2-4-20) \$5,000.00 is being retained until the seeding can be established this year.

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

(From 4-21-20) Jason Siegert asked Andy Neset to reach out to Lance Fugleberg to set up a meeting to go out and look at the area in question so to get this settled once and for all.

(2-4-20) Lance Fugleberg, President of the Airport Authority, was here this morning to speak with the Board about the difficulty they are having with signing the easement agreement. The WRD is proposing to acquire a 25' easement. The Airport Authority feels that the agreement benefits the water board and excludes any for the Airport Authority. Mr. Fugleberg added that they are unwilling to give up any land as they have little to build on already but are willing to work with the water board and allow them to work there when necessary. Sean Fredricks said that he will revise the agreement to make it more palatable for all parties involved and will also work with their legal counsel on agreement matters.

(3-3-20) Chris Gross said that the survey crew has placed stakes in the ground which will give the Airport Authority an opportunity to visualize on the ground what the easement boundary is. Hopefully, this will lead them to granting an easement once they see the impacts are non-existent.

#### **Paulson Drain No. 7**

(9-17-19) Jason Siegert said that most of the berm-spoil has been levelled on this drain with only a mile and a half mile left to clean, spoil, and place a culvert.

(9-17-19) Discussion was revisited on the possibility of putting in some approaches in Section 5. (This was a request made by Neil Pulskamp). Jason Siegert said he will provide an estimate to have the work done.

#### **Hillsboro Drain No. 26**

(4-7-20) Discussion was revisited on what to do with the dirt on this drain. The Chair asked Chris Gross to be in contact with Northern Improvement regarding the removal of the dirt from the berm.

(4-7-20) The Board reviewed the SWC cost-share agreement received recently for this project. The SWC is approving 45% of actual costs for the improvements of this drain in the amount of \$72,041.00. Manager Lovas moved to approve the agreement and direct the Secretary return it to the SWC today. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Viking-Lindaas Drain No. 44**

(4-21-20) Discussion was held on the replacement of a culvert from this drain in the NW ¼ of Section 30 of Lindaas Township. Manager Neset moved to direct Gary Thompson to hire Rod Flaten to do the work, not to exceed \$10,000.00. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

(10-15-19) Spencer Endrud has requested a culvert be installed in Section 30 of Lindaas Township. Chris Gross provided a map of contours for the Board to review.

**Red Owl Drain No. 55**

(10-1-19) Chris Gross specified that he has sent Harlan Erickson maps, preliminary drawings, and a cost estimate for the possible reconstruction of this drain. Mr. Erickson will be speaking to landowners to gauge their interest in moving forward with this project.

**Carson Drain No. 10**

(4-21-20) Chris Gross told the Board his office was unable to locate existing survey data for this drain. Manager Lovas moved to direct Chris to put together a proper profile on the entire drain to correctly size all culverts. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Roseville Drain No. 19**

(11-5-19) Discussion was revisited on Pete Haugen's request to find a solution to drainage problems that are occurring on his land due to the condition of this drain. Chris Gross provided a quad map of the area of the drain that was proposed to be reconstructed in 2007 but failed. The Board suggests having Mr. Haugen visit with landowners who are assessed into this drain and gauge the interest in reconstructing it. Chris will work with Pete Haugen on these issues and report back to the Board.

**ELM RIVER DAMS**

(4-7-20) Chris Gross told the Board that he is attempting to develop a scope along with looking at modifications for all the dams located in Traill, Steele and North Cass counties and to identify the downstream impacts and what the costs will be. Once all the facts are gathered to study the alternatives, Chris will schedule a joint board meeting to discuss all the data.

**TRAILL COUNTY HIGHWAY DEPARTMENT**

Nothing to report.

**COMPLAINTS**

(4-2017) Discussion was revisited on the Reimer vs. Koenig complaint and the status of recovering attorney fees and engineering costs incurred due to this complaint. The District is entitled to assess the Koenig property to recover its costs under Section 61-16.1-51.

At our meeting on January 7th, 2020 the Board and attorney Fredricks discussed the Koenig-Reimer expenses. Mr. Fredricks was planning on directing Traill County to levy assessments against the Koenig property to collect the Board's costs. However, in the meantime, Dan

Gaustad (appointed by NDIRF to defend the Board in Koenig's attempted appeal of the Board's cost decision) filed a Motion to Dismiss Koenig's attempted appeal for failure to properly and timely serve the Board.

This matter will be re-addressed when we know the Court's decision on the motion before directing the County to levy.

## **PERMITS**

### **Application to Install a Subsurface Water Management System No. 2020-2 for Tim Skjoiten in the Northeast Quarter of Section 27 in Garfield Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-2* dated March 31, 2020, and filed April 13, 2020, for Tim Skjoiten. Under the application, Applicant seeks to install a 150-acre drain tile system in the Northeast Quarter of Section 27 in Garfield Township, Traill County, North Dakota. The project will include a gravity outlet that will discharge via an underground pipeline that will run directly to the east, under 148th Avenue NE, along the across a portion of the Northwest Quarter of Section 26; the pipeline will then daylight and discharge directly into the North Branch of the Goose River.

Because the project will discharge directly into the North Branch of the Goose River, 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 District cannot require Applicant to obtain consent from downstream landowners since the project will discharge into a natural watercourse, nor can the District require Applicant to install erosion protection to protect the natural watercourse. However, the Board will recommend that Applicant obtain a pipeline easement from the owner of the Northwest Quarter of Section 26, and that Applicant install and maintain erosion protection in the North Branch of the Goose River.

According to records submitted by Applicant, Tim Skjoiten owns the Northeast Quarter of Section 27 of Garfield Township, subject to a life estate for the Dorothy L. Skjoiten Trust. Further, Wayne Reinhart owns the Northwest Quarter of Section 26 where Applicant intends to install the underground pipeline.

Manager Lovas moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-2* dated March 31, 2020, and filed April 13, 2020, for Tim Skjoiten in the Northeast Quarter of Section 27 in Garfield Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2020-2, subject to the following condition:

That Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets.

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 and record a pipeline easement from the owners of the Northwest Quarter of Section 26 where Applicant intends to install the underground pipeline;
- 2) That Applicant obtain written permission from the Garfield 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;
- 3) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into the North Branch of the Goose River;
- 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.

#### **OTHER BUSINESS**

Manager Lovas moved to hire contractors if needed, to repair any washouts that occurred this spring on our legal drains and pay up to and not to exceed \$10,000.00 per drain. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Lovas moved to send a letter to all contractors who are hired to do work in our legal drains to attach stop and start coordinates on all invoices, effective immediately. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

#### **ADJOURNMENT**

Having no further topics to discuss, the meeting adjourned at 9:45am without objection.



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Jason Siegert, Chairman



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Nettie Johnson, Secretary