

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
MAY 5, 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. Also present by phone were Sean Fredricks, Attorney and Chris Gross of 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 April 21, 2020 recurrent meeting minutes as presented. Manager Thompson 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 Halvorson to approve payment of April 22 – May 5, 2020 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

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

The GF-Traill Joint WRD met today at 9:00am to approve the *Resolution to Set the Bond* and to approve land values for the Thompson Drain No. 72 Project.

Members present were: Jason Siegert, Andy Neset, and Gary Thompson of Traill County and Rich Axvig, Tom Perdue, and Bob Drees of Grand Forks County.

Following discussion, Andy Neset moved to approve the Resolution authorizing the issuance of bonds for the Thompson Drain No. 72 project. The Series A bonds will be for 20 years; the Series B bonds are for the State Water Commission and Grand Forks County Commission shares. As a reminder, the Grand Forks County Commission opted to go with a lump-sum payment for their share of crossing improvements. Rich Axvig seconded the motion. Upon roll call vote, the motion carried unanimously.

The Joint Board reviewed and discussed the appraisal report assembled by the Farmers National Company who set values at \$4,500/acre for channel/fee property; \$1,000/acre for berm easement acres; and \$175/acre for tillable temporary construction easement acres. Bob Drees moved to approve values as just compensation for the right of way for the Project with the addition of a stipulation that the tillable temporary construction easement will be on a “per year” basis. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Jason Siegert closed the special meeting of the joint board at 9:30am.

## **SNAGGING AND CLEARING**

(5-5-20) Cost-share applications for the Elm River and Goose River will be submitted to the State Water Commission today for the 2020-2021 season. Public hearings will be scheduled later this month or next depending on the approval by the SWC for funding the projects.

## **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**

(5-5-20) Following discussion, Manager Halvorson moved to approve the Resolution authorizing the issuance of bonds for the Camrud 79 project. The Series A bonds will be for 20 years; the Series B bonds are for the State Water Commission share. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

(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.

#### **Norway Drain No. 38**

(5-5-20) Andy Neset said that the top of the drain is filling in due to sediment build-up. The Board all agreed that the entire drain needs a cleanout. After further discussion, Manager Lovas moved to direct Chris Gross to put together a bid packet and send to several contractors for estimates to clean the entire drain from culvert to culvert. Manager Thompson 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)**

(5-5-20) Discussion was revisited on the status of the agreement with the Mayville Airport Authority. The Board discussed several options to try to bring this ordeal to a conclusion. Manager Neset moved to direct Chris Gross to assemble a cost estimate for the possible rerouting of the S. Mayville Drain No. 9. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

(4-21-20) Jason Siegert asked Andy Neset to reach out to Lance Fugelberg 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. Fugelberg 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.

#### **Buxton Drain No. 68**

(5-5-20) Chris Gross told the Board that the contractor was on site last week. There is still standing water, so he anticipates commencing with the work at the end of May, weather permitting.

#### **Kelso Floodway**

(5-5-20) Chris Gross told the Board that the contractor was on site last week. There is still standing water, so he anticipates to commencing with the work next week, weather permitting.

#### **Preston Floodway**

(5-5-20) Chris Gross told the Board that the contractor anticipates commencing with the work late May, weather permitting.

#### **Greenfield-Bohnsack Drain 57A**

(5-5-20) Chris Gross told the Board that the contractor anticipates commencing with the work late May, weather permitting.

#### **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**

(5-5-20) Gary Thompson said that he recently spoke to Spencer Enrud who informed Gary that he will be doing the survey himself for this culvert in the near future.

(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**

(5-5-20) Cost-share requests have been submitted to the SWC and the RRJWRD with a request for funding an Elm River Watershed Study.

(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**

(5-5-20) Corey Martin, Road Superintendent, met with the Board regarding 2 bridges (327 & 332) that are eroding due to the cleaning of the invert culverts. Manager Lovas moved to direct Chris Gross to prepare a recommendation for replacing both bridges with culverts. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

#### **COMPLAINTS**

(5-5-20) Sean Fredricks told the Board that the District Court dismissed Koenig's complaint and the next step may be that it goes to the Supreme Court.

(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.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

Having no further topics to discuss, the meeting adjourned at 10:30am without objection.



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Jason Siegert, Chairman



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Nettie Johnson, Secretary