

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
AUGUST 18, 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 Jason Lovas, Gary Thompson, Joel Halvorson, and Andy Neset with Jason Siegert presiding as Chairman. Also present were Attorney Sean Fredricks (virtual), and Chris Gross of Moore Engineering, Inc.

**AGENDA**

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

**MINUTES**

Manager Lovas moved to approve the August 4 & August 6, 2020 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 August 5 - 18, 2020 bills and the electronic funds transfers as presented. Upon roll call vote, the motion carried unanimously.

Manager Lovas moved to approve the July 2020 checking and saving account statements as presented. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

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

(8-18-20) Chris Gross told the Board that the right of way documents for the Thompson Drain No. 72 Improvement Project will be sent off today. Construction is questionable this year unless right of way transactions are settled in the next few weeks.

(8-18-20) The Grand Forks-Traill JWRD met this morning at 9:00am to review and approve the assessment list and land prices for the proposed Grand Forks legal drain no. 59. The Grand Forks WRD is still awaiting a permit and a cost-share agreement by the State Water Commission. Detailed minutes for this meeting can be found in the Grand Forks WRD office.

**DRAIN BUSINESS**

**Camrud Drain No. 79**

(8-18-20) Chris Gross told the Board that the right of way documents for the Camrud Drain No. 72 Improvement Project will be sent off today. Construction is questionable this year unless right of way transactions are settled in the next few weeks.

**McCoy-McCradie Drain No. 4-14**

(8-18-20) Seeding has been established and Chris Gross will prepare the final payment to the contractor (Comstock) and present it for approval at the next board meeting.

**Norway Drain No. 38**

(8-18-20) Chris Gross informed the Board that the contractor (KRB) continues to work on the drain.

**Kelso Floodway**

(8-18-20) The contractor (No. States Excavating) has completed the majority of the work on the floodway. The work that is yet to be completed is to replace 2-48"x60' culverts and to level the spoil. He anticipates the work to be completed by mid-September. Jason Lovas told the Board that he noticed 3 culvert caps that have fallen off culverts in Section 22. He added that he believes the culverts needs to be replaced. After further discussion, Manager Lovas moved to have the contractor install 2-18" x 60' culverts, 1-2'x18" extension, 1 band, and 3 flap gates. Chris Gross will order these items on behalf of the contractor. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Preston Floodway**

(8-4-20) Most of the work has been completed on the Preston. Chris Gross presented a map reflecting areas that have erosion which the contractor (KRB) found in addition to the work already done in Sections 12 of Greenfield twp. and Sections 7, 8 & 5 of Bohnsack twp. After further discussion, Manager Neset moved to hire the contractor (KRB) to repair the 3 erosion sites for a cost not to exceed \$25,000.00. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

**Stavanger-Belmont Drain No. 52**

(8-4-20) Discussion was revisited on a culvert in Section 8 that is leaking and has caused a hole in the road on the west side of the north culvert. On the drain tour the Board discovered that the leaks are occurring due to inadequate bands. Mr. Siegert said that he has spoken to the contractor (JAV) who said he will dig back the dirt to get a better look at what can be done. It will most likely have to be filled in with CDF (flowable cement). The contractor was also asked to place 3 caps on culverts that are missing in the drain.

**Buxton Drain No. 68**

(8-18-20) Chris Gross indicated that the contractor has completed Sites 1 – 3 with site 4 in the process of being worked on.

**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**

(8-18-20) Jason Siegert stated that he has spoken to Ken Nesvig, County Commissioner regarding the subject below. After their discussion, Mr. Nesvig said that he will approach the

rest of the Commission and ask them to reconsider their decision of denying payment per the agreement made between the County Hwy Dept and TCWRD on February 20, 2018.

(8-4-20) Corey Martin, County Highway superintendent, met with the Board this morning to inform them that work has halted on this project due to the County Commissioners denying payment for any further work to be done there. The Board all agreed that they should speak to the Commissioners about this because there was an agreement between the County and the Water Board made on February 20, 2018 for the County to perform the work. The Board is concerned that if the money from the County is not received the bond may be in jeopardy of being repaid. The Board asked Attorney Fredricks to look into the matter on where the Board stands on this matter.

#### **Viking-Lindaas Drain No. 44**

(8-18-20) Gary Thompson said that he recently spoke to Spencer Enrud who informed Gary that he will be doing the survey for a culvert that is to be installed in Section 30 of Lindaas Township after bean harvest is complete.

#### **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 gage their interest in moving forward with this project.

#### **Carson Drain No. 10**

(8-18-20) Discussion was revisited on putting a bond in place to conduct work on this drain. After further discussion, it was determined that due to financial circumstances, a bond is not feasible at this time. This topic will be tabled until 2021. Chris Gross will contact the contractor (Comstock) who was hired to do the work and let him know of the WRD's decision.

#### **Blanchard-Norman Drain 23-40**

(8-18-20) Chris Gross told the Board that he is still awaiting bids from contractors to do the work on this drain (see below).

(8-4-20) On the drain tour the Board discovered that there is a need for a 36' x 100' culvert and headwall in Sections 14 & 15 of Norman Township along with being filled in with sand. Chris Gross does not recommend this as there may be a threat that it may cave in. Chris recommends installing a 48" culvert to comply with downstream standards. The Board asked Chris to ask for bids from several contractors to do the work.

#### **Nelson Drain No. 28**

(8-18-20) Discussion was revisited from earlier meetings regarding existing culverts that need replacement in Section 25. The Board directed Chris Gross to put together a culvert recommendation and present it at the next board meeting.

(8-18-20) Jason Siegert said that a township officer contacted him about a washout near 170<sup>th</sup> Ave NE and 5<sup>th</sup> Ave. Manager Halvorson moved to hire Chad's Excavating to repair the washout. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Leirness-Steenerson Drain 34-20**

(8-18-20) Jason Siegert informed the Board that an outlet culvert has failed on County Road 2 where it enters the river. Manager Lovas moved to hire Chad's Excavation to order a band that is large enough to reattach the culvert and to also place rip rap at the outlet. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

(8-4-20) Jason Lovas and the Board held a discussion on a possible new lateral being built in Section 21 of Hillsboro Township under Highway 200. Mr. Lovas will obtain more information from the Department of Transportation and Ellingson Drainage.

### **North Mayville Drain No. 8**

Gary Thompson said that Corey Moen contacted him about a silt and tree problem in the SE ¼ of Section 17, Morgan Township. It was determined that a culvert there also needs to be installed. Manager Neset moved to direct Chad Hanson to determine the size of the culvert and order it along with a cap and to do the install. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously. Chad will also be removing the silt and trees from this drain.

### **Garfield Drain No. 32**

Discussion was held on the necessity to clean this drain. Due to lack of funds in the maintenance account, the Board considered having a bond put in place in order to do the work. Attorney Fredricks office will prepare a Resolution of Necessity and present it at the next meeting for approval.

### **Moen Drain No. 27**

Lauren Steinhaus, Greater Mn Gas, met with the Board this morning regarding installing a 4" natural gas line along Moen Drain No. 27. Chris Gross said that he will be looking at this with Mr. Steinhaus and provide a right of way map and project plan and present it to the Board at the next meeting.

## **TRAILL COUNTY HIGHWAY DEPARTMENT**

(8-18-20) Corey Martin, Traill County Highway Superintendent met with the Board to go over county road and bridge issues with the Board.

## **PERMITS**

### **Application to Install a Subsurface Water Management System No. 2020-08 for Jeff McInnes in the Northwest Quarter of Section 10 in Kelso Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-08*, dated July 14, 2020, and filed July 15, 2020, for Jeff McInnes. Under the application, Applicant seeks to install a 150-acre drain tile system in the Northwest Quarter of Section 10 in Kelso Township, Traill County, North Dakota. The project will include a single pump outlet located in the northeast corner of the Northwest Quarter of Section 10; the pump will discharge directly into the south road ditch along County Highway 3; the discharge will then flow east in the south road ditch, along the north boundary of the Northeast Quarter of Section 10 of Kelso Township until discharging into the North Branch of the Elm River.

On the Board's behalf, Sean Fredricks provided THIRTY-DAY NOTICES to the Traill County Highway Department and the downstream landowners in the Northeast Quarter of Section 10 of Kelso Township. Neither the County nor the downstream landowners submitted any "technical evidence" to object to the project. As a result, the District could not require Applicant to obtain consent from the Highway Department or the downstream landowners as a condition to the permit. The Board can and will require Applicant to install erosion protection at the outlet into the County's Highway 3 road ditch.

According to records submitted by Applicant, Jeff McInnes, and Vio-Aleen D. McInnes, as Trustees of the McInnes Revocable Living Trust, own the Northwest Quarter of Section 10 of Kelso Township. With regard to downstream properties, Robert and Jeannie Bird own the Northeast Quarter of Section 10.

Manager Lovas moved, and Manager Lovas seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-08*, dated July 14, 2020, and filed July 15, 2020, for Jeff McInnes in the Northwest Quarter of Section 10 in Kelso Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2020-08, 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;
- 2) that Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to the Traill County Highway Department at any and all outlets into the County's Highway 3 right of way; and
- 3) that Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Traill County Water Resource District.

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 comply with the following:

- 1) that Applicant obtain written permission from the Traill County Highway Department to discharge into or otherwise utilize any of its Highway 3 right of way;
- 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.

**Application to Install a Subsurface Water Management System No. 2020-10 for Paulsrud Farms in the Southwest Quarter of Section 36 in Herberg Township and the North Half of Section 2 in Elm River Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-10*, dated and filed August 6, 2020, for Paulsrud Farms. Under the application, Applicant seeks to install a 426-acre drain tile system in the Southwest Quarter of Section 36 in Herberg Township, and the North Half of Section 2 in Elm River Township, Traill County, North Dakota. The project will include three gravity outlets that will all discharge directly into the Red River, including one outlet in the Southwest Quarter of Section 36, and two outlets in the North Half of Section 2.

Because the project will discharge directly into the Red River, 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 the Red River and cannot require Applicant to install erosion protection. However, the Board will recommend that Applicant install and maintain erosion protection at all three outlets into the Red River.

According to records submitted by Applicant, Jeremy and Dawn Paulsrud own those portions of the Southwest Quarter of Section 36 of Herberg Township and the North Half of Section 2 of Elm River Township where Applicant intends to install the tile system.

Manager Lovas moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-10*, dated and filed August 6, 2020, for Paulsrud Farms in the Southwest Quarter of Section 36 in Herberg Township, and the North Half of Section 2 in Elm River Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-10, 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 comply with the following:

- 1) that Applicant install and maintain erosion protection at any and all outlets into the Red River;
- 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**

Contractor Chad Hanson met with the Board this morning to discuss the process of removing trees from drains that are too large to be sprayed. Mr. Hanson indicated that he has equipment that can "pluck" the trees and remove them from the root ball. Manager Thompson moved to hire Chad's Excavating to remove trees from the N. Mayville Drain No. 8, Kaufmann Drain No.

22, Borke Drain No. 15, Blanchard-Norman Drain 23-40, Garfield Drain No. 32, and the Holmen Drain No. 43 at \$155.00 per hour for excavator use and \$90.00 for the use of the skid steer. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

**ADJOURNMENT**

Having no further topics to discuss, the meeting adjourned at 10:15am without objection.

  
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Jason Siegert, Chairman  
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Nettie Johnson, Secretary