

**TRAILL COUNTY WATER RESOURCE DISTRICT
RECURRENT MEETING
JUNE 16, 2020 ~ 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, Joel Halvorson, Andy Neset, and Jason Lovas with Jason Siegert presiding as Chairman. Also present were Attorney Sean Fredricks (by video), and Chris Gross of Moore Engineering, Inc. Joel Halvorson left the meeting at 9:30am.

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 Halvorson moved to approve the June 2, 2020 recurrent meeting minutes as presented. Manager Lovas 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 June 2-16, 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 Thompson to approve the May 2020 checking and saving account statements. Upon roll call vote, the motion carried unanimously.

GRAND FORKS-TRAILL JOINT WATER RESOURCE DISTRICT

(6-16-20) The Board reviewed a cost-share agreement between the State Water Commission and the Grand Forks-Traill Joint WRD. The Commission will provide the District with cost-share, not to exceed \$688,107.00, as approved by the Commission on April 9, 2020. Manager Thompson moved to accept the terms of the agreement. Manager Siegert seconded the motion. Upon roll call vote, the motion carried unanimously.

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

(6-16-20) The Board discussed a letter that has been received by the office of the State Water Commission stating that the request for cost-share for this project has been placed on hold due to

a large drop in agency revenues and uncertainty concerning future revenues to the Resource Trust Fund.

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

Camrud Drain No. 79

(6-16-20) The Board reviewed a cost-share agreement between the State Water Commission and the Traill County WRD. The Commission will provide the District with cost-share, not to exceed \$812,925.00, as approved by the Commission on April 9, 2020. Manager Lovas moved to accept the terms of the agreement. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Murray Drain No. 17

(6-16-20) Discussion was revisited on the status of reimbursement by the State Water Commission for overrun costs accrued on this project. A phone conference between SWC staff, Traill County Engineer Chris Gross, and Traill County Chairman Siegert was held last week to try to find a solution that will satisfy all parties involved concerning this subject. Due to internal policy changes it was finalized that the SWC will not provide reimbursement for this request. After further discussion and in fairness to the contractor of the project, Manager Lovas moved to compensate the contractor in the amount of \$21,019.00. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

McCoy-McCradie Drain No. 4-14

(6-16-20) Discussion was held on a complaint brought forth by a landowner, Harley Scholl who said crop damage has occurred during the work on the drain by the contractor. Mr. Scholl is asking for compensation for the loss of crops. The Board asked Chris Gross to meet with Mr. Scholl and investigate the complaint and come back to the Board with his findings.

(6-2-20) Chris Gross said that the Contractor for the project mobilized for the work last week.

(5-19-20) Chris Gross told the Board that he has been in contact with the contractor (Comstock Construction) for the project who indicated that there appears to be road restrictions in the area of the project. The Board directed Chris to tell the contractor to touch base with the Traill County Highway Department about when and where they may be able to mobilize their equipment to commence with this project.

Norway Drain No. 38

(6-16-20) The Board reviewed the Resolution for a maintenance bond that has been prepared for the purpose of covering costs to improve this drain. After further discussion, Manager Halvorson moved to approve the *Resolution Authorizing the Issuance of a \$160,000.00 Maintenance Levy Improvement Bond*. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

(6-2-20) Chris Gross stated that KRB Contracting won the bid to do the work on this drain in the amount of \$108,250.00. The work would include a cleanout from culvert to culvert back to the design grade, spread and level spoil on the adjacent berm, and seed the disturbed areas. Discussion was held on having a maintenance bond in place to fund this work. The Board agreed that a \$160,000.00 bond would be sufficient to cover the costs including any

miscellaneous costs that may arise in the future. Attorney Fredricks will prepare the Resolution and all necessary agreements and documents for the project and have them available to approve at the next meeting on June 16th.

Kelso Floodway

(6-2-20) Chris Gross indicated that the contractor intends on commencing with the work mid-June.

(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

(6-16-20) Chris Gross told the Board that the contractor seeded the drain the first week of June and the vegetation appears to be growing nicely. After further discussion, the Board asked Chris to finalize all project documents so that this project can be closed out.

Mayville Airport (S. Mayville Drain No. 9)

(6-16-20) Chris Gross told the Board that his office is working with utility companies on moving fiber optic cable. Chris added that the drain may have to possibly be moved approximately 30 feet.

(6-2-20) Chris Gross told the Board that they are still working on the cost estimate for the proposed alterations.

(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.

Buxton Drain No. 68

(6-16-20) Chris Gross indicated that the contractor will be on site today or tomorrow to commence with the work.

Preston Floodway

(6-2-20) Chris Gross indicated that the contractor intends on commencing with the work mid-June.

Greenfield-Bohnsack Drain 57A

(6-2-20) Chris Gross indicated that the contractor intends on commencing with the work mid-June.

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

(6-16-20) Chris Gross informed the Board that the outlet portion of the project has been completed. Cost-share issues were discussed.

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 Enrud 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

(6-16-20) Chris Gross presented a preliminary map and profile for the culvert work anticipated to be done on this drain. Chris believes the problems lie in the cross sections.

The Board asked Chris to prepare and send out bid packets to several contractors for estimates to do the work on this drain. He will have the bid results and additional data for the Board at our next meeting in July.

Blanchard-Norman Drain 23-40

(6-2-20) The Board discussed a crossing that is failing in this drain and affecting a township road. Stream crossing standards and alternatives were considered. The Board asked Joel Halvorson to talk with a few landowners and ask them to meet with the Board to try to find a way to address these problems.

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

(6-16-20) The Board discussed a letter that has been received by the office of the State Water Commission stating that the request for cost-share for this project has been placed on hold due to a large drop in agency revenues and uncertainty concerning future revenues to the Resource Trust Fund.

(5-19-20) Discussion was held on the Augustadt Dam and the status of public access for recreational purposes. No trespassing signs were placed at the dam in 2014, but it has been reported that the signs are not in clear view. The Board is concerned about liability issues and will be looking at this situation on their drain tour in June or July.

(5-19-20) The cost-share agreement for the funding of the Elm River Watershed Study between the Red River Joint WRD and the Traill County WRD was reviewed by the Board. After further discussion, Manager Neset moved to approve the Agreement as presented. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

TRAILL COUNTY HIGHWAY DEPARTMENT

(6-16-20) Chris Gross presented a final hydraulic analysis memo for Bridge 327 that the County requested the WRD conduct on North Mayville Drain No. 8. As discussed at the last meeting, the WRD wishes for the County to install either of the CSPA options listed in the memo. Final lengths of the new pipes shall be determined by the County and riprap protection should be placed accordingly. It is recommended that the culvert ends be mitered at a 3:1 slope with a bottom step bevel. If possible, the WRD should request a review of the shop drawings from the culvert supplier prior to the ordering of the pipes by the County.

(6-2-20) Corey Martin, Road Superintendent, met with the Board and revisited the topic of 2 bridges (327 & 332) that are eroding due to the cleaning of the invert culverts. Both bridges are in the N. Mayville Drain No. 8. Corey said that he can patch bridge 332 for the time being. Discussion was held on the possibility of rerouting the drain around a farmstead. Chris Gross recommended he contact the landowner and ask if he would be willing to allow the water board to survey the situation. It may require the loss of trees and acreage along with a state permit. Gary Thompson said he will speak to the landowner about this.

PERMITS AND PERMITTING ISSUES

Application to Install a Subsurface Water Management System No. 2020-05 for Steve Thoreson in the Southeast Quarter of Section 5 in Lindaas Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-05* filed June 16, 2020, for Steve Thoreson. Under the application, Applicant seeks to install a 94-acre drain tile system in the East 94 acres of the Southeast Quarter of Section 5 in Lindaas Township, Traill County, North Dakota. The project will include a gravity outlet that will discharge via an underground pipeline that will commence in the southeast corner of the Southeast Quarter of Section 5; the pipeline will be located in the north road ditch along 11th Street NE, and will run along the south boundary of the Southwest Quarter of Section 4 of Lindaas Township, until daylighting and discharging into North Mayville Drain No. 8, a legal assessment drain owned and operated by the Traill County Water Resource District.

Because the project will discharge directly into a legal assessment drain, 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 legal assessment drain, nor can the District require Applicant to obtain a pipeline easement from the owners of the Southwest Quarter of Section 4; however, the Board will recommend that Applicant obtain a pipeline easement from the owners of the Southwest Quarter of Section 4. Applicant already obtained written approval from Lindaas Township to install an underground pipeline in the Township's road right of way. The Board can require Applicant to install and maintain erosion protection in North Mayville Drain No. 8.

According to records submitted by Applicant, Steve Thoreson owns the Southeast Quarter of Section 5 of Lindaas Township. The Edson & Margaret Larson Foundation owns the Southwest Quarter of Section 4 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. 2020-05* filed June 16, 2020, for Steve Thoreson in the East 94 acres of the Southeast Quarter of Section 5 in Lindaas Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-05, 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 install and maintain erosion protection at any and all outlets into North Mayville Drain No. 8.

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 Southwest Quarter of Section 4 where Applicant intends to install the underground pipeline;
 - 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.
- (6-16-20) Jeff Klein, Mead & Hunt located in Fargo met with the Board on behalf of the Hillsboro Regional Airport Authority. The Airport is constructing a parallel taxiway and hangar development in Section 20, T145N-R50W. Portions of the drainage will flow via ditching and into an existing lift station and pumped into an existing storm sewer. The storm sewer flows north, then east and

ultimately discharges into the ditch on the west side of interstate 29 between mile posts 101 and 102. Other portions of drainage will flow south via ditches to the ditch located along the north State Hwy 200 at roughly mile post 959 (airport entrance road). Manager Lovas moved to acknowledge the application brought forth by the Hillsboro Airport Authority. 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


(6-16-20) At 7:30am, Keith Weston, Red River Retention Authority, met with the Board to discuss the opportunity to renew the Red River Retention Authorities (RRRA) MOU agreement. The RRRA wants to solicit member WRDs interest in renewing the existing agreement and determine if they see merit in expanding the scope of the existing project within the objectives and purposes of the original partnership agreement. Mr. Weston asked if the Traill County WRD has any possible projects that could be considered if the RRRA asks to expand the scope of the current agreement. After consideration, Manager Thompson moved to initiate a planning scope with the USDA/NRCS to assist our office to do a watershed plan for the Goose River. Manager Neset 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.



Jason Siegert, Chairman



Nettie Johnson, Secretary