

**TRAILL COUNTY WATER RESOURCE DISTRICT
RECURRENT MEETING
JULY 21, 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 and Andy Neset with Joel Halvorson presiding as Chairman. Those absent were Jason Siegert and Jason Lovas. Also present were Attorney Sean Fredricks (virtual), and Chris Gross of Moore Engineering, Inc.

AGENDA

Manager Neset 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 July 7, 2020 recurrent meeting minutes as presented. Manager Neset 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 Thompson to approve payment of July 8 - 21, 2020 bills and the electronic funds transfers, June 2020 bank statements, and the pledges of assets and journal entries reports as presented. Upon roll call vote, the motion carried unanimously.

GRAND FORKS-TRAILL JOINT WATER RESOURCE DISTRICT

(7-21-20) Chris Gross told the Board that the profile, cross sections, and alignments have been finalized. Legal descriptions, etc. are being drafted and will be reviewed by Ohnstad Twichell staff. Offer prices for land will then be mailed out after Ohnstad Twichell drafts the purchase agreements. Construction is questionable this year unless right of way transactions are settled in the next few weeks.

DRAIN BUSINESS

Camrud Drain No. 79

(7-21-20) Chris Gross told the Board that the profile, cross sections, and alignments have been finalized. Legal descriptions, etc. are being drafted and will be reviewed by Ohnstad Twichell staff. Offer prices for land will then be mailed out after Ohnstad Twichell drafts the purchase agreements. Construction is questionable this year unless right of way transactions are settled in the next few weeks.

McCoy-McCradie Drain No. 4-14

(7-21-20) Discussion was revisited from 7-7-20 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 \$1,500.00 compensation for the loss of crops. Chris Gross stated that he negotiated with the contractor who is willing to pay for half of the cost of the

damage. Manager Neset moved to have the TCWRD issue payment to Mr. Scholl in the amount of \$1,500.00 and deduct \$750.00 from the next payment to the contractor. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Norway Drain No. 38

(7-7-20) The Board reviewed a draft agreement prepared by Attorney Fredricks between the TCWRD and contractor KRB Gravel, Inc. to perform the improvements on this drain. Manager Lovas moved to approve the agreement. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Kelso Floodway

(7-21-20) Chris Gross indicated that the work on this drain has been delayed due to excessive rain.

Preston Floodway

(7-21-20) Joel Halvorson mentioned to the Board that this drain has a major problem with corn stalks clogging up the drain. He said that he asked KRB Contracting to clean out the drain when he is finished with the other work (see below).

(7-7-20) Chris Gross indicated that the contractor has commenced with work on this drain. He added the contractor has found 3 new outlet washouts in Section 12 of Greenfield Township and Sections 7, 8 and 5 in Bohnsack Township. The Board will look at these areas on their drain tour and decide what can be done about these problem areas.

Greenfield-Bohnsack Drain No. 57A

(7-21-20) Ron Porter has placed a complaint for the problems he is having with drainage in the N ½ of Section 19 of Bohnsack Township. The Board directed Chris Gross to contact him and invite him in to talk with the Board about it.

Stavanger-Belmont Drain No. 52

(7-7-20) Jason Siegert informed the Board that the outlet culvert has a leak. He has been in contact with the contractor regarding this problem who said he will attempt to be there in the next few weeks to look at the problem. Jason said that they may need to remove the top in order to locate the leak.

Buxton Drain No. 68

(7-21-20) Chris Gross indicated that the work on this drain has been delayed due to excessive rain.

(7-7-20) Chris Gross indicated that the contractor has completed Sites 1 – 3. The Railroad site no. 4 is causing a few issues but is being worked on at this time. Brady Woodard will look at the status of the work later this week.

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

(7-7-20) The Board discussed the status of the recent work performed on this drain. Manager Lovas moved to approve the final payment to JAV Construction, Inc. in the amount of \$4,263.69. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously. Our office is awaiting an invoice from the County Highway Department before submitting a cost-share reimbursement request to the State Water Commission (SWC).

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

(7-21-20) Chris Gross told the Board that he received bids from Bohlman Trenching, Inc. and Comstock Construction, Inc. to perform the work on this drain. The Board determined that accepting Bohlman Trenching's bid of \$119,427.50 for Base Bid + Option 1 would be the most beneficial for the drain and asked Chris to work with the bond council on funding issues.

(7-7-20) Discussion was held on the status of the intercept culverts. Chris' office is working with TrueNorth Steel on several of these issues. After this is resolved, bid packets will be sent out to several contractors to do the work.

Blanchard-Norman Drain 23-40

(7-21-20) Chris Gross told the Board that he received no replies to the request for bids that he sent out to several contractors to do the work to repair the drop structure. A few of the contractors asked for an extension to the deadline to submit the bids and Chris told them that we will give them until July 31st to get them mailed in.

(7-7-20) Andy Neset told the Board that the embankment is eroding in Section 3 of Blanchard Township near bridge no. 277. He said that he has contacted the County Highway Dept.

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.

Morgan Drain No. 36

(7-7-20) Dave Knudsvig met with the Board this morning seeking assistance with a problem of water flowing uphill into his quarter. He would like to see an intercept culvert there removed and a 24" or 30" culvert installed in the SW ¼ of Section 13 and the NE ¼ of Section 23 of Morgan Township along with 3 flap gates on other culverts. Reconstructing the drain was talked about. Manager Neset moved to approve Mr. Knudsvig's request and hire a contractor to do the work. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Nelson Drain No. 28

(7-21-20) Chris Gross presented a hydraulic analysis for the upstream crossing in Section 25 of Hillsboro Township and Section 30 of Herberg Township. This will be revisited at the next meeting when Managers Siegert and Lovas can be present to engage in the conversation.

(7-7-20) Jason Lovas mentioned to the Board that there are 2 – 3 culverts in the NE ¼ of Section 25 of Hillsboro Township and the NW ¼ of Section 30 of Herberg Township that should be replaced. Manager Lovas moved to direct Chris Gross to provide culvert recommendations for these sites. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously/

TRAILL COUNTY HIGHWAY DEPARTMENT

(7-21-20) Corey Martin, Traill County Highway Superintendent met with the Board to go over county road and bridge issues with the Board.

PERMITS AND PERMITTING ISSUES

Application to Install a Subsurface Water Management System No. 2020-06 for Kevin Paulsrud in Section 8 in Elm River Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-06*, dated and filed July 7, 2020, for Kevin Paulsrud. Under the application, Applicant seeks to install a 338-acre drain tile system in Section 8 in Elm River Township, Traill County, North Dakota. The project will include a gravity outlet in the Southeast Quarter of Section 8 that will discharge directly into the North Branch of the Elm River.

Because the project will discharge directly into natural watercourse, no THIRTY-DAY NOTICES were 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. Similarly, the Board cannot require Applicant to install erosion protection at the discharge into the North Branch of the Elm River, but the Board will recommend that Applicant install and maintain erosion protection. Further, the Board will recommend that Applicant obtain an easement from the landowner along the North Branch of the Elm River, where Applicant will install the outlet.

According to records submitted by Applicant, Kevin and Lori Paulsrud own those portions of Section 8 where Applicant intends to install the tile system, with the exception of the east 60 acres of Section 8, owned by Kevin Paulsrud. Todd Dittmer owns a 34-acre tract along the North Branch of the Elm River.

Manager Neset moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-06*, dated and filed July 7, 2020, for Kevin Paulsrud in Section 8 in Elm River Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-06, 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 an easement from the owner of the 34-acre tract along the North Branch of the Elm River where Applicant intends to install the tile outlet;
- 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;
- 3) that Applicant install and maintain erosion protection at the outlet into the North Branch of the Elm River; and
- 4) 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.

Application to Install a Subsurface Water Management System No. 2020-07 for Richard Newman in the Southeast Quarter of Section 23 in Norman Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-07*, dated and filed July 7, 2020, for Richard Newman. Under the application, Applicant seeks to install a 110-acre drain tile system in the Southeast Quarter of Section 23 in Norman Township, Traill County, North Dakota. The project will include a gravity outlet that will discharge via an underground pipeline commencing along the east boundary of the Southeast Quarter of Section 23, in the west township road ditch along 149th Avenue SE; the pipeline will run south in the road ditch for a short distance, then will run east, under 149th Avenue through an existing culvert; the pipeline will discharge directly into a branch of the Elm River on the east side of 149th Avenue.

Because the project will discharge directly into natural watercourse, no THIRTY-DAY NOTICES were 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. Similarly, the Board cannot require Applicant to install erosion protection at the discharge into the branch of the Elm River, but the Board will recommend that Applicant install and maintain

erosion protection. Further, the Board will recommend that Applicant obtain approval from Norman Township to bury pipeline in its township right of way.

According to records submitted by Applicant, Richard and Allison Newman own the Southeast Quarter of Section 23 of Norman Township.

Manager Neset moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-07*, dated and filed July 7, 2020, for Richard Newman in the Southeast Quarter of Section 23 of Norman Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-07, 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 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;
- 2) that Applicant install and maintain erosion protection at the outlet into the branch of the Elm River;
- 3) that Applicant obtain permission from Norman Township to bury underground pipeline in its township road right of way, or to otherwise utilize any of its township road right of way; and
- 4) 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.

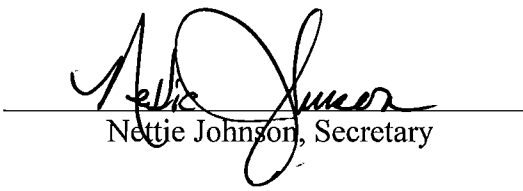
OTHER BUSINESS

None.

ADJOURNMENT

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



Jason Siegert, Chairman

Nettie Johnson, Secretary